



New South Wales

Young Offenders Amendment Bill 1998

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*:

- (a) to require courts to notify police where courts give cautions to offenders, and
 - (b) to confer certain administrative functions currently exercised by conference convenors on conference administrators, and
 - (c) to make statements made by offenders during conferences and when cautions are given inadmissible in civil proceedings, and
 - (d) to enable the appointment of a deputy chairperson of the Youth Justice Advisory Committee and of deputies for members of that Committee, and
 - (e) to make other minor amendments of a law revision nature.
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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

Schedule 1 [1] defines the expression *relevant conference administrator*.

Schedule 1 [2] requires courts that give cautions (rather than imposing other penalties) to notify local police area commanders of any such decisions and of the reasons for giving cautions.

Schedule 1 [3] requires the conference convenor of a youth justice conference to consult the relevant conference administrator when determining details as to the holding of the conference. This will be in addition to the persons the conference convenor is currently required to consult.

Schedule 1 [4] makes it clear that a youth justice conference that relates to a child who is held in custody in a detention centre may be held at the detention centre.

Schedule 1 [5] requires a conference convenor to notify the relevant conference administrator when a child fails, without reasonable excuse, to attend a youth justice conference. Currently, the conference convenor notifies the person who referred the child for a conference directly, but this function will now be carried out by the conference convenor.

Schedule 1 [6] requires a conference convenor to notify the relevant conference administrator when he or she is satisfied that the participants at a youth justice conference are unable to agree to an outcome plan that complies with the *Young Offenders Act 1997*. **Schedule 1 [7]** provides that the conference administrator will then notify the person who referred the child for a conference. Currently, the conference convenor notifies the person who referred the child for a conference directly, but this function will now be carried out by the conference convenor.

Schedule 1 [8] removes the requirement for a court to notify a conference convenor if it does not approve an outcome plan relating to a matter referred for a youth justice conference by the court. The obligation to inform the relevant conference administrator will remain.

Schedule 1 [9] confers the powers to reconvene a conference (now exercised by the conference convenor) on the relevant conference administrator. **Schedule 1 [11]** makes a consequential amendment.

Schedule 1 [10] makes it clear that the original conference convenor need not be appointed for a reconvened conference.

Schedule 1 [12] amends a heading to more closely reflect the provision concerned.

Schedule 1 [13] removes an unnecessary reference.

Schedule 1 [14] makes a consequential amendment.

Schedule 1 [15] makes statements, confessions, admissions or information made or given by children during the giving of a caution or in a conference under the Act inadmissible as evidence in civil proceedings as well as criminal proceedings.

Schedule 1 [16] enables the Minister to appoint a member as deputy chairperson of the Youth Justice Advisory Committee and enables that person to exercise the functions of the chairperson in the chairperson's absence.

Schedule 1 [17] enables the regulations to provide for the appointment and remuneration of deputies for members of the Youth Justice Advisory Committee.

Schedule 1 [18] enables savings and transitional regulations to be made if required as a consequence of the enactment of the proposed Act.

