

Queensland



*Juvenile Justice Act 1992*

# JUVENILE JUSTICE REGULATION 1993

**Reprinted as in force on 27 June 1997  
(includes amendments up to SL No. 97 of 1997)**

**Reprint No. 2C**

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# Information about this reprint

This regulation is reprinted as at 27 June 1997. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

# Queensland



## JUVENILE JUSTICE REGULATION 1993

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# JUVENILE JUSTICE REGULATION 1993

[as amended by all amendments that commenced on or before 27 June 1997]

## PART 1—PRELIMINARY

### Short title

1. This regulation may be cited as the *Juvenile Justice Regulation 1993*.

### Commencement

2. This regulation commences on 1 September 1993.

### Definitions

3. In this regulation—

“**child**” includes a person in relation to whom, under section 107 of the Act, an order made under the Act continues to have effect.

“**detention centre manager**” means the person holding office as manager of a detention centre.

“**property register**” means the register kept under section 12.

“**security**” includes safety.

“**staff member**” means a person employed at a detention centre in a capacity that involves the supervision of children detained in the centre.

### Provision of approved forms

4.(1) A person may ask a person who has approved an approved form (the “**approver**”) to provide a copy of the form.

- (2) The approver must immediately comply with the request.

## **PART 2—PROCEEDINGS AND ORDERS**

### **Contents of presentence report**

**5.** If a court orders the chief executive to give to the court a presentence report about a child, the report must include the following information—

- (a) the child's full name, address, date of birth and occupation;
- (b) the source of the information on which the report is based;
- (c) the circumstances of the offence to which the report relates;
- (d) the child's placement between the start of the proceeding and the date of the report;
- (e) the child's criminal history, including any previous sentencing orders;
- (f) if it is relevant to the commission of the offence—
  - (i) the child's family circumstances; and
  - (ii) the child's education and employment; and
  - (iii) the child's physical and mental health;
- (g) the child's attitude to the offence and the victim of the offence;
- (h) any mitigating circumstances;
- (i) information about sentencing options.

### **Reporting requirements of probation and community service orders**

**6.(1)** This section applies to a child against whom a probation order or a community service order is made.

**(2)** The chief executive may direct the child—

- (a) in the case of a probation order—to report to the chief executive at a specified time, or to receive visits from the chief executive, during the probation period; or
- (b) in the case of a community service order—to attend at a specified place, at a specified time and for a specified period.

**(3)** The child must comply with the direction.

(4) If the child is unable to comply with the direction because of illness, injury or other circumstances beyond the child's control, the child must promptly notify the chief executive.

(5) The chief executive may request the child to give the chief executive—

- (a) a medical certificate that states the nature of the illness or injury; or
- (b) documentary or other evidence of the reason for the inability to report or receive a visit.

(6) The child must comply with the request.

(7) A child who is injured while performing community service must report the circumstances of the injury to the chief executive as soon as practicable.

### **Limits on chief executive's directions about community service**

7.(1) The chief executive must not direct a child to perform community service that is dangerous, unsafe or likely to harm the child's health.

(2) For the purpose of subsection (1), the chief executive must have regard to the child's age, maturity, physical capacity and intellectual capacity.

(3) If the child is 15 or older, the chief executive must not direct the child to perform community service for more than 8 hours in a day or—

- (a) 30 hours in a week; or
- (b) if the child is attending school or another educational establishment on a full-time basis, the following hours in a week—
  - (i) during vacations of the school or educational establishment—30 hours;
  - (ii) at other times—10 hours; or
- (c) if the child is in full-time employment—10 hours in a week.

(4) If the child is under 15, the chief executive must not direct the child to perform community service for more than 4 hours in a day or the following

hours in a week—

- (a) during vacations of the school or educational establishment the child attends—20 hours;
- (b) at other times—10 hours.

