

I certify that this is a copy of the authorised version of this Statutory Rule as at 1 December 2022, and that it incorporates all amendments, if any, made before and in force as at that date and any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 1 December 2022.

Robyn Webb  
Chief Parliamentary Counsel  
Dated 16 January 2023

## TASMANIA

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# **YOUTH JUSTICE REGULATIONS 2019**

## **STATUTORY RULES 2019, No. 58**

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## **YOUTH JUSTICE REGULATIONS 2019**

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Youth Justice Act 1997*.

Dated 23 September 2019.

C. WARNER  
Governor

By Her Excellency's Command,

R. C. JAENSCH  
Minister for Human Services

### **1. Short title**

These regulations may be cited as the *Youth Justice Regulations 2019*.

### **2. Commencement**

These regulations take effect on  
30 September 2019.

### **3. Interpretation**

In these regulations –

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*Act* means the *Youth Justice Act 1997*.

**3A. Prescribed details for purposes of section 25K of Act**

(1) In this regulation –

*person of the required gender*, in relation to a youth, has the same meaning as in section 25D of the Act.

(2) A word or phrase used in this regulation that is also used in Division 3 of Part 3 of the Act has the same meaning in this regulation as the word or phrase has in that Division.

(3) For the purposes of section 25K of the Act, the following information in relation to a search is prescribed:

- (a) the name of the youth to whom the search relates;
- (b) whether the youth identifies as an Aboriginal or Torres Strait Islander;
- (c) the gender of the youth;
- (d) the date of birth of the youth;
- (e) each relevant search purpose for which the search was conducted;
- (f) the date on which, and the time at which, the search was conducted;

- (g) information sufficient to identify the room, or part of an area that is not a room, in which the search was carried out;
- (h) the items, if any, seized during the search;
- (i) the name of, and the position held by, the search officer who conducted the search;
- (j) the name of, and the position held by, each other person who was present during the conduct of the search;
- (k) whether the search officer conducting the search, and each other person who was present during the conduct of the search, was a person of the required gender in relation to the youth;
- (l) if a person conducting the search, or another person who was present during the conduct of the search, was not a person of the required gender in relation to the youth, the name of, and the position held by, the person, if any, who gave approval for that person to conduct the search or to be present during the conduct of the search;
- (m) if the search is an unclothed search –
  - (i) the name of, and the position held by, the person who authorised, under section 25E(6) of the Act, the search to be conducted; and

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(ii) the conditions, if any, specified in the authorisation;

(n) whether the youth was given the information and opportunity required to be given to the youth under section 25H of the Act.

**4. Prescribed persons for sections 55, 56, 68 and 94 of Act**

For the purposes of sections 55, 56, 68 and 94 of the Act, the following persons are prescribed persons:

- (a) the Secretary;
- (b) a police officer.

**5. Prescribed person for section 99A of Act**

For the purposes of section 99A of the Act, the Secretary is a prescribed person.

**6. Prescribed matters for section 135A of Act**

(1) For the purposes of section 135A(1) of the Act, the following persons are prescribed officers:

- (a) the Commissioner for Children and Young People;
- (b) the Custodial Inspector.

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- (2) For the purposes of sections 135A(2)(a) and (b) of the Act, the following Acts are prescribed Acts:
- (a) *Commissioner for Children and Young People Act 2016*;
  - (b) *Custodial Inspector Act 2016*.

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 26 September 2019.

These regulations are administered in the Department of Communities Tasmania.

**NOTES**

The foregoing text of the *Youth Justice Regulations 2019* comprises those instruments as indicated in the following table. Any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 1 December 2022 are not specifically referred to in the following table of amendments.

Citation	Serial Number	Date of commencement
<sup>1</sup> <i>Youth Justice Regulations 2019</i>	S.R. 2019, No. 58	30.9.2019
<i>Youth Justice Amendment Regulations 2022</i>	S.R. 2022, No. 104	1.12.2022

<sup>1</sup>Expires 26 September 2029 - Subordinate Legislation Act 1992

**TABLE OF AMENDMENTS**

Provision affected	How affected
Regulation 3A	Inserted by S.R. 2022, No. 104