

2003

## CHAPTER Y-2

An Act respecting the Administration of Youth Justice Services  
andmaking consequential amendments to other Acts

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(Assented to June 27, 2003)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

#### Short title

1 This Act may be cited as *The Youth Justice Administration Act*.

#### Interpretation

2(1) In this Act:

- (a) “**custody facility**” means:
  - (i) a place of open custody;
  - (ii) a place of secure custody; or
  - (iii) a place of temporary detention;
- (b) “**department**” means the department over which the minister presides;
- (c) “**federal Act**” means the *Youth Criminal Justice Act* (Canada);
- (d) “**federal regulations**” means any regulations made pursuant to the federal Act;
- (e) “**former Act**” means *The Young Offenders’ Services Act*;

- (f) “**minister**” means the member of the Executive Council to whom, for the time being, the administration of this Act is assigned;
- (g) “**place of open custody**” means a centre, home, institution, camp or other place or facility designated pursuant to section 24.1 of the *Young Offenders Act* (Canada), as it applies for the purposes of section 88 of the federal Act, as a place of open custody, and includes a place or facility within a class of places or facilities so designated;
- (h) “**place of secure custody**” means a place or facility designated pursuant to section 24.1 of the *Young Offenders Act* (Canada), as it applies for the purposes of section 88 of the federal Act, as a place of secure custody, and includes a place or facility within a class of places or facilities so designated;
- (i) “**place of temporary detention**” means a place designated pursuant to section 30 of the federal Act as a place of temporary detention;
- (j) “**prescribed**” means prescribed in the regulations;
- (k) “**provincial director**” means a provincial director designated pursuant to subsection 7(1), and includes a person acting pursuant to subsection 7(2) in the absence or inability to act of a provincial director;
- (l) “**young person**” means a person who is or, in the absence of evidence to the contrary, appears to be 12 years of age or older but less than 18 years of age and, if the context requires, includes a person who, while he or she was a young person, is charged with having committed an offence or is found guilty of an offence;
- (m) “**youth justice services**” means services provided to young persons pursuant to the federal Act, and includes:
- (i) similar services provided to young persons pursuant to *The Correctional Services Act* or *The Summary Offences Procedure Act, 1990*; and
  - (ii) similar services that are designated pursuant to clause 15(f) and provided to young persons who have completed a youth sentence or an adult sentence within the meaning of the federal Act;
- (n) “**youth worker**” means a youth worker appointed pursuant to subsection 8(1).
- (2) Except where a contrary intention is expressed in this Act, words and expressions used in this Act have the meaning given to them in the federal Act or *The Summary Offences Procedure Act, 1990*.

**Application of federal legislation**

3(1) Unless otherwise provided in this Act or the regulations, the provisions of the federal Act and the federal regulations apply, with any necessary modification, to youth justice services provided pursuant to *The Correctional Services Act* or *The Summary Offences Procedure Act, 1990*.

(2) If the Lieutenant Governor in Council makes an order pursuant to section 88 of the federal Act, the following provisions of the *Young Offenders Act (Canada)* apply, with any necessary modification, to youth justice services provided pursuant to *The Correctional Services Act* or *The Summary Offences Procedure Act, 1990*:

- (a) the definitions of “review board” and “progress report” in subsection 2(1);
- (b) section 11;
- (c) sections 24.1 to 24.3;
- (d) sections 28 to 31.

**Facilities**

4 The minister may establish, maintain and operate any facilities that the minister considers advisable to provide for the necessary custody, detention, support and education of persons to whom youth justice services are provided.

**Youth justice services**

5 The minister may:

- (a) establish and provide youth justice services; and
- (b) enter into arrangements with any person, agency, organization, association, institution or body for the provision of youth justice services, including arrangements by which the minister is obliged to make payments for the provision of those services.

**Agreements re exercise of powers**

6 Subject to *The Federal-Provincial Agreements Act* and sections 17 and 17.1 of *The Government Organization Act*, the minister may enter into agreements with the Government of Canada, the government of any province or territory of Canada or any person, agency, organization, association, institution or body inside or outside Saskatchewan for any purpose related to the exercise of any of the powers or the carrying out of any of the duties or functions:

- (a) delegated to Saskatchewan by or pursuant to the federal Act or the federal regulations; or
- (b) assigned to the minister by or pursuant to this Act.

