



# Children and Young People Bill 2007

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Information Sessions

8 February 2007



# Overview

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- About the CYP Act 1999
- Responsibility of two Ministers
- Review of the Act commenced 2002
- Extensive consultation – community, government, legal and advocacy agencies
- Informed by government reports and inquiries
- Achieves important objectives



# Consultation – First and Second Stage

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- 2002 – 2006 - Steering committee, forums, individual meetings, written submissions.
- Community members, community & government agencies, ministerial advisory councils, unions and legal agencies.
- Independent facilitation by the Youth Coalition of the ACT
- General support for:
  - Quality and safety of care across sectors
  - Improving participation
  - Earlier intervention
  - Stability planning
  - Coordinated and integrated services
- Informed by numerous government reports and inquiries



# Consultation – Third Phase

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- Exposure draft of the Children and Young People Bill 2007
- Legislative reform – care and protection, youth justice, childcare services, employment
- Bill will repeal and re-write the existing Act
- Exposure draft for 8 week consultation period
- Three information sessions – 8 February 2007
- Written submissions by 9 March 2007



# Legislative Amendments to Date

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- March 2006 - Children and Young People Amendment Act 2006
  - Cultural plans
  - Exception for mandated reporters
  - Framework for protection and release of information
- December 2006 - Children and Young People Amendment Bill 2006 (No.2)
  - Pre-natal reporting
  - Personal search and seizure scheme in youth detention

# Key Changes Care and Protection

## Chapters 14 to 23

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- Overview areas regulated
- Child Centred Practice - participation
- Improved assessment processes
- Mandatory reporting
- Improved assessment of drug use by primary caregivers





# Key Changes Care and Protection

## Chapters 14 to 23

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- Out of home care
- Out of home care standards
- Stability planning
- Protection of children exposed to domestic violence
- Improved therapeutic protection orders



# Key Changes – Criminal Justice

Chapters 5, 6, 7 and 8

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- Addressing criminal behaviour of young people
- Fundamental changes in criminal justice chapters:
  - Broader range of sentencing options
  - Enables the sentence to be tailored to the needs of young offenders
  - Improved enforcement of sentencing dispositions
  - Modernised police and court procedures



# Key Changes – Criminal Justice

## Chapter 6: Proceedings

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- Chapter 6 is essentially a modernisation of the existing procedures in the Act
- The provisions have been re-ordered in a more logical order



# Key Changes – Criminal Justice

## Chapter 7: Sentencing

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- Sentencing as a young person or as an adult? clauses 602 to 604
- Sentencing dispositions available: clause 605



# Key Changes – Criminal Justice

## Chapter 7: Sentencing options

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- Non-conviction orders
  - Enables the court to impose something upon the young person or require the person to do something without recording a conviction
  - A basic good behaviour order with supervisory conditions can be imposed as part of non-conviction
- Conviction orders
  - Encompasses the sentencing options that can be imposed following a conviction
  - Includes: Good behaviour orders; deferred sentence; suspended sentence; a fine; an accommodation order; and committal to detention



# Key Changes – Criminal Justice

## Chapter 7: Sentencing options

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- Conviction orders – special provisions for young people:
  - A penalty cannot be made that would be more onerous if an adult was being sentenced, or if the duration of the penalty would be longer than the maximum penalty of imprisonment that could have been imposed on an adult
  - The Children’s Court is prohibited from imposing adult imprisonment upon a young person
  - The Childrens Court may order against any Executive reduction of a period of commitment





# Key Changes – Criminal Justice

## Chapter 7: Sentencing options

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- Pre-sentence reports
  - Clauses 615 to 620 modernise pre-sentence reports for young people consistent with the adult scheme
  - Opportunity to consider social factors, criminogenic factors, risk, therapy treatment etc
  - Provides youth justice workers preparing reports with clear authority to obtain information from government organisations



# Key Changes – Criminal Justice

## Chapter 7: Sentencing options

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- Victims' needs
  - Clauses 621 to 629 accounts for victims' needs in the context of an offence committed by a young person
  - Enables victims, parents, close family or people close to a victim make a victim impact statement
  - The Children's Court must consider the victim impact statement in the context of the young offender principles



# Key Changes – Criminal Justice

## Chapter 7: Sentencing options

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- Bill includes provisions that enable the court to take other offences into account when sentencing.
- Bill includes a new power for the court to reconvene to correct technical errors.



