

## Significant Policy Moments: New South Wales 2003-2015

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### 2003

#### – *Bail Amendment Act 2003*

Introduced sections 9C, 9D – bail for murder and repeat serious personal violence offences only in exceptional circumstances; qualified matters to be taken into account per s 32(6); and provided that bail may be stayed until s 25A.

#### – *Bail Amendment (Firearms and Property Offences) Act 2003*

Introduced sections 8B, 8C – presumption against bail for serious firearm offences, and for any person accused of 2 property offences within 2 years. Section 17 prevents police from granting bail if arrested pursuant to a warrant to bring person before the court for sentencing, other than in exceptional circumstances. Also amends sections 40, 53AA, 53DA, 63.

#### – *Responsibility for health services transferred*

In February 2003 the administration and delivery of health services to young people in detention was transferred from the Department of Juvenile Justice to the Corrections Health Service, a division of the Department of Health.

#### – *Two Ways Together 2003-2012, NSW Aboriginal Affairs Plan*

Introduced as a whole-of-government framework to improve the wellbeing of Aboriginal people and to develop partnerships between Aboriginal people of NSW and government. One of the 7 priority areas is Justice; which includes a focus on juvenile justice detention rates, and juvenile diversions as a proportion of all juvenile offenders.

#### – *NSW Young People in Custody Health Survey*

The study consisted of 242 young people in custody of whom 92% were male and 8% were female. This represented 76% of all available young people in custody (sentenced and unsentenced). The sample included 102 (42%) young Aboriginal people. Found that “across several indicators linked to social inequity, many young people in custody have characteristics suggesting highly unstable backgrounds” (p 13). Reviewed physical and mental health, revealing that “88% (158) of the young people in custody reported mild, moderate or severe symptoms consistent with a clinical disorder.” The study also surveyed educational achievement, risk behaviours, self harm attempts and health service utilisation.

#### – *Redevelopment of juvenile justice centres*

Major redevelopments began at Cobham Juvenile Justice Centre and Reiby Juvenile Justice Centre. Preparations were also completed for construction of a facility for young women, on the site of the former Minda Juvenile Justice Centre. The new facility will replace Yasmar Juvenile Justice Centre.

#### – *Department of Juvenile Justice Case Management Policy*

Detailed the principles and context of case management in juvenile justice centres and in the community. Identified the intended outcomes of case management practice: offender focused casework, participation, strength building and evidence based practice. Provided a case management model detailing each stage in the process, with guidance around case conferencing, case planning and community case management as well as identifying practice issues.

### 2004

– *Juvenile Offenders Legislation Amendment Act 2004*

The Act provides administrative arrangements that govern the operation of the Kariong centre. The Act redefined Kariong as a 'juvenile correctional centre.' Also created new category of detainees: a 'juvenile inmate' – an inmate who is under the age of 21 years; as well as a new definition of 'older detainee' - a detainee who is or above the age of 16 years. Affects the movement of older detainees from the juvenile justice system into the adult correctional system. The Act amended the *Children (Detention Centres) Act 1987*, the *Children (Criminal Proceedings) Act 1987* and the *Crimes (Administration of Sentences) Act 1999*.

– *Children (Detention Centres) Amendment Act 2004*

Inserted s 42A providing that a child who is arrested or apprehended under s 50(1) *Bail Act 1978* and detained before court, must be detained in a detention centre rather than a police station, unless it is impracticable.

– *Young Offenders Regulation 2004*

Came into force September 2004. Regulated warnings, cautions and youth justice conferences under the Act.

– *NSW Aboriginal Justice Plan Beyond Justice 2004-2014, NSW Aboriginal Justice Advisory Council*

The overarching aims are to reduce Aboriginal peoples contact with the criminal justice system, improve the quality of services for Aboriginal people and develop safer communities. Relevant objectives include to provide "Aboriginal children with the best start in life by supporting their early childhood development, growth and schooling and giving attention to needs of their carers and families"; and to "build the skill, capacity, self worth and resilience of Aboriginal young people to create healthy young individuals". Strategic Action 5 within this direction is to "reduce the over-representation of young Aboriginal people in the criminal justice system;" and to "examine options for Aboriginal community-based sanctions for young Aboriginal people who commit criminal offences; improve Aboriginal young people's knowledge of their rights to services, particularly in relation to contact with the police; develop Aboriginal crime prevention strategies that specifically provide for young Aboriginal people; consider community-based policing programs to provide Aboriginal young people with full access to all interventions under the *Young Offenders Act*; examine options for community-based and operated programs that aim to provide new sentencing options as alternatives to custody; ensure access to sexual assault counselling services for young Aboriginal people held in detention centres; analyse educational and training needs of Aboriginal young people in detention; conduct ongoing yearly reviews of services to young Aboriginal people in detention; examine family and community-based bail support and accommodation mechanisms and programs; consider introducing specific transitional programs for young Aboriginal people in the criminal justice system to facilitate their return to their community as well as access to education and training; and improve access to services for young Aboriginal people who are victims of crime, specifically violent crime." Strategic Direction 5 is focused on the criminal justice system with the objective of creating "a justice system that openly engages Aboriginal communities to reduce offending and the over-representation of Aboriginal people and responds to the needs of Aboriginal communities." Whilst all of the stated actions within this direction are relevant, strategic action 4 is specific to juveniles: "Address the needs of Aboriginal juveniles in detention centres." The actions included in this are: "Develop culturally based programs and program delivery models that address the criminal, behavioural, social and emotional needs of juveniles in detention centres through Aboriginal

engagement and remuneration. Review transportation policies for remanded juveniles appearing in court. Continue to review the use of detention centres for young Aboriginal people and explore alternatives to both custody and remand.”

– *DJJ Disability Action Plan 2004-2006*

Focused on increasing the disability competence and confidence of DJJ staff and ensuring better supports for young people with disabilities in contact with the juvenile justice system. A later 2007-2011 Disability Action Plan identified this Plan’s achievements to include: Development of materials to assist convenors identify participants in youth justice conferences who may have disabilities; approval for the Checklist for Additional Support Needs in Youth Justice Conferencing to be rolled out to YJC operations across NSW; the cross-agency Orana Joint Case Management Project targeting 4 Aboriginal young people who presented with a range of issues including intellectual disabilities, mental illness and physical health problems; the availability of Accesslink and other disability resources; links with external agencies and advocacy groups; and participation in DADHC’s Intellectual Disability & Criminal Justice Senior Officers’ Group with development of a key project under this auspice.

– *Transfer of responsibility for Kariong Juvenile Justice Centre*

Responsibility for Kariong Juvenile Justice Centre was transferred to the Department of Corrective Services on 10 November 2004.

– *Discussion paper released on the community services sector*

In December 2004 DJJ released a discussion paper in consultation for the Community Integration Project. The stated goal was to improve service delivery to young people being supervised in the community and to assist young people to access health services in the community on release from custody.