## **PART 3—DETENTION CENTRES**

### ***Division 1—Establishment of detention centres***

#### **Detention centres established**

**8.(1)** A detention centre is established at each place specified in the Schedule.

**(2)** The purpose for which each detention centre is established is the detention of children who are or may be required to be held in custody under the Act or the *Young Offenders (Interstate Transfer) Act 1987*.

**(3)** Each detention centre has the name assigned to it in the Schedule.

### ***Division 2—Admission procedures***

#### **Medical examination of child before admission**

**9.** If a child who is about to be admitted to a detention centre is—

- (a) apparently ill, injured or intoxicated; and
- (b) appears to the commission to be in need of immediate medical treatment;

the commission must not admit the child to the detention centre until the child has been medically examined and provided with any immediate treatment that is required.

**Record must be made on admission**

**10.(1)** The commission must ensure that, at the time of a child's admission to a detention centre, a record of the following information is made—

- (a) the child's name;
- (b) the child's date and place of birth;
- (c) the child's usual place of residence;
- (d) if the child's usual place of residence is not the residence of the child's parent—the parent's address;
- (e) if the child is detained while on remand for a charge of an offence—
  - (i) to appear before a specified court on a specified day—the day and place of the child's next appearance before the court; or
  - (ii) to appear before a specified court at the next sittings of the court—the day the next sittings start and the place where the child is to appear;
- (f) if the child is detained under the sentence of a court—
  - (i) the nature of the offence; and
  - (ii) the day of the sentence; and
  - (iii) the period of the sentence;
- (g) information about the apparent state of the child's health, including, for example, information about any medical condition affecting the child that is available to the commission at the time of the child's admission;
- (h) a description of the child's physical appearance.

**(2)** The record may include any other particulars that the commission considers necessary.

**(3)** The commission may add to or alter the record to ensure that the record is accurate.

**(4)** As soon as practicable after a child's admission to a detention centre,

the commission must give to the chief executive the information recorded under subsection (1).

### **Child must be informed of rights and responsibilities on admission**

**11.(1)** As soon as is practicable after a child's admission to a detention centre, the commission must give the child information about the child's rights and responsibilities as a resident of the detention centre.

**(2)** If the child has difficulty in understanding English, the commission must take reasonable steps to ensure that the child understands the child's rights and responsibilities as a resident of the detention centre.

**(3)** The steps may include, for example—

- (a) having an interpreter or other person able to communicate with the child give the explanation; and
- (b) supplying an explanatory note in English or another language.

### **Child's property on admission**

**12.(1)** The commission must keep a register of property that is in the possession of a child who is admitted to a detention centre.

**(2)** As soon as is practicable after a child's admission to a detention centre, the commission must make a record in the register of property in the child's possession on admission.

**(3)** The child must sign the record.

**(4)** If the child refuses to sign the record, a staff member (other than the staff member who made the record) may sign the record.

**(5)** The commission may, in relation to a child's property—

- (a) keep a particular item in safe custody while the child is detained in the centre; or
- (b) allow the child to keep property for the child's use; or
- (c) if the commission considers the property to be perishable—destroy the property; or
- (d) if the commission considers the property to be unhygienic or

dangerous—destroy the property unless it would be reasonable to take steps to make the property hygienic or safe.

(6) If the commission destroys property, the commission must—

- (a) inform the child of the destruction and the reason for destruction; and
- (b) make a record of the destruction and the reason for destruction in the property register.

### ***Division 3—Management of behaviour***

#### **Child to obey lawful instructions**

**13.(1)** A child detained in a detention centre must obey a lawful instruction given by a staff member in the course of the staff member's official duties.

(2) The commission may discipline a child who does not obey a lawful instruction given under subsection (1).

#### **Management of misbehaviour**

**14.(1)** If a child detained in a detention centre misbehaves, the commission may discipline the child.

(2) The commission must ensure that the misbehaviour is managed in a way that has regard to—

- (a) the nature of the misbehaviour; and
- (b) the child's age and maturity.