**Provincial director**

7(1) The minister may designate one or more members of the public service of Saskatchewan as a provincial director to exercise the powers and carry out the duties and functions, generally or in specific cases, conferred or imposed on a provincial director by this Act, the federal Act, *The Summary Offences Procedure Act, 1990* or *The Correctional Services Act*.

(2) The minister may designate a person as provincial director to act during the absence or inability to act of a provincial director.

- (3) A provincial director:
- (a) may exercise the powers conferred on provincial directors pursuant to this Act and the federal Act; and
  - (b) shall carry out the duties and functions imposed on provincial directors pursuant to this Act and the federal Act.

**Youth workers**

8(1) A provincial director may appoint as youth workers, generally or in specific cases, one or more persons who are employed in or assist in the administration of this Act.

- (2) Youth workers:
- (a) may exercise the powers conferred on youth workers pursuant to this Act and the federal Act; and
  - (b) shall carry out the duties and functions imposed on youth workers pursuant to this Act and the federal Act.

**Delegation of powers and duties of provincial director**

9(1) A provincial director may authorize, generally or in specific cases, any youth worker to exercise any power conferred on a provincial director, or carry out any duty or function imposed on a provincial director by this Act or any regulations made pursuant to this Act or by *The Summary Offences Procedure Act, 1990* or by *The Correctional Services Act*.

(2) Where, pursuant to subsection (1), a provincial director authorizes a youth worker to exercise any power or carry out any duty or function, the exercise of the power or the carrying out of the duty or function by the youth worker is deemed to be an exercise of the power or a carrying out of the duty or function by the provincial director.

**Application of certain provisions of *The Correctional Services Act***

10(1) Section 12 of *The Correctional Services Act* applies, with any necessary modification, to:

- (a) a provincial director;
  - (b) a director of a custody facility;
  - (c) a youth worker employed in or assisting in the administration of a custody facility;
  - (d) employees of custody facilities, other than youth workers mentioned in clause (c), who are designated by the minister to be persons or categories of persons to whom section 49 of that Act so applies; and
  - (e) a person whose home has been designated as a place of open custody.
- (2) Section 30 of *The Correctional Services Act* applies, with any necessary modification, to young persons placed in a place of open custody pursuant to subsection 36(3) of *The Summary Offences Procedure Act, 1990*.

**Reintegration leave**

11(1) This section applies with respect to young persons who are:

- (a) convicted of an offence pursuant to an Act; and
- (b) placed in a place of open custody pursuant to *The Summary Offences Procedure Act, 1990*.

(2) A provincial director may authorize a reintegration leave for a young person described in subsection (1) for any of the purposes set out in paragraphs 91(1)(a) and (b) of the federal Act.

(3) In an authorization pursuant to subsection (2), a provincial director may impose any terms and conditions that the provincial director considers desirable.

(4) A provincial director may at any time revoke an authorization made pursuant to subsection (2).

(5) A young person released from custody pursuant to a reintegration leave may be arrested without a warrant and returned to custody if:

- (a) a provincial director revokes the authorization pursuant to subsection (4); or
- (b) the young person fails to comply with a term or condition imposed pursuant to subsection (3).

**Separate detention**

12 Wherever practicable, where a young person is taken into custody pursuant to section 52 of *The Summary Offences Procedure Act, 1990*, the young person shall be held separate and apart from any adult who is held in custody.

**Fund**

13(1) The minister may, in accordance with the regulations, establish and administer one or more trust funds of moneys received by the minister from any source on behalf of, for the benefit of or otherwise in trust for, young persons resident in custody facilities.

(2) The Provincial Auditor or any other auditor that the Lieutenant Governor in Council may designate shall audit, annually or at any other times that the Lieutenant Governor in Council may require, the trust funds established pursuant to subsection (1).

