

DRAFT SECOND READING SPEECH

HON. JACQUIE PETRUSMA MP

Youth Justice Amendment Bill 2016

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Madam Speaker, I move that the Bill be read a second time.

The Bill makes amendments to the *Youth Justice Act 1997* to change the way breaches of supervised release orders by youths are determined and administered.

As members of this Chamber would appreciate, the object of the *Youth Justice Act* is for the administration of youth justice in Tasmania; based on the principles that detention of young people should be used as a last resort and detention should apply for the shortest time necessary when used in sentencing.

These amendments to the Act derive from a report made by the Ombudsman in 2014 regarding the detention of a youth who had breached his Supervised Release Order.

The Supervised Release Order, and the processes used by the Department of Health and Human Services in determining any breach, were found to be lacking by the Ombudsman, who subsequently made a number of recommendations which included law reform.

The amendments before the House today follows the finding made by the Ombudsman and will align Tasmania's *Youth Justice Act* with the other Australian jurisdictions.

Firstly, the amendments change the way Supervised Release Orders are administered by the Department of Health and Human Services and the courts.

Under the *Youth Justice Act* a youth has a right to be released from detention after completing 50 per cent of his or her sentence.

A Supervised Release Order can be made when a youth has completed 50 per cent of his or her sentence.

Upon release, a youth is placed on a Supervised Release Order and must comply with any attached conditions.

The amendments will mean a Magistrate will now determine whether there has been a breach of a supervised release order. Accordingly, a previously administrative function will be more appropriately moved to be within the jurisdiction of the judiciary.

A youth will be warned in writing by the Department of Health and Human Services that they have breached their Supervised Release Order and that a further contravention of a condition will result in an order to appear in Court.

If an order is made, the youth will be fully informed of their rights, evidence will be tested and an independent decision can be made by the presiding magistrate.

If there has been a breach of the Supervised Release Order the magistrate has the option of allowing the Supervised Release Order to continue unchanged, amend the Supervised Release Order or cancel the Supervised Release Order entirely.

If the Supervised Release Order is cancelled, the youth will be returned to detention to either complete the rest of their sentence or given a new date for release by the magistrate.

The Bill also provides amendment to clarify when time spent remanded in custody is treated as "time served" for the purpose of calculating the earliest release date.

The changes to the Act will clarify that only the court will determine when, or which, period on remand is counted towards time served on a custodial sentence.

The court must then determine and calculate the earliest release date for the youth.

Under the Act a youth is entitled to be released from custody after serving 50 per cent of their sentence. Prior to these amendments, Department of Health and Human Services officers were required to calculate the sentences and earliest release date.

Finally, the Bill provides amendment for the purpose of clarifying that a detention centre manager cannot refuse to allow prescribed officers from entering a youth detention centre.

The main intent is to prescribe the Commissioner for Children and Young People as such an officer and to enable access to the detention centre on all reasonable terms in order to exercise his/her functions.

The role of Commissioner for Children and Young People, and any other relevant officers, will be added as a “prescribed officer” through the *Youth Justice Regulations* later in 2016.

Madam Speaker, these amendments will assist in ensuring that the future delivery of youth detention services in Tasmanian are focussed on providing a therapeutic environment for the young people in detention, and an environment conducive to changing behaviours and addressing the specific needs of the young person.

I commend the Bill to the House.