(3) The commission must not use, as a way disciplining a child—

- (a) corporal punishment; or
- (b) physical contact; or
- (c) an act that involves humiliation, physical abuse, emotional abuse or sustained verbal abuse; or
- (d) deprivation of sleep, food or visitors; or

- (e) exclusion from educational or vocational programs; or
- (f) medication or deprivation of medication.

(4) If it is necessary to use force to protect a child, or other persons or property in the centre, from the consequences of a child's misbehaviour, an officer of the commission must not use more force than is reasonably necessary.

### **Restraints**

**15.(1)** The commission may approve types of restraints an officer of the commission or the department may use to restrain a child in the commission's custody.

(2) The restraints may only be used if—

- (a) the child is outside a detention centre, or about to leave a detention centre, under escort by an officer of the commission or the department; or
- (b) the commission considers, on reasonable grounds, that—
  - (i) it is reasonably likely that the child will attempt to escape; or
  - (ii) the child could seriously harm himself, herself or someone else; or
  - (iii) the child could seriously disrupt order and security at the centre.

(3) The commission must keep a register and record in it the following particulars about the use of restraints—

- (a) the name of the child;
- (b) the day on which the restraints were used;
- (c) the circumstances in which the restraints were used.

***Division 4—Separation*****Separation of child in a locked room**

**16.(1)** An officer of the commission may, and may only, separate a child in a locked room (“**separation**”)—

- (a) if the child is ill; or
- (b) at the child’s request; or
- (c) for routine security purposes under guidelines issued by the commission; or
- (d) for the child’s protection or the protection of other persons or property; or
- (e) for the purpose of restoring order in the detention centre.

**(2)** An officer of the commission must not separate a child for a purpose mentioned in subsection (1)(d) or (e) (a “**prescribed purpose**”)—

- (a) if the separation is for more than 2 hours—without the detention centre manager’s approval; or
- (b) if the separation is for more than 12 hours—without informing the commission; or
- (c) if the separation is for more than 24 hours—without the commission’s approval.

**(3)** However, an officer of the commission must not separate a child overnight for a prescribed purpose for more than 2 hours longer than the centre’s normal hours of overnight confinement.

**(4)** If an officer of the commission separates a child for a prescribed purpose, an officer of the commission must keep the child under observation in a way complying with guidelines issued by the commission.

**(5)** The detention centre manager must keep a register that contains the following particulars of each child who is separated for a prescribed purpose—

- (a) the child’s name;
- (b) the reason for the child’s separation;

(c) the name of the staff member who supervised the child during the separation;

(d) the date and the length of time for which the child was separated.

(6) Also, the detention centre manager must allow an official visitor to inspect the register and make a copy of any entry in it.

(7) Subsection (4) does not limit the circumstances in which a child may be kept under continuous observation.

### ***Division 5—Searches***

#### **Searches not involving removal of clothes**

**17.(1)** The commission may authorise a staff member to conduct a search of a child detained in a detention centre that does not involve the removal of all or part of the child's clothes.

(2) The search may take place—

(a) on the child's admission to the centre; or

(b) on the child's return to the centre after a period of absence; or

(c) at any time that the commission reasonably considers that the child should be searched.

(3) If necessary, the staff member may use reasonable force to carry out the search.

#### **Searches involving removal of clothes**

**18.(1)** If the commission considers it necessary on reasonable grounds, the commission may order a child who is to be searched to partly or completely undress.

(2) The commission must not order a child to undress in the presence of a person of the opposite sex who is not a medical practitioner or a nurse assisting the medical practitioner.

(3) The child must comply with an order made or direction given for the purpose of the search.

(4) If necessary, a staff member may use reasonable force to obtain compliance with the order.

(5) A person must not touch a child who is ordered to partly or completely undress other than to the extent reasonably necessary to obtain compliance with the order.

### **Body search**

**19.(1)** The commission may authorise a medical practitioner to search the person of a child detained in a detention centre.

(2) The commission may authorise the search only if the commission considers, on reasonable grounds, that the child is in possession of a thing that may—

- (a) threaten the security or good order of the centre; or
- (b) endanger, or be used to endanger, the child or another person.