– *Intensive Court Supervision Scheme in Brewarrina*

This scheme was trialed in Brewarrina with a juvenile justice officer providing intensive supervision to young people in the area who would have otherwise been likely to receive a control order. Joint project of DJJ and AGD; arose out of recommendations of the 2003 Alcohol Summit.

– *Juvenile Justice Centre Release Treatment Scheme*

This was a pilot project developed by DJJ and Justice Health in the Dubbo area. The scheme aimed to ensure that young people were immediately connected to health services on release from custody. This extended to mental health and alcohol and other drug treatment services.

## 2005

– *Law Enforcement Legislation Amendment (Public Safety) Act 2005*

Provided police with special powers to prevent or control public disorders. Amended *Crimes Act 1900* and *Bail Act 1978* (introduced s 8D presumption against bail for offences committed in the course of riots or other civil disturbances).

– *Children (Detention Centres) Regulation 2005*

Replaced the *Children (Detention Centres) Regulation 2000* and came into effect on 1 September 2005.

– *Children (Criminal Proceedings) Regulation 2005*

Replaced the *Children (Criminal Proceedings) Regulation 2000* and came into effect on 1 September 2005.

– *NSW Ombudsman Review of the Children (Criminal Proceedings) Amendment (Adult Detainees) Act 2001*

The objective of the Act is to limit the age to which serious offenders are able to remain in juvenile detention (to 21 years and 6 months). The NSW Ombudsman released a discussion paper calling for submissions in 2004. The subsequent 2005 report found that the Act does not seem to be achieving the objective of separating young adults from juveniles, as the number of persons aged over 18 years in juvenile custody had increased since the Act's commencement. The report made 8 recommendations including: (1) amendment of legislation to require judges to provide reasons for finding/declining to find special circumstances or making time limited s 19 orders; (2) review of DJJ policy on not making recommendations in pre-sentence reports regarding special circumstances; (3) legislative amendment providing a s 19 order may be stayed pending outcome of a sentence appeal; (4) independent review of s 28; and recommendations regarding specific programming.

– *NSW Legislative Council Select Committee on Juvenile Offenders: Inquiry into Juvenile Offenders*

The Committee was established to review the provisions of the *Juvenile Offenders Legislation Amendment Act 2004* and the transfer of Kariong to the Department of Corrective Services. The Committee stated that they were “not satisfied by the reasons given for the transfer and on this basis it is hard not to see this decision as an exaggerated response to negative media coverage of incidents at Kariong” (p. 149) The Committee also noted the lack of consultation regarding the move. The Committee nevertheless found that Kariong was running effectively under DCS administration (p. 150) and that it would be counter-productive in the short term to return its management to DJJ. Given reasons for this included DJJ's consistent failure to implement recommendations for reform at Kariong, lack of evidence of long-term negative impact on juvenile offenders at Kariong, and that it would be too soon for detainees to undergo another substantial change. The report made 26 recommendations dealing with legislative, policy and operational issues.

– *Auditor General's Performance Audit: Managing and Measuring Success - NSW Department of Juvenile Justice*

The Audit highlighted areas of the Department's administration that needed improvement, including measuring performance, interagency data sharing arrangements, consistency and quality of case plans, and the need to conduct evaluations of interventions.

– *Judicial Commission Report: The nexus between sentencing and rehabilitation in the Children's Court of NSW*

Explored the means available to the Children's Court to facilitate rehabilitation through the sentencing process. Reviewed the history of sentencing in the Court, rehabilitation in the 1987 legislation, the *Young Offenders Act 1997*, the Youth Drug Court and rehabilitation in sentencing practice. Concluded that although limited, the Court has considerable scope to address rehabilitation at sentence.

– *NSWLRC Report 104: Young Offenders*

Examined the *Young Offenders Act 1997* (YOA) and the *Children (Criminal Proceedings) Act 1987*. Expressed concern that legislation increasing police powers threatens the diversionary aims of the YOA. The Commission concluded that the only reason why an offence should, in principle, be excluded from the operation of the YOA is that it is so serious that, even in the case of a young offender, it cannot appropriately be dealt with by a diversionary option. Considered the particular

problems that arise in sentencing young offenders convicted of serious offences. Recommended that the Children's Court be strengthened by appointing a District Court judge, who would be primarily responsible for the appointment of Children's Magistrates. Also recommended that the Children's Court should consider initiating a rural circuit so that the benefits of a specialist jurisdiction are made available in country areas of NSW. The Commission recommended that the *Bail Act 1978* be amended to identify separate criteria to be applied to young people; and that the presumption against bail for certain repeat offenders should not apply to young people.

– *Development of Juniperina Juvenile Justice Centre for Young Women*

Juniperina was completed in mid-2005, at a cost of \$30.6m. Additional work was done on outdoor areas in 2005-2006.

– *Re-development of Reiby JJC*

DJJ committed \$24.3m to the re-development of the Reiby Juvenile Justice Centre in 2005-2006.

– *Upgrade to security at juvenile justice centres*

As part of a 4-year program, \$2.354m was allocated in 2005-2006 to upgrade CCTV and fence security at juvenile justice centres across the state. This included additional cameras at Juniperina, Keelong, Orana and Reiby Juvenile Justice Centres.

– *Youth Justice Conference (YJC) office opened in Broken Hill*

A new YJC office opened in Broken Hill in June 2005. This office is responsible for conferences in the Barrier Police Local Area Command (LAC) and about half of the Deniliquin LAC, previously the responsibility of the Dubbo (Western NSW) YJC area and the Riverina Murray areas.

– *Implementation of the Objective Classification System (OCS)*

Implemented by DJJ in January 2005, the OCS provides a framework for the classification of detainees based on established criteria, with provision for case management and programming.

– *Trial of Massachusetts Youth Screening Instrument – 2<sup>nd</sup> version*

The MAYSI-2 was trialed and introduced in May 2005 to screen for potential mental health, behavioural and substance use problems in young people in custody.

– *BOCSAR report, 'The transition from juvenile to adult criminal careers'*

Shuling Chen, Tania Matruglio, Don Weatherburn & Jiuzhao Hua, *Contemporary Issues in Crime and Justice*, no. 86.

This study reviewed offending patterns of young people who appeared in a NSW Children's Court in 1995, for the following 8 years. The research found that 68% of those young people appeared in a NSW criminal court in the eight-year follow-up period. There were noted differences according to Indigenous status, gender and age of offenders. The report highlighted early intervention as a primary policy implication arising from the study and a need for further research into juvenile offending.

– *Children (Detention Centres) Amendment Act 2006*

The Act extended responses to disturbances in detention centres; provided for screening of visitors and staff; enabled testing of staff and detainees for drugs and alcohol; and extended the Department's capacity to deal with and punish misbehaviour of detainees.

– *NSW State Plan: A New Direction for NSW*

Set priorities and targets for government services in NSW. DJJ was a key partner on 3 priorities: Reduced rates of crime, particularly violent crime; reduced re-offending; and reduced levels of antisocial behaviour.

