

FACT SHEET

Youth Justice Amendment Bill 2016

- Amendments to the *Youth Justice Act 1997* were recommended by the Ombudsman following his report delivered in March 2014, '*Investigation into the detention of a young person following the contravention of a supervised release order*'.
- The report contained five recommendations. Four of the recommendations have been implemented administratively by the Department of Health and Human Services, with the final recommendation requiring the following legislative amendment:
 - The amendments to the *Youth Justice Act 1997* will mean that a court will determine whether there has been a breach of a Supervised Release Order (SRO). This will allow evidence to be tested, the impacted youth will be able to answer and explain their side of the breach and an independent judicial decision will then be able to be made. The magistrate then has the power to continue with the SRO as it stands, amend or cancel the SRO. If the SRO is cancelled, the youth will be returned to custody to either spend the rest of his sentence in custody or for a period of time as determined by the magistrate. If the youth is released before the sentence is complete, the Secretary will issue a new SRO on release from custody.
 - The amendment (by the replacement of section 89) will ensure that the court, when making a sentence order, specifies the time already served on remand for the offence being tried and calculates and specifies the earliest release date. This change will mean that administrators will not be making what are in effect judicial decisions.
 - The Act requires amendment to clarify that a detention centre manager cannot refuse prescribed officers to enter a youth detention centre for prescribed purposes. This amendment, by the insertion of a section 135A, will allow a prescribed officer access to the Ashley Youth Detention Centre to perform their statutory duties. Prescribed officers can be added by regulation at a later date. It is planned that the Commissioner for Children and Young People will be prescribed by regulation in 2016.