



New South Wales

# Children (Detention Centres) Amendment Act 1999 No 68

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New South Wales

## **Children (Detention Centres) Amendment Act 1999 No 68**

Act No 68, 1999

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An Act to amend the *Children (Detention Centres) Act 1987* to make further provision with respect to the imprisonment of certain offenders serving detention orders; and for other purposes. [Assented to 30 November 1999]

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Children (Detention Centres) Amendment Act 1999*.

**2 Commencement**

This Act commences on a day to be appointed by proclamation.

**3 Amendment of Children (Detention Centres) Act 1987 No 57**

The *Children (Detention Centres) Act 1987* is amended as set out in Schedule 1.

## Schedule 1 Amendments

(Section 3)

**[1] Section 9 Persons on remand and persons subject to control to be detained in detention centres**

Omit “sections 28A and 28B” from section 9 (5).

Insert instead “sections 28A, 28B and 28BA”.

**[2] Section 28BA**

Insert after section 28B:

**28BA Certain persons to serve balance of detention order in prison**

- (1) This section applies to a person who is sentenced to a term of imprisonment in respect of a detention centre offence that was committed when the person was of or above the age of 18 years.
- (2) A person to whom this section applies must, after serving the term of imprisonment, serve the balance of any unexpired term of a detention order to which the person is subject in prison.
- (3) The balance of the unexpired term of a detention order to which subsection (2) relates becomes the term of a sentence of imprisonment.
- (4) Despite subsections (2) and (3), the Children’s Court may, on application by a person to whom this section applies, direct that the person be returned to a detention centre for the balance of that unexpired term if it is of the opinion that the person is suitable for detention in a detention centre.
- (5) In any proceedings on an application under subsection (4), the Director-General and a person to whom this section applies are entitled:
  - (a) to appear in the proceedings and be heard, and
  - (b) to be represented by a barrister or solicitor or, by leave of the Children’s Court, by an agent.

- (6) Section 28E makes provision for the matters to be taken into account in deciding whether a person is suitable for detention in a detention centre.
- (7) This section extends to a person sentenced to a term of imprisonment for a detention centre offence before the commencement of this section, but does not apply if the person has served the whole of that sentence before that commencement.

**[3] Section 28C Meaning of “detention centre offence”**

Omit “sections 28A and 28B”.

Insert instead “sections 28A, 28B and 28BA”.

**[4] Section 28E Consideration of suitability for detention centre**

Omit “section 28A, 28B or 28D” from section 28E (1).

Insert instead “section 28A, 28B, 28BA or 28D”.

[Minister's second reading speech made in—  
Legislative Council on 10 November 1999  
Legislative Assembly on 24 November 1999 pm]