– *NSW Young People on Community Orders Health Survey 2003-2006*

Kenny, D, Nelson, P, Butler, T, Lennings, C. Allerton, M, & Champion, U  
University of Sydney.

The survey explored offenders' social and family backgrounds; intellectual functioning and educational achievement; and physical and mental health. The sample comprised 802 young people, 85% males and 15% females; comparable to the total population on community orders during the study period. The sample included 153 (20%) young Aboriginal and Torres Strait Islander people, who comprised 34% of young offenders on community orders during the study period (p. 9). The report indicated that young people on community orders have a wide range of health and welfare needs. There were "significant commonalities between young offenders in custody and those serving community orders. Both groups experienced severely disadvantaged backgrounds, characterised by poor physical and mental health, limited educational attainment, disrupted and dysfunctional families, abuse of alcohol and other drugs, risky sex and other risk-taking behaviours" (p. 5).

– *NSW Government response to the Select Committee on the Inquiry into Juvenile Offenders*

Reflected on the success of the Kariong transfer, as having resolved the problem of detainee misbehavior at Kariong and acted as a deterrent for poor behaviour at other centres. Proceeded to outline the NSW Government's response to the recommendations made by the Committee in 2005.

– *Evaluation of the Aboriginal Over-Representation Strategy*

Chris Cunneen, Garth Luke & Nina Ralph, Institute of Criminology, University of Sydney Law School.

The Aboriginal Over-Representation Strategic Plan (AORSP) was released in 2001 with the aim of reducing the number of Aboriginal young people under the supervision of DJJ, particularly in custody. This evaluation reviewed the progress of AORSP outcomes and found that the AORSP "existed without resources to implement the strategy." Many of the strategies were considered sound, however a more specific policy framework was found to be necessary, with committed resources to ensure implementation. The report recommended development of a new Aboriginal Strategic Plan, alongside the establishment of an inter-developmental monitoring committee. The report made 19 recommendations relating to monitoring; cultural awareness; mentoring; specialist programs and Aboriginal programs; police interventions; court appearances and outcomes; reoffending; and remand.

– *DJJ Formal response to the Final Evaluation of the Aboriginal Over-representation Strategic Plan*

The Department accepted (or partially accepted) approximately 2/3 of the recommendations. The response referred to a new departmental policy framework

being planned and noted that “many of the recommendations are in accord with the new direction being taken by the Department. Even those findings which are not accepted, have been useful in stimulating debate about the Department and its role in the wider criminal justice system.”

– *Departmental restructure of community services division*

In 2006/2007 the Department completed a redefinition and restructure of its community services operation as part of the Community Integration Project (CIP). The CIP was an extensive multi-faceted review of the Department’s community services operation, which had been in the planning stages since late 2004. The CIP encompassed improvements to the staffing structure and the development of a risk-based model of practice. The Project also focused on extending staff competencies in the areas of assessment, delivery of programs and working more effectively with families.

– *Renovated Reiby Juvenile Justice Centre opened*

The renovated Reiby Juvenile Justice Centre opened in May 2006. The \$24m redevelopment increased bed capacity to 60 beds and included the building of 3 new accommodation units; an admissions area; nurses’ clinic and specialist staff offices.

– *Commencement of camera installation upgrade at Baxter Juvenile Justice Centre*

An \$825,000 camera installation and upgrade program commenced at Baxter JJC.

– *YJC scoping project on participants with disabilities*

Screening was completed between October 2004 and August 2005 for young people referred to a YJC, to identify whether they may have an intellectual disability. The project identified a number of young people with a range of disabilities that might affect their ability to communicate effectively at a conference. A further study was undertaken during 2006-07 to examine the experiences of the conferencing process for both victims and young people with a disability, with a wider focus on the range of disabilities identified in the earlier study.

– *Step Out From the Shadows program*

In 2006/2007 DJJ piloted the Step Out From The Shadows alcohol and other drugs program designed specifically for young Aboriginal offenders.

– *Anti-Social Behaviour Pilot Project and Crime Prevention Partnerships Program*

During 2006-07, DJJ was involved in the trial of both of these projects. The ASB Pilot Project was a multi- agency, early intervention program with children and young people under 25 years who were identified as being at risk of causing harm to themselves or others. The project was piloted in eight areas in NSW. The CPP program aimed to facilitate inter-governmental collaboration and the development of local strategies to reduce the incidence of assault and other crimes in public places.

## **2007**

– *Bail Amendment Act 2007*

Inserted new section 22A to restrict second bail applications. The provision provides that the Court is to refuse an application for bail if the application has already been dealt with. Exceptions include if the person was not legally represented or if new

facts or circumstances have arisen. Extended 8B presumption against bail and ensured provisions for repeat offenders in section 9D.

- *Law Enforcement (Powers and Responsibilities) Amendment Act 2007*

Amended ancillary search powers, exercise of powers at crime scenes and search warrant provisions.

- *Mental Health Act 2007 (NSW)*

Replaced the *Mental Health Act 1990*. Applies to both adults and children. Expanded the definition of mental illness but excluded developmental delay (s. 16); revised the operation of the Mental Health Review; and expanded Legal Aid services to include eligible persons who are patients within the meaning of the Act.

- *Children (Detention Centres) Amendment Regulation 2007*

Made provisions with respect to surrendered property, segregation of detainees, preparation of case plans for detainees, visits to detention centres, conduct of searches on visitors, regulation of telephone calls, rights to day and overnight leave, testing of detainees for drugs and alcohol, definition and procedures for dealing with misbehavior, testing of JJ officers for drugs and alcohol and the role of Justice Health.

- *Review of the New South Wales Forensic Mental Health Legislation, Department of Health*

Initiated partly in response to the case of Kylie Fitter (R v KHF [2002] NSWSC 737). The review recommended the removal of the policy of executive discretion in decision-making responsibility over forensic patients and a continuous monitoring system operated by a Special Forensic Division of the Mental Health Review Tribunal. The report also recommended development of specific proposals for forensic patients with intellectual disability; an inquiry into criminal law and procedure applying to people with cognitive and mental health impairments; and conceptual review of mental illness, mental condition, intellectual disability and unfitness for trial used in the law generally and in forensic mental health legislation. The consultation paper written by the Hon Greg James QC noted that the forensic mental health legislation does not make any specific provision for forensic patients under the age of 18 years, and that there is a general lack of information regarding the position of juveniles within the forensic mental health system (see 3.21).

- *A New Direction for Justice Health: Health Service Strategic Plan towards 2010*

Aspects relevant to juvenile justice include the challenge of providing health services for an increasing number of young people in custody, and emerging mental illness in young people who come into contact with the criminal justice system. The Plan included building on the Juvenile Justice Centre Release Treatment Scheme pilot. Other aims included improved access to mental health professionals in juvenile justice centres; and improved follow up in the community of: young people 'at risk' of mental illness identified in juvenile justice centres and detention centres, young people with drug and alcohol problems and mental illness, and for those with complex physical health presentations.

