

[Act 1998 No 51]



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.