**Non-liability**

14(1) Where a person or entity mentioned in subsection (2) is acting pursuant to the authority of this Act or the regulations, no action lies or shall be instituted against that person or entity for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done, by any of them, pursuant to or in the exercise of or supposed exercise of any power conferred by, or in the performing or supposed performing of any function or duty imposed by:

- (a) this Act or the regulations;
- (b) the federal Act or the federal regulations; or
- (c) the provisions of the *Young Offenders Act (Canada)* adopted pursuant to subsection 3(2).

- (2) Subsection (1) applies to the minister, provincial directors, youth workers and other officers, employees and agents of the department.
- (3) For the purposes of subsection (2), “**agent of the department**” includes:
  - (a) a youth justice committee appointed pursuant to section 18 of the *Youth Criminal Justice Act* (Canada) and each member of a youth justice committee; and
  - (b) any person, agency, organization, association, institution or body that provides youth justice services pursuant to an arrangement mentioned in clause 5(b).

**Regulations**

**15** The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) establishing categories of custody facilities;
- (c) establishing standards for the design and construction of custody facilities or of any category or categories of custody facilities and requiring those standards to be complied with;
- (d) governing the establishment, operation, maintenance, management and use of custody facilities or any category or categories of custody facilities;
- (e) governing the establishment, operation and management of youth justice services;
- (f) designating services that may be provided to young persons who have completed a youth sentence or an adult sentence within the meaning of the federal Act;
- (g) prescribing:
  - (i) reports to be prepared with respect to persons to whom youth justice services are provided pursuant to this Act;
  - (ii) the information to be contained in and the form of the reports mentioned in subclause (i); and
  - (iii) the person to whom the reports mentioned in subclause (i) are to be sent and the times when they are to be sent;
- (h) governing the powers, duties and functions of any person, agency, organization, association, institution or body designated or appointed pursuant to this Act to provide youth justice services pursuant to this Act;
- (i) governing the conduct, discipline and privileges of persons who:
  - (i) are detained in a custody facility; or
  - (ii) are participating in a program or service offered pursuant to this Act;

- (j) prescribing procedures for the admission of persons to and the discharge of persons from any custody facility or premises in which youth justice services are provided pursuant to this Act, including the procedures for the reintegration leave of young persons from a custody facility;
- (k) governing the records to be kept by persons, agencies, organizations, associations, institutions or bodies that provide youth justice services pursuant to this Act or the regulations;
- (l) governing access of any person or category of persons to any records made or kept pursuant to this Act or the regulations;
- (m) prescribing conditions governing the confidentiality of records of persons, agencies, organizations, associations, institutions or bodies that provide youth justice services pursuant to this Act or the regulations;
- (n) for the purposes of section 13:
  - (i) respecting the establishment and administration of trust funds for young persons resident in custody facilities;
  - (ii) subject to the terms of any trust pursuant to which the moneys are received:
    - (A) designating and governing moneys that may be deposited in a trust fund;
    - (B) designating the purposes for which moneys in a trust fund may be used, governing the use of those moneys and prescribing circumstances in which deductions from a trust fund may be made;
  - (iii) designating the fiscal year of a trust fund;
  - (iv) respecting any other matters that the Lieutenant Governor in Council considers necessary for the administration of trust funds;
- (o) prescribing any matter or thing that is required or authorized by this Act to be prescribed in the regulations;
- (p) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

**S.S. 1990-91, c.Y-1 repealed**

**16** *The Young Offenders' Services Act* is repealed.

**Transitional**

**17(1)** A designation of a provincial director pursuant to subsection 5(1) of the former Act that is in effect immediately before the coming into force of this section is continued as a designation pursuant to subsection 7(1) of this Act.

**(2)** An appointment of a youth worker pursuant to subsection 6(1) of the former Act that is in effect immediately before the coming into force of this section is continued as an appointment pursuant to subsection 8(1) of this Act.

**(3)** An authorization granted to a youth worker by a provincial director pursuant to subsection 7(1) of the former Act that is in effect immediately before the coming into force of this section is continued as an authorization granted pursuant to subsection 9(1) of this Act.