- *Department of Juvenile Justice Disability Action Plan 2007-2011*

Set out DJJ's response to the *State Plan, A New Direction for NSW 2006*. Recognised detention is an ineffective and costly strategy. Included a commitment to assess young people entering the justice system to identify those with disabilities; develop individual case plans to address offending-related needs; provide services



and programs responsive to young offenders with disabilities; provide support and referrals in the community and on discharge from custody; and work in collaboration with other relevant agencies. The Plan identified 4 main outcome areas: (1) Identifying and removing barriers to services for young offenders with a disability; (2) Providing information and services in a range of formats that are accessible to people with a disability; (3) Making government buildings and facilities physically accessible to people with a disability; (4) Assisting people with a disability to participate in public consultations, and to apply for and participate in government advisory boards and committees.

– *NSW Department of Juvenile Justice Corporate Plan 2007-2011*

Included 4 key outcome areas: corporate capacity, youth justice conferencing, community-based services and custodial services. Each area had corresponding strategies. Intended outcomes relevant to YJC included reduction in the proportion of participants who reoffend, increased involvement of victims, and an increase in the proportion of offenders eligible to participate, especially Aboriginal offenders. Community-based services intended outcomes involved a reduction of reoffending, increase in completions, identification and appropriate management or diversion of young offenders with mental health and disabilities, and an increased proportion of young people suitable for bail released on remand at the earliest opportunity. Custodial services' outcomes were reduction in young people sentenced to custody, increased safety and security for custodial staff and detainees, new and refurbished juvenile justice centres, reduced transport costs and improved environmental management practices.

– *Auditor General Performance Audit: Addressing the Needs of Young Offenders*

Recommended a stronger focus on early intervention and diversion, highlighting the need to identify offenders earlier. Recommendations included implementation of a checklist to identify needs of young offenders who receive cautions or participate in youth justice conferences; implement a process for referrals of young offenders who receive cautions to address their needs and to provide follow up on these referrals; conduct a review of the ISP multi-systemic therapy program; address cross-agency issues; improve monitoring of results and reporting of trends; and that the police adopt the State Plan Target to reduce reoffending by 10%.

– *Interagency Action Plan for Better Mental Health (2007)*

Identified poor communication between criminal justice and human service agencies as prohibiting effective service delivery to people with mental health disorders and cognitive disabilities. The plan focused on facilitating inter-agency liaison and collaboration. Recognised Juvenile Justice's role in prevention, early intervention and community support services. Relevant priorities were to expand the School-Link training program to include Juvenile Justice psychologists/counselors; and to extend the implementation of evidence-based prevention programs to juvenile justice centres.

– *New Use of Force Procedure*

Policy internal to DJJ, trialed in 2007 in juvenile justice centres. Designed to assist staff to manage detainees with difficult behaviours.

– *Youth Pathways to Education, Employment and Training (YPEET)*

Developed in 2007, the program was a local partnership between TAFE Outreach (Petersham) and the Juvenile Justice Community Services office. YPEET was developed as an educational-based program for young people who had disengaged

from the mainstream educational system and were supervised within the community by DJJ.

## 2008

- *Mental Health Legislation Amendment (Forensic Provisions) Act 2008 (NSW)*  
Renamed and amended the *Mental Health (Criminal Procedure) Act 1990* as the *Mental Health (Forensic Provisions) Act 1990*. It also amended the *Mental Health Act 2007*. The Act deals with the care, treatment, control and release of forensic patients and patients transferred from correctional centres; and with the functions of the Mental Health Review Tribunal. The main change to the Act was the transfer to the Tribunal of decision-making responsibility over forensic patients (and removal of executive discretion). The Tribunal is able to make orders for the detention, care and treatment of forensic patients, including orders for release.

- *Children (Detention Centres) Amendment Act 2008*  
Further restricted times of participation in sports and leisure activities and gave staff increased power to respond to difficult behaviour. Division 1 of the amendment was later proclaimed on 13 February 2009, with the effect that any detainee over 18 years is not to be admitted into a juvenile justice centre if arrested pursuant to certain warrants.

- *Graffiti Control Act 2008*  
Criminalised graffiti related offences, some specific to persons under 18.

- *Children (Criminal Proceedings) Amendment Act 2008*  
Amended definitions; required the Court to explain proceedings to a child; restricted Court's power to direct persons over 18 years to serve detention as juvenile offenders in absence of special circumstances; and amended s 33 penalties available to the Children's Court. Also amended *Children (Community Service Orders) Act 1987* in Schedule 2.

- *Children (Criminal Proceedings) Amendment (Youth Conduct Orders) Act 2008*  
Amended the *Children (Criminal Proceedings) Act 1987* and the *Children (Criminal Proceedings) Regulation 2005* to provide for the establishment of a youth conduct order scheme for dealing with children who have been charged with (or pleaded guilty, to or been found guilty of) offences covered by the YOA; but for whom the diversionary scheme under the YOA is not appropriate.

- *Report of the Special Commission of Inquiry into Child Protection Services in NSW 2008*  
Aspects directly relevant to juvenile justice included creation of a Unit within DJJ (and other agencies) to advise staff on whether a report should be made to DoCS; mandatory reporting; extension of the e-reporting trial to juvenile justice; and an increased focus on working collaboratively across agencies. The Inquiry specifically commented on child protection and the criminal justice system, recommending (recomm 15.1) that "an after hours bail placement service should be established by the Department of Juvenile Justice similar to the Victorian Central After Hours and Bail Placement Service, that is available to young people aged between 10 and 18 years, who are at risk of being remanded in custody, or who require bail accommodation; similar to the Queensland Conditional Bail and Youth Program Accommodation Support Service."

- *Intensive Supervision Program (ISP) commenced*

Launched in May 2008, in Newcastle and Western Sydney for a 4-year period with funding of \$5.5m. The program was based on the multisystemic therapy model that delivered significant reductions in the long-term rates of reoffending in Western Australia and internationally. The program was aimed at juveniles who commit serious and/or repeat offences, or whose severe antisocial behaviour increases their likelihood of offending. The program deals with behavioural problems specific to the young offender, and assists in tackling underlying problems within family frameworks as well as disadvantage in the wider community.

- *Pilot of Comprehensive Assessment Format (CAF) tool*

CAF is an assessment tool used to collect information about the young person and their family, to then target interventions to reduce offending. Was trialed in the Metropolitan; Southern; and Central Coast and Northern regions and was due to be evaluated in February 2009.

- *Creation of Community Integration Team (CIT), Justice Health*

CIT was established in May 2008 as a result of a previous pilot program, the Juvenile Justice Centre Release Treatment Scheme conducted in the Dubbo (Orana) NSW region. The program targeted young people being released from custody who have a mental illness and/or problematic drug and alcohol use or dependence. Care was coordinated prior to and during the critical post-release period with links made to appropriate specialist and generalist community services. In 2009-2010 the program was expanded to Grafton, Kempsey, Bourke, Broken Hill, Penrith, Fairfield, Dubbo, Orange, Wagga Wagga, Gosford and Sydney.

