



New South Wales

Children (Criminal Proceedings) Amendment (Youth Conduct Orders) Regulation 2009

under the

Children (Criminal Proceedings) Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Children (Criminal Proceedings) Act 1987*.

JOHN HATZISTERGOS, MLC
Attorney General

Explanatory note

The object of this Regulation is to amend the *Children (Criminal Proceedings) Regulation 2005*:

- (a) to provide that a person, who is eligible to participate in the scheme established by Part 4A (Youth conduct orders) of the *Children (Criminal Proceedings) Act 1987*, continues to be eligible to participate in the scheme even if the person ceases to reside in (or habitually visit) the area of a participating Local Area Command, and
- (b) to permit a person to participate in the scheme only if at least one relevant offence was committed, or alleged to have been committed, by the person in the area of a participating Local Area Command, and
- (c) to permit the Director-General of the Department of Education and Training to nominate a member of a Case Coordination Senior Officers' Group (a **Coordination Group**) for a Local Area Command to represent the TAFE Commission, and
- (d) to provide for substitutes for members of a Coordination Group.

This Regulation is made under the *Children (Criminal Proceedings) Act 1987*, including sections 48E, 48W and 51 (the general regulation-making power).

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Children (Criminal Proceedings) Amendment (Youth Conduct Orders)
Regulation 2009

Clause 1

**Children (Criminal Proceedings) Amendment (Youth
Conduct Orders) Regulation 2009**

under the

Children (Criminal Proceedings) Act 1987

1 Name of Regulation

This Regulation is the *Children (Criminal Proceedings) Amendment (Youth Conduct Orders) Regulation 2009*.

2 Commencement

This Regulation commences on the commencement of Schedule 2 [2] to the *Children (Criminal Proceedings) Amendment (Youth Conduct Orders) Act 2008* and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Children (Criminal Proceedings) Regulation 2005

[1] Clause 5 Prescribed eligibility criteria

Insert after clause 5 (2):

- (2A) A person who ceases to meet the eligibility criteria referred to in subclause (1) (c) continues to be eligible to participate in the scheme in relation to a relevant offence if the person met the criteria referred to in subclause (1) when he or she entered the scheme.

[2] Clause 5 (3)

Omit “(1) and (2)”. Insert instead “(1)–(2A)”.

[3] Clause 5 (4)

Insert after clause 5 (3):

- (4) Despite subclauses (1)–(2A), a person is not eligible to participate in the scheme unless:
- (i) the relevant offence was committed, or alleged to have been committed, by the person in the area of a participating Local Area Command, or
 - (ii) if it is proposed to make a youth conduct order in respect of more than one relevant offence—at least one of those offences was committed, or alleged to have been committed, by the person in the area of a participating Local Area Command.

[4] Clause 21 Constitution of Coordination Groups

Insert after clause 21 (1) (e):

- (e1) one person nominated in writing by the Director-General of the Department of Education and Training (or his or her delegate) to represent the TAFE Commission, but only if the Director-General considers it appropriate to have a representative of the TAFE Commission on the particular Coordination Group,

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[5] Clause 23A

Insert after clause 23:

23A Substitutes

- (1) A member of a Coordination Group may appoint a person to be a substitute to act in the place of the member during any absence of the member from a meeting of the Group.
- (2) Subject to this Division, a substitute acting as a member under subclause (1) has and may exercise all the functions of a member and is deemed to be a member.
- (3) A member may not appoint another member to be a substitute, and a substitute may not appoint another person to be a substitute under this clause.
- (4) A substitute appointed by the Chairperson does not have, by virtue of this clause, the function of presiding at a meeting of the Committee.
- (5) A person may not be appointed as a substitute unless the person is a member of the Government Service.