(3) If necessary, the medical practitioner, and a person acting at the direction of the medical practitioner, may use reasonable force to carry out the search.

### **Register of searches**

**20.** The commission must keep a register of searches carried out at each detention centre under section 18 or 19.

### **Articles found during search**

**21.(1)** If a person conducting a search under section 17, 18 or 19, finds an article that—

- (a) is declared by the commission by written instrument to be a restricted or prohibited article; or
- (b) the person considers threatens the security or good order of the centre;

the person may take possession of the article.

(2) The person must give the article to the detention centre manager.

(3) The detention centre manager may—

- (a) return the article to the child; or
- (b) keep the article until the child is discharged; or
- (c) if the article belongs to another person—return the article to the other person; or
- (d) if the detention centre manager considers the article to be perishable—destroy the article; or
- (e) if the detention centre manager considers the article to be unhygienic or dangerous—destroy the article unless it would be reasonable to take steps to make the article hygienic or safe.

(4) If the article is property that is not recorded in the property register, the detention centre manager must record particulars of the property in the register and sign the record.

(5) The child must sign the record.

(6) If the child refuses to sign the record a staff member (other than the staff member who made the record) may sign the record.

(7) If the detention centre manager destroys property, the detention centre manager must—

- (a) inform the child of the destruction and the reason for destruction; and
- (b) make a record of the destruction in the property register and the reason for the destruction.

### ***Division 6—Contact with children***

#### **Telephone calls**

**22.(1)** The commission must allow a child detained in a detention centre to make and receive telephone calls under guidelines issued by the commission.

(2) The child is entitled to speak to another person during a telephone call outside the hearing of any other person.

(3) However, if the detention centre manager considers, on reasonable grounds, that the telephone conversation may disclose information that is, or is likely to be, detrimental to the good order and management of the centre, the detention centre manager may require that a staff member at the centre is to listen to the conversation.

(4) Before the conversation takes place, the detention centre manager must inform the child and the other party to the conversation that an officer of the commission will listen to the conversation and may terminate it on reasonable grounds.

(5) This section does not affect a right, power or obligation of a person under—

- (a) section 214 of the Act (Protection of legal practitioner representing child); or
- (b) section 218 of the Act (Powers of official visitors).

## **Correspondence**

**23.(1)** A child detained in a detention centre is entitled to send and receive letters and other mail.

(2) Subject to sections 214 and 218 of the Act, the commission may examine letters and other mail (“**correspondence**”) between the child and another person that the commission reasonably believes may disclose information, or contain property, that is, or is likely to be, detrimental to the good order and management of the centre.

(3) If the commission is satisfied that correspondence examined under subsection (2) discloses information that is, or is likely to be, detrimental to the good order and management of the centre, the commission may—

- (a) withhold the correspondence; or
- (b) delete the information; or
- (c) return the correspondence to the sender; or
- (d) destroy the correspondence.

(4) Subsection (2) does not apply to correspondence the commission decides to exclude from examination.

**Property brought into a detention centre**

**24.(1)** This section applies to property that is—

- (a) brought into a detention centre—
  - (i) by a child after the child is admitted to the centre; or
  - (ii) by a person who is visiting a child in a detention centre; or
- (b) sent to the child in correspondence.

**(2)** The commission may—

- (a) examine the property; and
- (b) after examining the property—
  - (i) keep a particular item in safe custody while the child is detained in the centre; or
  - (ii) allow the child to keep property for the child's use; or
  - (iii) if the commission considers the property to be perishable—destroy the property; or
  - (iv) if the commission considers the property to be unhygienic or dangerous—destroy the property unless it would be reasonable to take steps to make the property hygienic or safe.

**(3)** The commission must make a record of the property in the property register and sign the record.

**(4)** The child must sign the record.

**(5)** If the child refuses to sign the record, a staff member (other than the staff member who made the record) may sign the record.

