

South Australia



ANNO QUADRAGESIMO NONO
ELIZABETHAE II REGINAE
A.D. 2000

**YOUNG OFFENDERS (PUBLICATION OF INFORMATION)
AMENDMENT ACT 2000**

No. 33 of 2000

[Assented to 6 July 2000]

An Act to amend the Young Offenders Act 1993.

SUMMARY OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of s. 13—Limitation on publicity

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Young Offenders (Publication of Information) Amendment Act 2000*.

(2) The *Young Offenders Act 1993* is referred to in this Act as "the principal Act".

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Amendment of s. 13—Limitation on publicity

3. Section 13 of the principal Act is amended—

(a) by inserting the following subsections after subsection (1):

(1a) However, a person who proposes to make a documentary or undertake an educational or research project about juvenile justice matters may, in accordance with rules of court, apply to the Youth Court for permission to publish, for the purposes of the documentary or project, a report identifying a youth that would otherwise be suppressed from publication under this section.

(1b) An application under subsection (1a) must be endorsed with the written consent of the youth and a guardian of the youth ("the **consenting guardian**") to publication of the report.

(1c) Subject to subsection (1d), the Court must give the following persons reasonable notice of the time and place of the hearing of the application:

- (a) the applicant; and
- (b) the youth; and
- (c) the guardians of the youth; and
- (d) such other persons as the Court believes have a proper interest in the matter.

(1d) The Court is not obliged to give notice of the hearing to a person whose whereabouts cannot, after reasonable enquiries, be ascertained.

(1e) In determining an application under subsection (1a), the Court must regard the welfare of the youth as the paramount consideration and, to that end, must take into account—

- (a) the impact on the youth of publication of the report; and
- (b) the purpose to be served by publication of the report; and
- (c) whether publication of the report is necessary for the purpose of the documentary or project; and
- (d) considerations of public interest; and

(e) any other matter that is, in the Court's view, relevant.

(1f) On completing the hearing of the application the Court may make any of the following orders:

- (a) an order permitting publication of the report as part of the documentary or project subject to—
- (i) a condition that the youth and the consenting guardian are to be given a reasonable opportunity to view the documentary or project after its completion but before its release to the public; and
 - (ii) a condition that, if the documentary or project is so viewed, it must not be released to the public until at least 30 days after the viewing; and
 - (iii) such other conditions (if any) as the Court thinks fit; or
- (b) an order refusing the application; or
- (c) any ancillary order it thinks fit (including an order as to costs).;

(1g) The youth or consenting guardian may, at any time before the release to the public of a documentary or project the subject of an order under subsection (1f)(a), apply to the Court for revocation or variation of the order on the ground that the report included or to be included in the documentary or project of the proceedings under this Part—

- (a) is not a fair report of the proceedings; or
- (b) includes material not in the contemplation of the Court at the time the order was made,

and that the release to the public of the documentary or project while it contains that report would prejudice the welfare of the youth.

(1h) If an application for revocation or variation is made under subsection (1g), the documentary or project must not, while it contains the report to which the application relates, be released to the public until the application has been determined or withdrawn.

(1i) The Court must give the following persons reasonable notice of the time and place of the hearing of an application under subsection (1g):

- (a) the youth; and
- (b) the consenting guardian; and
- (c) the person who was the applicant for the order sought to be revoked or varied.

(1j) On completing the hearing of an application under subsection (1g), the Court may make any of the following orders:

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- (a) an order revoking the order the subject of the application; or
 - (b) an order varying or revoking any condition of the order or imposing a new condition; or
 - (c) an order refusing the application; or
 - (d) any ancillary order it thinks fit (including an order as to costs).
- (b) by inserting in subsection (2) "or where the information is given to a person for the purposes of a publication the subject of an order under subsection (1f)(a)" after "official functions";
- (c) by inserting in subsection (3) "or a condition of publication imposed under subsection (1f) or (1j)" after "section".
- (d) by inserting after subsection (4) the following subsection:
- (5) For the purposes of this section, a documentary or project is released to the public when it is released for viewing by persons other than those involved in the making or undertaking of it.