## 2009

- *Children (Criminal Proceedings) Amendment (Naming Of Children) Act 2009*

Inserted Division 3A prohibiting the publishing and broadcasting of names (with exceptions).

- *Graffiti Control Amendment Act 2009*

Added part 3A providing for the Court to order community clean up orders, applicable to child offenders.

- *Law Enforcement (Powers and Responsibilities) Amendment (Search Powers) Act 2009*

Extended police search powers under LEPPRA.

- *Children (Detention Centres) Amendment Regulation 2009*

Amended time frames to assess detainee progress and suitability for outings and different leave types. Replaced provisions that prescribe the circumstances in which a detainee is eligible for leave, made detainees who are being held for less serious offences eligible for leave earlier. Also provided that the Director-General may grant leave to a detainee at any time if satisfied that exceptional circumstances justify the grant of leave.

- *Bail Amendment (Authorised Justice) Regulation 2009*

Authorised Juvenile Justice Centre managers and assistant managers to sign and exercise functions related to bail undertakings.

- *Young Offenders Amendment (Graffiti Offenders) Regulations 2009*

Mandated outcomes for graffiti offenders. As a result, YJCs for graffiti-related offences require young offenders to agree to either clean up graffiti or perform other community service work; pay compensation to the victim; or participate in training or education programs.

– *Departmental changes*

Juvenile Justice was amalgamated with other agencies to form the Department of Human Services in June 2009.

– *Youth Conduct Order (YCO) Pilot Scheme*

The YCO scheme started on 1 July 2009 as a 2 year pilot in three locations (Campbelltown, Mount Druitt and New England). The scheme targets young people aged 14–18 who have been charged with, or convicted of, antisocial offences, and aims to reduce their antisocial behaviour. The scheme provides intensive case management to deal with the cause of the offender's antisocial behaviour. Youth Conduct Orders can direct young people to perform certain tasks or activities to help reduce their risk of offending, such as participating in education or employment, or in a range of programs such as alcohol and drug counselling or anger management. YCOs can also restrict the young person from visiting specified places, being in the company of a particular person, and engaging in behaviour that may cause harassment, alarm or distress.

– *NSW Young People in Custody Health Survey*

A total of 361 young people participated in the survey, which represented 80% of all young people in custody. The sample was 88% male and 48% of Aboriginal origin, with an average age of 17 years. The baseline survey included a health questionnaire, physical health examination (including blood and urine tests), dental examination, offending behaviour and psychological assessment. The study also included follow up surveys and data linkage. The study found that “young people in custody experience multiple health problems, including mental illness and drug and alcohol abuse. Their poorer health and risk-taking behaviours mean that for these young people, there is an increased likelihood of developing chronic diseases. Improving their health status is challenging. A significant proportion of young people in custody have parents with a history of incarceration, drug and alcohol dependence and low socio-economic status. Childhood abuse and neglect limits psycho-social development, and contributes to higher rates of mental illness, drug and alcohol abuse, early school leaving and anti-social behaviour. These factors result in social exclusion. Many of these social determinants, health problems and risk behaviours are significantly worse for Aboriginal young people in custody” (p. 15).

– *UnitingCare Burnside Report: Releasing the pressure on remand: Bail support solutions for children and young people in NSW*

Developed in response to the Roundtable on Keeping Children and Young People out of Remand that was convened NCOSS on 26 March 2009. The paper reviewed the current situation and gaps in services; and made recommendations to implement the Residential Bail Support Program; amend the *Bail Act 1978* to ensure that children and young people are exempt from Section 22A; increase the resourcing of early intervention programs for children and young people at risk of entering the juvenile justice system; implement mandated, before-court support for all children and young people who are charged with a criminal offence; and to change court processes to ensure that a lack of accommodation is not sufficient reason to refuse bail to a child or young person.

– *New unit at Orana JJC*

In August 2009, Orana Juvenile Justice Centre opened a new 15-bed unit, Talbragar, with a courtyard and two classrooms for 12 students.

– *Changing Habits and Reaching Targets (CHART)*

CHART is a CBT intervention designed for caseworkers to engage with young people who require moderate to high intervention to reduce their risk of offending. Designed in Victoria, CHART was implemented in NSW in late 2009. Became the dominant method of casework in 2011.

– *The Safe Aboriginal Youth Program (SAY)*

SAY was established in 2009 after a review of the former Aboriginal Community Patrols program. The SAY program included a Safe Aboriginal Youth Patrol and a Safe Aboriginal Youth Activity program. Program funding was provided to non-government organisations in identified priority communities, for up to 4 years. The Patrol was a safe transport and outreach service for young people on the streets late at night. The Safe Aboriginal Youth activity model provided supervised recreational and structured activities as well as access to food for young people. The aim was to engage young people in safe and supportive activities especially on Friday/Saturday/peak nights during school holidays. (DJAG Aboriginal Programs Unit factsheet 2010).

– *Dthina Yuwali introduced*

This group work program was developed and started in April 2009 for Aboriginal young people with substance-related offending.

## 2010

– *Young Offenders Regulation 2010*

Replaced the YOR 2004, came into effect 1 September 2010.

– *Strategic Review of the NSW Juvenile Justice System: Report for the Minister for Juvenile Justice (Noetic Solutions)*

The Review emphasised that children and young peoples are different to adults and that their needs require separate consideration. Recommended an approach that recognises rehabilitation and diversion as underpinning juvenile justice. The Report made 77 recommendations, and offered 3 strategic choices for consideration: (1) Continue on the same path; (2) Less cost and some better outcomes; (3) A change in thinking – justice reinvestment. The Review recommended the third option because it provides long term, tangible benefits in reduced crime rates and cost savings (para 23). The Review noted increasing use of control orders and remand, in contradiction with the evidence that detention does not deter or reduce re-offending (para 18). Highlighted legislation aimed at adults that has unintended consequences for young people (3). Other recommendations included: development of an overarching strategy setting out the philosophical approach, long-term goals and bringing together of services and programs (para 15); improvement in area of police diversionary options; significant change in delivery of reintegration services, by providing services on a voluntary basis beyond a court ordered mandate (para 20); and specific recommendations to address the over-representation of Indigenous young people and young people with intellectual disabilities.

The *Government response to NSW Juvenile Justice Review* reviewed the recommendations individually (and not according to the 3 specific options proposed). The Government acknowledged the rising numbers of young people in contact with the criminal justice system, and the specific over-representation of Aboriginal young people; and expressed a commitment to prevention and early intervention.

– *DHS Juvenile Justice Corporate Plan 2010 - 2013*

The stated purpose is to “provide services to young offenders to decrease their reoffending and increase their capacity to successfully reintegrate into their communities.” Highlighted key areas of transition from juvenile justice; youth justice conferencing; community based services; custodial services and corporate capacity.

– *Pre-release ‘Waratah’ unit at Reiby JJC*

In late 2010 DJJ opened a pre-release unit to prepare young people for their release back into the community. The unit facilitated young people to attend external community locations, such as TAFE and employment services, and to undertake community work.

