

Young Offenders Amendment Bill 2002

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Young Offenders Act 1997* so as:

- (a) to limit to 3 the number of occasions on which a child can be dealt with for an offence by caution under that Act, and
- (b) to ensure that the police officer or other investigating official who initially deals with a child in relation to the commission or alleged commission of an offence is consulted, whenever practicable, on any decision as to the action to be taken under that Act in relation to the offence, and
- (c) to provide that a youth justice conference with respect to a child can be attended by a representative from the child's school, and
- (d) to require particular consideration to be given by the participants in a youth justice conference with respect to a child to the desirability of the child's participation in an appropriate counselling, rehabilitation, educational or other program, and
- (e) to ensure that the victim of an offence committed or alleged to have been committed by a child has a right of veto as to any outcome plan proposed at a youth justice conference conducted or reconvened with respect to the offence, and
- (f) to illustrate the kinds of program that may be appropriate to be contained in an outcome plan proposed at a youth justice conference.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Young Offenders Act 1997* set out in Schedule 1.

Schedule 1 Amendments

Limit on number of cautions

Schedule 1 [1], [2], [3], [4], [5], [9] and [10] amend sections 20, 23, 31, 37, 38 (proposed subsection (5)), 41 and 44 of the Principal Act so as to give effect to the object referred to in paragraph (a) above.

Consultation with police officer or other official as to proposed action

Schedule 1 [5], [6], [7] and [8] amend sections 38 (proposed subsection (4)), 40 and 41 of the Principal Act so as to give effect to the object referred to in paragraph (b) above.

Attendance by school representative at youth justice conference

Schedule 1 [11] amends section 47 of the Principal Act so as to give effect to the object referred to in paragraph (c) above.

Consideration of appropriate program for child

Schedule 1 [12] amends section 52 (proposed subsection (2)) of the Principal Act so as to give effect to the object referred to in paragraph (d) above.

Victim's right of veto of outcome plan

Schedule 1 [12], [14] and [15] amend sections 52 (proposed subsections (3) and (4)), 53 and 55 (proposed subsections (5) and (6)) of the Principal Act so as to give effect to the object referred to in paragraph (e) above.

Illustration of programs appropriate to an outcome plan

Schedule 1 [13] amends section 52 (proposed subsection (5A)) of the Principal Act so as to give effect to the object referred to in paragraph (f) above.

Miscellaneous

Schedule 1 [16] amends Schedule 3 (Savings and transitional provisions) so as to enable the regulations to make provisions of a savings or transitional nature consequent on the enactment of the proposed Act.