

# **CHILDREN (DETENTION CENTRES) AMENDMENT (SERIOUS YOUNG OFFENDERS REVIEW PANEL) BILL 2011**

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## **Second Reading**

**The Hon. DAVID CLARKE** (Parliamentary Secretary) [5.28 p.m.]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

### **Leave granted.**

The Children (Detention Centres) Amendment (Serious Young Offenders Review Panel) Bill 2011 will amend the Children (Detention Centres) Act 1987 to enshrine the constitution, functions, and powers of the Serious Young Offenders Review Panel.

The panel is responsible for making recommendations to the Chief Executive, Juvenile Justice on the reclassification of detainees, the granting of leave to detainees charged with serious children's indictable offences, and on any other matter referred to it for consideration.

Establishing a legislative basis for the Serious Young Offenders Review Panel brings it in line with Corrective Services' Serious Offenders Review Council, which carries out an equivalent function for adults. This important amendment will ensure clearer guidance, accountability and consistency in relation to the classification of serious young offenders.

The Serious Young Offenders Review Panel was initially established in 1998 as a 12-month trial period and was not provided for in legislation at the time of its creation. After 12 years of successful operation, it is pertinent that the functions of the panel be incorporated in the Children (Detention Centres) Act 1987, which provides for the responsibilities and obligations of Government to young offenders in custody.

I now refer to the details of the bill. The bill makes minor amendments to the Act in relation to references to Juvenile Justice as a branch of the Department of Attorney General and Justice.

The bill inserts part 4B into the Act which outlines the constitution, functions and matters which are to be considered by the Serious Young Offenders Review Panel. In exercising its functions, the panel must consider a number of matters. Some matters to note include consideration of the public interest; the criminal history of the young offender; the young offender's commitment to address the offending behaviour; the position of and consequences to any victims and their family, including any submissions made by the victim; and the rehabilitation of the young offender and re-entry of the young offender into the community as a law-abiding citizen.

Schedule 1A specifies the constitution and procedure of the panel and will be inserted into the Act to provide for the members of the panel. This schedule provides that the Serious Young Offenders Review Panel will consist of six members, including the chairperson appointed by the Minister for Justice. The panel is chaired by a magistrate, acting magistrate or retired magistrate.

Other members of the panel are also appointed by the Minister for Justice and will possess an

understanding of community expectations and expertise on juvenile justice issues. The panel includes a nominee of the Director General [DAGJ] who provides advice to the panel about policies and procedures of the department and other matters relating to the administration of juvenile justice.

Traditionally, the panel has consisted of four community members including a psychologist representative, a victim's group representative, an Aboriginal representative, and a representative who reflects community attitudes/values towards young people. This bill allows for these members to be appointed if the Minister sees fit, and includes an additional member who will be a representative from NSW Police.

The bill requires the panel to report its activities in the annual report for the Department of Attorney General and Justice, thus creating accountability for the panel and the recommendations provided to the Chief Executive in relation to serious young offenders.

This bill addresses the important functions of the panel and ensures more accountability for the Government in addressing the serious offending behaviour of young people.

I commend the bill to the House.