– *New unit at Acmena JJC*

In 2010/11 a new 15 bed unit opened with 2 new classrooms.

– *Extension of Youth Conduct Orders pilot*

The scheme was extended to 3 years, finishing on 30 June 2012.

– *NSWLRC, Young People with Cognitive and Mental Health Impairments in the Criminal Justice System (Consultation Paper 11)*

Called for submissions on questions regarding bail, apprehended violence orders, diversion, fitness and the defence of mental illness, and sentencing. Intended to provide contextual information on why young people with cognitive and mental health impairments in the criminal justice system have different qualities and needs from adults.

– *Youth Justice Coalition Report Bail me out: NSW young offenders and bail*

Reviewed a study of young people appearing in the Children’s Court at Parramatta. Explored bail conditions imposed on young people; technical breaches and police practices; zero tolerance; bail; and homelessness. Found that if young people were granted bail with conditions, there were usually more than 3 conditions, which were often difficult for young people to understand. The types of bail conditions imposed also put families under stress. Found that if young people granted bail were assisted to meet their bail conditions (e.g. having adequate accommodation available), it could save up to \$5m per year. Made 4 recommendations with underpinning strategies, based on the study findings and case studies.

– *Bail Assistance Line*

Established in 2009/10 as part of the Keep Them Safe Strategy following the Wood Inquiry into Child Protection Services. This after-hours service aims to prevent young offenders entering custody when they cannot meet bail conditions because of travel, accommodation or lack of supervision. The pilot began in Dubbo in June 2010 and was due to be extended to Western Sydney and the Hunter in July 2010.

– *Detainee Behaviour Intervention Framework*

Implementation commenced in 2009/10 and was completed during 2010/11. The incentive scheme, which involves a weekly client assessment, provides consistency across all centres in detainee case-management interventions, by standardising incentives for detainees who meet casework targets and behaviour goals.

- *Tribal Warriors Mentoring Pilot Program*

The 6-week program was trialed at Cobham Juvenile Justice Centre for young Aboriginal men, with support from Aboriginal mentors and local police. The program included both fitness and mentoring sessions, similar to those run in Redfern at NCIE.

- *Supported accommodation tenders*

Contracts to provide supported accommodation were awarded to Catholic Care in south west Sydney; Homelessness Assistance Youth Service, YP Space MNC and Northern Rivers Social Development Council for mid- and far-north coast services; and Mission Australia for the Riverina Murray region.

- *Post Release Support Program (PRSP)*

The Department funded non-government organisations to provide post-release support in a range of areas including accommodation, employment, training and education, income, recreation, and issues around family or relationships and peer association.

- *National Association for Prevention of Child Abuse and Neglect (NAPCAN) training in juvenile justice centres*

In 2010-2011 Juvenile Justice trained staff and community partners and commenced NAPCAN programs with young people in Cobham, Emu Plains and Riverina juvenile justice centres. The intention was for all young people admitted to juvenile justice centres and on community-based orders to partake in a program on personal safety and protective behaviours.

- *Cognitive Self Change Program*

Originally trialed in Fairfield in the first half of 2010, later pilots also commenced in Blacktown and Gosford. Intended to be expanded to Reiby JJC in 2011-2012. The program is group based and teaches participants to monitor their own thinking, identify what underpins their violence and crime, develop alternative thinking and to practice this in real-life situations.

- *Community Clean Up Orders Scheme*

Young people convicted for graffiti offences can be directed by a court to perform community clean up work instead of paying a fine. JJ was allocated \$1.9m for 4 years from July 2010 to implement the scheme.

- *Revision of Our Journey to Respect*

The program was developed in 2000 as an inter-generational violence prevention program aimed at reducing the incidence of violence against older people. The program was revised in 2010/11 as a tertiary violence prevention package aimed at motivating young people to make changes to violent behaviours, educating young people about behaviours that are a crime, and providing skill development/practiced learning in non-violent strategies. Three pilots were conducted in 2010/11 in Frank Baxter and Riverina Juvenile Justice Centres and at Emerton Youth Centre.

## 2011

- *Children (Criminal Proceedings) Regulation 2011*

Replaced the *Children (Criminal Proceedings) Regulation 2005*.

- *Departmental changes*

Responsibility for juvenile justice transferred to the Department of Attorney General and Justice in April 2011.

- *DAGJ Review of the Young Offenders Act 1997 and the Children (Criminal Proceedings) Act*

The aim of the review was to consider whether the objectives and principles of the Acts remain valid and appropriate; to consider their implementation in practice; to identify whether any amendments were needed and how to use the Acts more effectively in practice. Included specific review of whether responsibility for hearing children's traffic matters should be transferred to the Children's Court from the Local Court; and whether the YOA and C(CP)A should be merged.

- *Youth Conduct Order pilot extended*

The pilot was extended to accept referrals up to 25 February 2013.

- *NSW Ombudsman, Special Report to Parliament on Kariong Juvenile Correctional Centre: Meeting the Challenges*

The Ombudsman conducted an investigation into the Behaviour Management Program introduced in late 2004 and found that there were significant differences between the model as documented and practices at Kariong. The Report recommended an evaluation of effectiveness, clarification of objectives and that inmate management procedures be adjusted to take into account the needs of its particular inmate population (males between 16-21 years old). In response DCS agreed to conduct a comprehensive review of the management of Kariong.

- *Juvenile Justice Aboriginal And Torres Strait Islander Strategic Plan 2011-2013*

Included 5 key result areas: reduce re-offending by Aboriginal and Torres Strait Islander young people; increase the proportion of eligible Aboriginal and Torres Strait Islander people who participate in youth justice conferencing; work effectively with Aboriginal and Torres Strait Islander communities and agencies; develop effective models of interventions with Aboriginal and Torres Strait Islander young people and their families; and build a culturally respectful and competent Juvenile Justice workforce.

- *Juvenile Justice Alcohol and Other Drug Treatment Pathway*

Comprised of 3 evidence-based programs designed in stages, according to a client's level of risk of re-offending. Stage 1 is a drug education program that aims to create awareness of substances and of consequences related to their misuse. Stage 2 is 'Profile', or the Personal Review of Offences File, designed to promote problem recognition and treatment readiness in participants. Stage 3 is 'X-Roads', a high-intensity treatment program for participants who have been assessed as being 'treatment ready', or willing to give change a chance. The program was developed by the National Drug and Research Centre) in partnership with Juvenile Justice.

- *Auditor General's Report on Two Ways Together*

The Auditor General found that the TWT Plan raised public awareness of the need to address Aboriginal disadvantage and provided an opportunity for Government agencies to work together at a regional level to deliver better services. Noted positive developments in some areas such as the number of Aboriginal students enrolled in TAFE. But the Auditor-General found accountability was unclear and that "agencies have also struggled to establish, in a practical sense, how Government should partner with Aboriginal people. This has resulted in poor levels of engagement between agencies and Aboriginal people locally." The Auditor General recommended



“that the community governance bodies be given extra support; and that ... there is a need to appoint an independent advisor to be a strong voice on issues that are fundamental to improving the lives of Aboriginal people.”