**(6)** If the commission acts under subsection (2)(b)(iii) the commission must—

- (a) inform the child of the destruction and the reason for destruction; and
- (b) make a record in the property register of the destruction and the reason for destruction.

***Division 7—Health and medical services*****Child's right to medical treatment**

**25.(1)** A child detained in a detention centre has a right to health services and medical treatment.

**(2)** If a child needs medical treatment or other health services that involves the removal of the child's underclothing, the child may ask that a medical practitioner of the same sex as the child examine the child.

**(3)** The commission must take reasonable steps to comply with the child's request.

**Reports of medical examination or treatment**

**26.(1)** The commission may ask a medical practitioner who examines or treats a child detained in a detention centre to give the commission a report of the examination or treatment.

**(2)** The commission must keep a record of medical examinations and treatment for each child.

**(3)** The commission must ensure that the records are kept confidential and separate from the centre's administrative records.

**(4)** The record may only be inspected—

- (a) by the child named in the record; or
- (b) by the child's parent; or
- (c) on production of a subpoena or court order—by a lawyer who represents the child; or
- (d) by an officer of the commission or department authorised in writing by the commission.

***Division 8—Miscellaneous*****Death of child in centre**

**27.** If a child detained in a detention centre dies, the commission must immediately give notice of the child's death to—

- (a) a police officer at the nearest police establishment; and
- (b) the child's parents; and
- (c) a coroner; and
- (d) a chaplain; and
- (e) for an Aboriginal or Torres Strait Islander child—the Aboriginal legal service.

**Religious services**

**28.** The commission may approve the holding of a religious service at a detention centre.

**Visitors book**

**29.** The detention centre manager must ensure that the name and address of each ordinary visitor to a detention centre is recorded in a visitors book before the visitor is admitted to the centre.

**PART 4—DISCLOSURE AND USE OF  
INFORMATION****Authorised disclosure**

**30.(1)** The following disclosure of confidential information is authorised<sup>1</sup>—

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<sup>1</sup> For other authorisations, see section 226 of the Act.

- (a) disclosure to an officer of a department responsible for the administration or enforcement, in another State or a Territory, of laws relating to child offenders;
- (b) disclosure to the person to whom the information relates or the person's legal representative;
- (c) disclosure to a person who, in the chief executive's or commission's opinion, is authorised by the person to whom the information relates to receive the information;
- (d) disclosure to any other person if the chief executive or the commission is satisfied the disclosure of the information is essential to the wellbeing of the person to whom the information relates;
- (e) disclosure to a person engaged in a genuine research program that is approved by the chief executive or the commission;
- (f) disclosure to any person if, in the chief executive's opinion, it is necessary to protect a person's safety.

(2) The disclosure mentioned in subsection (1)(e) is authorised only if the person gives a written undertaking to preserve the confidentiality of the information and the anonymity of the person to whom the information relates.

(3) In this section—

**“confidential information”** has the same meaning as it has in section 226 of the Act (Preservation of confidentiality).

**SCHEDULE****DETENTION CENTRES**

section 8

**Cleveland Youth Detention Centre**

Portion 513 on RP EP 1443, County of Elphinstone, Parish of Coonambelah, Old Common Road, Belgian Gardens, Townsville—area 7.381 ha.

**John Oxley Youth Detention Centre**

Lot 399 on PR SI 10450, County of Stanley, Parish of Oxley, Station Road, Wacol—area 4.28 ha.

**Sir Leslie Wilson Youth Detention Centre**

Portion 1059 on RP S1503, County of Stanley, Parish of Enoggera, 10th Avenue, Windsor—area 9145 m<sup>2</sup>.