# Key Changes – Criminal Justice

## Chapter 7: Sentencing options

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- Sentencing options are now specifically set out
- Sentencing options that follow the adult scheme include: Good behaviour orders; suspended sentence; deferred sentence; place restriction and non-association orders; fine orders; licence disqualification and reparation orders





# Key Changes – Criminal Justice

## Chapter 7: Sentencing options

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- Akin to the adult law, good behaviour orders are the framework for various conditions that can be set. For example, a rehabilitation condition or community service condition.
- An education and training good behaviour order is an option specific to young people, as is commitment to detention and accommodation orders.
- The prime focus of all dispositions is rehabilitation and prevention of criminal behaviour.



# Key Changes – Criminal Justice

## Chapter 7: Sentencing options

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- All orders require an explanation and notice of the order to the offender
- The Bill also enables the Court to construct a combination sentence. Essentially, it is the ability to impose a range of dispositions as a coherent package: eg 1 month committal, 1 year good behaviour order with rehab condition, plus reparation for damages.



# Key Changes – Criminal Justice

## Chapter 8: Administering Sentences

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- Timely action and real consequences to breaches of a sentence improves the rehabilitative effect of a sentence
- Chapter 8 includes statutory obligations and conditions that apply to young offenders for each sentencing disposition
- For a breach of a good behaviour order or accommodation order, the court may re-sentence the person



# Key Changes – Criminal Justice

## Chapter 8: Administering Sentences

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- For a breach of a suspended sentence the court may impose the original sentence or re-sentence the person
- For a breach of a deferred sentence, the court must sentence the person



# Key Changes Across the Bill (JACS)

## Chapters 27 and 28

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- Chapter 28 remakes the existing chapter on appeals and review
  - Appeals, merits review, judicial review
  - Value community views on this chapter
- Chapter 27 sets out search and entry powers for officers administering the Act
  - Reflects the variety of new regulatory tasks set out in the Bill
  - Relies on consent in first instance
  - Sets out obligations upon authorised officers
  - Does not displace police powers

# Key Changes Youth Detention (DHCS)

## Chapters 10 to 13

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- Human Rights Audit of Quamby Youth Detention Centre
- Informed by Corrections Management Bill 2006
- Minimum entitlements for detainees
- Rehabilitation
- Connections with community

# Key Changes Youth Detention (DHCS)

## Chapters 10 to 13

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- Managing safety and security
- Improved oversight arrangements
- Discipline scheme
- Independent Remissions Advisory Board
- Provisions commence with establishment of new youth detention centre



# Key Changes in Childcare Services

## Chapter 24

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- Removal of Approval In Principle requirements
- Standards to replace license conditions
- Reporting non-compliance to parents
- Assessment and publication of compliance with standards

# Key Changes in Employment

## Chapter 25

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- Meaning of employment
- Removal of circus work from light work
- Exemption of work experience programs
- Declaration of high risk industries





# Key Changes Across the Bill (DHCS)

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- Extending family group conferencing (ch 3)
- Improved suitability tests (ch 2)
- Research (ch 26)
- Information sharing (ch 29)
- Protection of identity in media (ch 29)



# Next Steps

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- **Contact details**

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- **8 week consultation closes 9 March 2007**



# Questions

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- Short break
- Handouts for questions
- Questions and answers posted to [www.dhcs.act.gov.au/wac/policy.htm](http://www.dhcs.act.gov.au/wac/policy.htm)