– *Juvenile Justice and Work Development Orders (WDO)*

In 2011/12, Juvenile Justice became an approved sponsor for WDOs, enabling young people in custody to be screened for outstanding fines during the custodial induction period. Juvenile Justice then assesses the eligibility and suitability of a WDO and develops an action plan to enable young people to satisfy their debt.

– *Youth Justice Conferencing Art Apology Program*

In 2011/12, Juvenile Justice provided funding to Aboriginal Community Justice Groups at Lismore and Yamba/Maclean to establish the Youth Justice Conferencing Art Apology Project. As part of their outcome plan, the young person met with an emerging Aboriginal artist for several sessions to create an artwork as an apology to the victim of their offence, and one for their parent/carer as an acknowledgment of the effect their offending behaviour has on the family. On Track Community Programs funded the program for a further 12 months, expanding to include youth justice conferencing clients in the Grafton area.

– *De-Tag graffiti prevention program*

Run by Juvenile Justice and Police-Citizens Youth Club (PCYC) as part of a Community Clean Up Order program. Intended to engage young people in discussions on topics related to graffiti.

## 2012

– *Bail Amendment (Enforcement Conditions) Act 2012*

Introduced enforcement conditions in section 37AA.

– *Graffiti Legislation Amendment Act 2012*

Amended the YOA so that cautions, warnings and conferences are not available in respect of graffiti offences.

– *Youth Drug Court closed*

The NSW Government closed the Youth Drug Court on 1 July 2012 after 12 years of operation. The Government’s reason for defunding the Court, which cost \$4m/year, was a low number of graduates and high recidivism rates. The Salvation Army responded that the Government failed to take into account young people who “self discharged” on the advice of the Court’s solicitors.

– *NSWLRC Report on Bail (report 133)*

The NSWLRC reviewed the Bail Act and made recommendations regarding the framing of a new *Bail Act*. The Commission noted that in many ways the situation of young people mirrors that of adults, with exaggerated features including increased rates of detention, short term remand, the impact of bail conditions and breaches, the restriction on repeat bail applications, and the over-representation of Indigenous young people (para 4.25-26). Chapter 11 dealt specifically with the special characteristics of young people, the impact of remand on young people and the question of whether there should be a separate Bail Act for young people. Chapters 12 and 13 consider the impact of bail conditions and compliance monitoring on

young people and homeless young people specifically. Recommendation 11.1 provided that “A new Bail Act should provide that, in making a decision in relation to a young person under the age of 18 years regarding release or a condition or conduct direction, the authority must take into account (in addition to any other requirements) any matters relating to the person’s age, including: (a) that young people have rights and freedoms before the law equal to those enjoyed by adults and, in particular, a right to be heard and a right to participate in the processes that lead to decisions that affect them, (b) that it is desirable, wherever possible, to allow the education or employment of a young person to proceed without interruption, (c) that it is desirable for a young person to reside in safe, secure and stable accommodation, and, where possible, in his or her own home, (d) that the detention or imprisonment of a young person is to be used only as a measure of last resort and for the shortest appropriate period of time, (e) the young person’s ability to understand and to comply with conditions or conduct directions, and (f) that young people have undeveloped capacity for complex decision-making, planning and the inhibition of impulsive behaviours.”

– *NSWLRC Report on People with cognitive and mental health impairments in the criminal justice system – Diversion (report 135)*

The Report looked at opportunities to enhance diversion at all stages of the criminal justice system, for people with cognitive and mental health impairments. Chapter 14 specifically considered the diversionary options available to police and court assessment and support available to young people. The Commission also reviewed youth conduct orders; whether a specialist list should be established for youth diversion; and considerations that arise in relation to young people in the application of s 32 and s 33 of the MHFPA. Recommendations specific to young people included: The provisions of the YOA... be amended to refer to “a person with expertise in dealing with young people with the particular disability” (Recomm 14.1); DAGJ should consider options to ensure that young people with cognitive and mental health impairments have adequate support and legal advice before making an admission, including the expansion of the Young Offenders Legal Referral scheme or amendment of the YOA (recomm 14.2); Section 20(7) of the YOA should be amended to allow the three caution limit to be exceeded when it appears to a police officer, or court, that a young person has a cognitive impairment or a mental health impairment (recomm 14.3); Legislation should provide a specific pre-court diversionary option for young people with a cognitive 377 or mental health impairment,.... police should have access to assessment and case management services provided to the Children’s Court (recomm 14.4); expansion of court support and case management for young people with cognitive and mental health impairments to the Children’s Court at all locations in NSW (recomm 14.5); monitoring and evaluation of Children’s Court court-support services.... and consideration of developing a specialist list within the Children’s Court (recomm 14.6).

– *Sentencing for Common Offences in the Children’s Court of NSW: Judicial Commission of NSW (monograph 36)*

Provided an overall profile of juvenile offenders sentenced in 2010 and the kinds of offences they committed. Compiled the 20 most common, proven offences for the Children’s Court for 2010, and penalties imposed.

– *NSW DAGJ strategic framework 2012-2014*

Intended outcomes include state-wide integrated, court-based diversionary programs and alternative sentencing options for low-risk adult and young offenders; to reduce juvenile and adult re-offending by 5% by 2016 in collaboration with other government and non-government service providers; increased compliance of adult and young

offenders with community-based orders; 100% of eligible juvenile detainees participate in school/education or work programs; and decreased serious juvenile detainee on staff and juvenile detainee on detainee assaults.

- *Juvenile Justice Aboriginal and Torres Strait Islander Cultural Respect Framework*

The Framework, released in September 2012, aimed to ensure services and programs respond to the needs of Aboriginal clients and staff. Involved development of cultural standards and practices for program development and service delivery.

- *Enhanced Client Information Management System (CIMS)*

In 2011/12, CIMS was enhanced to include Incentive Scheme and Misbehaviour Reporting. All detainee misbehaviours are reported in CIMS, providing transparency regarding the application of punishments and approval processes. Detainees who pose a significant risk to themselves or others and are unable to respond to the Incentive Scheme may be placed on an individual Detainee Risk Management Plan.

## 2013

- *Bail Act 2013 passed*

Passed in May 2013, the Act will commence operation after 12 months. There are four types of bail decisions that can be made under the Act, to: release without bail (can only be made by a police officer); dispense with bail (can only made by a court or authorised justice); grant bail with or without conditions; or refuse bail. Establishes a simplified test for making bail decisions based on “unacceptable risk”. Three distinct types of bail applications can be made – release, detention or variation applications. For certain offences there is a right to release, which means that bail cannot be refused. Bail will have effect until substantive proceedings for the offence conclude (rather than for specified periods).