## ENDNOTES

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 27 June 1997. Future amendments of the Juvenile Justice Regulation 1993 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

## 4 Table of earlier reprints

### TABLE OF EARLIER REPRINTS

[If a reprint number includes an arabic letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	none	20 September 1993
2	to SL No. 119 of 1994	7 November 1994
2A	to SL No. 216 of 1996	16 September 1996
2B	to SL No. 41 of 1997	11 April 1997

## 5 List of legislation

### **Juvenile Justice Regulation 1993 SL No. 314**

notfd gaz 13 August 1993 pp 1777–9

ss 1–2 commenced on date of notification

remaining provisions commenced 1 September 1993 (see s 2)

as amended by—

### **Juvenile Justice Amendment Regulation (No. 1) 1994 SL No. 119**

notfd gaz 31 March 1994 pp 1311–12

commenced on date of notification

### **Juvenile Justice Amendment Regulation (No. 1) 1996 SL No. 216**

pubd gaz 15 August 1996 pp 1765A–1765D

commenced on date of publication

### **Juvenile Justice Amendment Regulation (No. 1) 1997 SL No. 41**

notfd gaz 27 February 1996 pp 746A–B

commenced on date of notification

### **Juvenile Justice Amendment Regulation (No. 2) 1997 SL No. 97**

notfd gaz 24 April 1997 pp 1696–7

ss 1, 3 commenced on date of notification

remaining provisions commenced 12 May 1997 (see s 3)

## 6 List of annotations

### **Definitions**

s 3 def “security” ins 1997 SL No. 97 s 4

### **Provision of approved forms**

s 4 sub 1997 SL No. 97 s 5

**Contents of presentence report**

s 5            amd 1994 SL No. 119 s 3

**Medical examination of child before admission**

s 9            amd 1997 SL No. 97 s 6

**Record must be made on admission**

s 10          amd 1997 SL No. 97 s 7

**Child must be informed of rights and responsibilities on admission**

s 11          amd 1997 SL No. 97 s 8

**Child's property on admission**

s 12          amd 1997 SL No. 97 s 9

**Child to obey lawful instructions**

s 13          amd 1997 SL No. 97 s 10

**Management of misbehaviour**

s 14          amd 1997 SL No. 97 s 11

**Restraints**

s 15          sub 1997 SL No. 97 s 12

**Division 4—Separation**

div hdg     sub 1997 SL No. 97 s 12

**Separation of child in a locked room**

s 16          sub 1997 SL No. 97 s 12

**Searches not involving removal of clothes**

s 17          amd 1997 SL No. 97 s 13

**Searches involving removal of clothes**

s 18          amd 1997 SL No. 97 s 14

**Body search**

s 19          amd 1997 SL No. 97 s 15

**Register of searches**

s 20          amd 1997 SL No. 97 s 16

**Articles found during search**

s 21          amd 1997 SL No. 97 s 17

**Telephone calls**

s 22          amd 1997 SL No. 97 s 18

**Correspondence**

s 23          amd 1997 SL No. 97 s 19

**Property brought into a detention centre**

s 24          amd 1997 SL No. 97 s 20

**Division 7—Health and medical services**

div hdg     sub 1997 SL No. 97 s 21

**Child's right to medical treatment**

**s 25**            amd 1997 SL No. 97 s 22

**Reports of medical examination or treatment**

**s 26**            amd 1997 SL No. 97 s 23

**Death of child in centre**

**s 27**            amd 1997 SL No. 97 s 24

**Religious services**

**s 28**            amd 1997 SL No. 97 s 25

**Visitors book**

**s 29**            amd 1997 SL No. 97 s 26

**Authorised disclosure**

**s 30**            amd 1997 SL No. 97 s 27

**PART 5—TRANSITIONAL**

**pt hdg**        ins 1996 SL No. 216 s 3  
                  om 1997 SL No. 97 s 28

**Authorised disclosure**

**s 30**            amd 1997 SL No. 41 s 3  
                  om 1997 SL No. 97 s 28

**Changeover day for Act, pt 6**

**s 31**            ins 1996 SL No. 216 s 3  
                  om 1997 SL No. 97 s 28

**SCHEDULE—DETENTION CENTRES**

                  amd 1997 SL No. 97 s 29