(4) A designation of a place of open custody or a place of secure custody made by the Lieutenant Governor in Council pursuant to section 24.1 of the *Young Offenders Act* (Canada) for the purposes of that Act and in effect immediately before the coming into force of this section is continued as a designation made pursuant to section 24.1 of the *Young Offenders Act* (Canada) as it applies for the purposes of section 88 of the federal Act.

(5) A designation of a place of temporary detention made by the Lieutenant Governor in Council pursuant to section 7 of the *Young Offenders Act* (Canada) and in effect immediately before the coming into force of this section is continued as a designation made pursuant to section 30 of the federal Act.

(6) Without limiting the generality of section 3, the transitional provisions of the federal Act apply, with any necessary modification, with respect to a young person convicted of an offence pursuant to an Act who, on the coming into force of this Act, was receiving young offenders' services pursuant to the former Act.

S.S. 1993, c.C-39.1, section 36 amended

**18 Clause 36(c) of *The Correctional Services Act* is repealed and the following substituted:**

“(c) ‘**provincial director**’ means the provincial director as defined in *The Youth Justice Administration Act*”.

R.S.S. 1978, c.D-23, section 14 amended

**19 Clause 14(a) of *The Department of Social Services Act* is amended:**

**(a) by striking out “detention” and substituting “custody”; and**

**(b) by striking out “section 35 of *The Summary Offences Procedure Act, 1990* or subsection 7(1) or section 24 of the *Young Offenders Act* (Canada), as amended from time to time,” and substituting “*The Youth Justice Administration Act* or section 35 of *The Summary Offences Procedure Act, 1990*”.**

S.S. 1990-91, c.S-63.1 amended

**20(1) *The Summary Offences Procedure Act, 1990* is amended in the manner set forth in this section.**

**(2) Section 2 is amended:**

**(a) by repealing clause (k);**

**(b) by repealing clause (q);**

**(c) by adding the following clause after clause (r):**

“(r.1) ‘**place of open custody**’ means a place of open custody as defined in *The Youth Justice Administration Act*”;

**(d) by repealing clause (s) and substituting the following:**

“(s) ‘**place of temporary detention**’ means a place of temporary detention as defined in *The Youth Justice Administration Act*”;

**(e) in clause (v) by striking out “*The Young Offenders’ Services Act*” and substituting “*The Youth Justice Administration Act*”; and**



- (f) **by adding the following clause at the end of the section:**
- “(bb) ‘young person’:
- (i) for the purposes of sections 33, 34 and 35 and subsection 52(7), means a person who is or, in the absence of evidence to the contrary, appears to be 12 years of age or older but less than 16 years of age;
- (ii) for the purposes of section 36, means a person who is or, in the absence of evidence to the contrary, appears to be 12 years of age or older but less than 18 years of age; and
- (iii) if the context requires it, includes a person who, while he or she was a young person, is charged with having committed an offence or is found guilty of an offence”.
- (3) **Section 33 is amended:**
- (a) **in the portion preceding clause (a) by striking out “an alleged juvenile offender” and substituting “a young person”; and**
- (b) **by striking out “the alleged juvenile offender” and substituting “the young person”:**
- (i) **in clause (a); and**
- (ii) **in clause (b).**
- (4) **Section 34 is amended by striking out “an alleged juvenile offender” and substituting “a young person”.**
- (5) **Section 35 is amended:**
- (a) **in the portion preceding clause (a) by striking out “an alleged juvenile offender” and substituting “a young person”; and**
- (b) **in clause (b) by striking out “the alleged juvenile offender’s” and substituting “the young person’s”.**
- (6) **Section 36 is amended:**
- (a) **in subsection (1) by striking out “person who appears to be a juvenile offender or who is 16 or 17 years of age” and substituting “young person”; and**
- (b) **in subsection (3) by striking out “an open custody facility” and substituting “a place of open custody”.**
- (7) **Section 52 is amended:**
- (a) **in clause (6)(b):**
- (i) **by striking out “an open custody facility” and substituting “a place of open custody”; and**
- (ii) **by striking out “the open custody facility” and substituting “the place of open custody”; and**
- (b) **in subsection (7) by striking out “an alleged juvenile offender” and substituting “a young person”.**

**Coming into force**

- 21 This Act comes into force on proclamation.