- *NSWLRC Report: People with cognitive and mental health impairments in the criminal justice system – Criminal responsibility and consequences (report 138)*

The terms of reference were to review the criminal law and procedure applying to people with cognitive and mental health impairments with particular regard to sections 32 and 33 of the *Mental Health (Criminal Procedure) Act 1990*; fitness to be tried; the defence of mental illness; the consequences of being dealt with under Part 10 of the *Crimes (Forensic Procedures) Act 2000*; and sentencing. Chapter 12 considers fitness and not guilty by reason of mental illness in the Local and Children’s Courts. Recommendation 12.4 states that the *Mental Health (Forensic Provisions) Act 1990* should be amended so that Part 2 dealing with fitness to be tried applies to the Children’s Court; and that if the question of fitness is raised, the Court must first consider whether it should make an order under sections 32 or 33. The Commission further recommended that Act be amended regarding questions of fitness raised in a committal hearing in the Children’s Court (see recomment 12.5). Recommendation 12.6 states that Act should be amended so that Part 4 relating to the defence of mental illness applies in the Children’s Court; and that in those circumstances the Court should first consider whether it should make an order under sections 32 or 33.

- *Youth on Track (YOT)*

Announced in February 2013, YOT is an early intervention scheme targeting young people at risk of long-term involvement in crime. YOT participants are likely to have had their first contact with police before the age of 14, and they are more likely to be male and of Aboriginal descent. The scheme has 6 key elements: identification and referral; screening; assessment; case management; intervention; and exit. The scheme is being trialled in Blacktown, Newcastle and the Mid-North Coast from July 2013. After the first 6 months YOT will take referrals from schools. UnitingCare Burnside had been contracted to provide case management services for the scheme.

## 2014

### – *Mental Health Amendment (Statutory Review) Bill 2014*

The amendments to the Act tighten the requirements for administering electro convulsive therapy to persons under the age of 16 years. The amendments also require persons under the age of 16 to have legal or other representation in any proceedings before the Mental Health Review Tribunal. In addition to this, the amendments add to the principles of care and treatment that those under the age of 18 should receive developmentally and culturally appropriate services.

### – *Bail Amendment Act*

The amendments include a “show cause requirement” which applies to over 900 offences. Section 16A(1) of the Act provides that a bail authority making a bail decision for a show cause offence must refuse bail unless the accused person shows why his or her detention is not justified. If the accused person shows why his or her detention is not justified, the bail authority must make a bail decision in accordance with the “unacceptable risk test”.

The Bill amends the unacceptable risk assessment process (whereby the bail authority first determines whether there is an unacceptable risk in granting bail and then determines whether there are bail conditions that might mitigate that risk). Under the new procedure, the bail authority assesses any bail concerns before making a bail decision. The amendments also reverse the onus in favour of bail for certain offences

### – *Children’s Court Regulation 2014*

Appeals relating to youth conduct orders are taken to the Supreme Court.

### – *Justice Department restructure*

Under the restructure, the NSW Department of Justice encompasses the Department of Police and Emergency Services, as well as regulatory responsibilities from the Office of Liquor, Gaming and Racing.

### – *Justice Health and Forensic Mental Health Network Year of Review Report 2013/2014*

A Memorandum of Understanding is being developed between Juvenile Justice and the Justice Health and Forensic Mental Health Network.

### – *Justice Health eHealth System goes live at all Juvenile Justice Centres*

The strategy is expected to reduce clinical risk by providing clinicians with accurate information via a single patient view, including demographics, health condition alerts, scheduling information, allergy information, pathology results which can be charted, eForms, scanned documents and access to imaging information.

- *Text message reminder service for NSW Aboriginal court users*

The text message reminder service was introduced to remind Aboriginal court users of upcoming court dates. The SMS service is currently available at 10 courthouses in NSW, including the Parramatta Children's Court.

- *A&TSI Youth Officer recruitment strategy at Acmena Juvenile Justice Centre*  
Four Aboriginal staff were appointed to permanent Youth Officer Positions.

- *NSW Juvenile Justice Support Program replaces the Community Funding Program*

The new program has three-year funding contracts ensuring a longer engagement for casework collaboration and to work on issues facing young people struggling to find a place to live, a job or dealing with family problems at home.

- *BOCSAR Report: 'Young but not so restless: trends in age-specific rate of offending'*

The study found that there has been a significant decline in the number of young adult offenders (aged 15-20) apprehended by police for property crime and robbery.

## 2015

- *Children (Detention Centres) Regulation*

The Regulation provides for the administration of juvenile detention centres, including:

- rules associated with persons visiting detainees and detention centres;
- the sending of parcels or letters to or by detainees;
- the making of complaints in relation to a detention centre;
- the granting of day leave or overnight leave;
- the maintenance of order in detention centres;
- prescribing conduct to be treated as misbehaviour and the procedure for dealing with allegations of misbehaviour against detainees;
- parole orders in relation to detainees;
- forms for notice of revocation of parole orders, arrest warrants and warrants of commitment.

- *The first NSW Youth Koori Court opens*

The 12-month pilot Youth Koori Court was opened in the Parramatta Children's Court in February. The program is available to offenders under 19 years who have been found guilty of committing a criminal offence. Elders, victims and families play a role in the court. If successful the Youth Koori Court will be introduced at other locations around NSW.

- *Amom v State of New South Wales*

This class action was run by PIAC and Maurice Blackburn on behalf of young people wrongfully imprisoned as a result of problems with the NSW Police COPS database. A settlement of \$1.85 million was reached.

- *NSW Juvenile Justice response to Social housing in NSW Discussion Paper (FaCS)*

NSW Juvenile Justice provides the following recommendations (not exhaustive):

- JJ clients should receive priority in accessing housing services
- Housing programs to encourage independence and designed specifically for young people
- Support to develop skills to find accommodation
- Requirements for housing developers to include affordable one and two bedroom units in new developments
- Housing for young people in areas connected to public transport.

– *BOCSAR Report: 'The impact of the Bail Act (2013) on trends in bail and remand'*

BOCSAR state that the reforms to the NSW Bail Act (2013) (including the 'show cause' amendments) have had no impact on the NSW remand population. Instead, the report attributes the rapid build-up in the State's remand population to a combination of two factors:

- (1) An increase in the number of people arrested for serious offences;
- (2) An increase in the number of people imprisoned for breaching their bail conditions.

– *Kariong Juvenile Justice Centre closes*

It was announced in 2014 that juvenile offenders at Kariong Juvenile Correctional Centre would be relocated and the centre reconfigured to house minimum security adult inmates from early 2015.

– *New Children's Court for Inner Sydney*

The old Metropolitan Children's Court in Surry Hills is undergoing renovations over the next two years and will become the specialist Children's Court for inner Sydney when Glebe's Bidura Children's Court closes in July 2017.

– *Best for Kids website launched*

The Best for Kids website was developed by Legal Aid NSW in an effort to help children and young people navigate complicated legal issues. The website contains information and resources for young people and families on a wide range of legal issues which can impact their lives including family law, care and protection, family violence, criminal law, consumer credit and debt.