



New South Wales

Young Offenders Amendment (Graffiti Offenders) Regulation 2009

under the

Young Offenders Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Young Offenders Act 1997*.

VERITY FIRTH, MP
Acting Attorney General

Explanatory note

The object of this Regulation is to amend the *Young Offenders Regulation 2004* to provide that an outcome plan for a child who admits to a graffiti offence must require the child to:

- (a) perform graffiti removal work or, if such work is not available, community service work comparable to such work, or
- (b) pay an amount of compensation (not exceeding the amount that a court may impose on conviction for the offence), or
- (c) participate in a personal development, educational or other program, or
- (d) fulfil any other obligation that is suggested by any victim of the offence who personally attends the conference and that is consistent with the objects of the *Young Offenders Act 1997*.

This Regulation is made under the *Young Offenders Act 1997*, including sections 52 (6) (e) and 73 (the general regulation-making power).

2009 No 370

Clause 1 Young Offenders Amendment (Graffiti Offenders) Regulation 2009

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Young Offenders Act 1997

1 Name of Regulation

This Regulation is the *Young Offenders Amendment (Graffiti Offenders) Regulation 2009*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Young Offenders Regulation 2004

Clause 20A

Insert after clause 20:

20A Outcome plans for graffiti juvenile offenders

- (1) This clause applies to a child who admits to an offence covered by the Act that consists of:
 - (a) section 5 or 6 of the *Graffiti Control Act 2008* or another crime involving graffiti, or
 - (b) damage to property by means of any graffiti implement (within the meaning of the *Graffiti Control Act 2008*).
- (2) For the purposes of section 52 (6) (e) of the Act, an outcome plan for a child to whom this clause applies must provide for at least one of the following:
 - (a) the making of reparation for the offence, such as:
 - (i) the performance of graffiti removal work or, if such work is not available, community service work comparable to the performance of such work, or
 - (ii) the payment of compensation (not exceeding the amount that a court may impose on conviction for the offence),
 - (b) participation in a personal development, educational or other program,
 - (c) the fulfilment of any other obligation on the child:
 - (i) that is suggested by any victim of the offence who personally attends the conference, and
 - (ii) that is consistent with the objects of the Act.
- (3) This clause does not limit any other matter for which an outcome plan may provide.
- (4) This clause does not affect the requirements of the Act relating to the agreement of the child and victims of the offence to the outcome plan.