First print

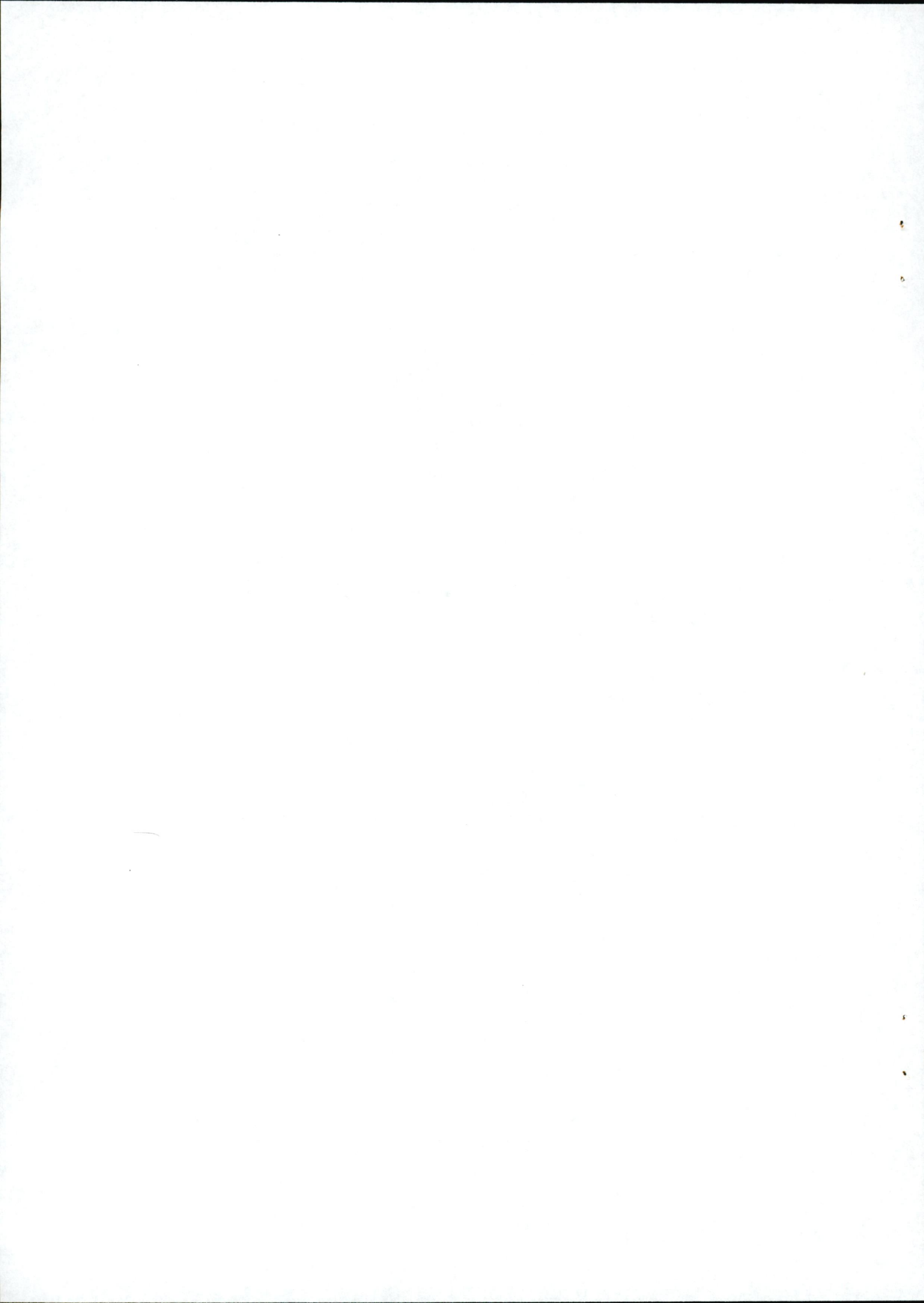


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New South Wales

Young Offenders Amendment Bill 1998

No. , 1998

A Bill for

An Act to amend the *Young Offenders Act 1997* with respect to the functions of conference administrators and conference convenors, the Youth Justice Advisory Committee, location of youth justice conferences and the admission of evidence in civil proceedings; and for other purposes.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Young Offenders Amendment Act 1998*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation. 5

3 Amendment of Young Offenders Act 1997 No 54

The *Young Offenders Act 1997* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Section 4 Definitions

Insert in alphabetical order:

relevant conference administrator, in relation to a conference, means the conference administrator who appointed the conference convenor for the conference. 5

[2] Section 31 Cautions by courts

Insert after section 31 (3):

(4) A court that gives a caution under this section must notify, in writing, the Area Commander of the local police area in which the offence occurred of its decision to give the caution and must include the reasons why the caution was given. 10

[3] Section 45 Preparation for conferences

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Insert "the relevant conference administrator," before "the person" in section 45 (2) (a).

[4] Section 46 Location of conferences

Insert at the end of the section:

(2) Without limiting subsection (1), a conference may be held at a detention centre, within the meaning of the *Children (Detention Centres) Act 1987*, if the child who is the subject of the conference is detained in the detention centre. 20

[5] Section 51 Non-attendance at conferences

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Insert "notify the relevant conference administrator who must" after "must".

- [6] Section 53 Failure of conference to reach decision**
- Omit "refer a matter back to the person or body that referred the matter for a conference".
Insert instead "notify the relevant conference administrator".
- [7] Section 53 (2)** 5
- Insert at the end of the section:
- (2) On receiving notice under subsection (1), the conference administrator must refer the matter back to the person or body that referred the matter for a conference.
- [8] Section 54 Matters referred by courts** 10
- Omit "the conference convenor and" from section 54 (3).
- [9] Section 55 Reconvening of conferences**
- Omit "conference convenor, on the convenor's" from section 55 (1).
Insert instead "relevant conference administrator, on the conference administrator's". 15
- [10] Section 55 (1A)**
- Insert after section 55 (1):
- (1A) A conference administrator may appoint the same or a different conference convenor for a reconvened conference. 20
- [11] Section 55 (2) and (3)**
- Omit "convenor" wherever occurring.
Insert instead "administrator".

[12] Section 57

Omit the heading. Insert instead:

Additional provisions relating to completion and non-completion of outcome plans

[13] Section 60 Conference convenors

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Omit "or specialist youth officer" from section 60 (3) (a).

[14] Section 61 Conference administrators

Insert "and any other functions conferred on conference administrators by or under this Act" after "Act" where secondly occurring.

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[15] Section 67 Certain statements inadmissible

Insert "or civil" after "criminal" in section 67 (1).

[16] Section 70 Youth Justice Advisory Committee

Insert after section 70 (1):

(1A) The Minister is to appoint a member (other than the chairperson) as the deputy chairperson of the Committee. The deputy chairperson may, in the absence of the chairperson, exercise the functions of the chairperson.

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[17] Section 70 (3)

Omit "and remuneration of members".

Insert instead ", deputies for members and remuneration of members and their deputies".

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Young Offenders Amendment Bill 1998

Schedule 1 Amendments

[18] Schedule 3 Savings and transitional provisions

Omit "this Act." from clause 1 (1). Insert instead:

this Act and the following Acts:

Young Offenders Amendment Act 1998