

Review of Young Offenders Act 1997

Response from Tumut's Life Long Learners (U3A)

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Q1:

The approach is heading in the right direction, but the practices in other countries and the lessons they have learnt should be further examined and utilised here, such as greater involvement of responsible adults of the offenders, as well as greater community consultation over practices and procedures.

Q2 The objects of the YOA are valid

Q3 Principles are valid

Q4 In today's society with children being more worldly, particularly within the growing number of single parent families, the age of the persons concerned by the Act should be lowered from 10 years to 8 years.

Q 5& 6 Offences where the investigating officer is not a Police Officer, should be brought in under the Act, allowing a Police Officer to be included in the investigation and thus a more appropriate penalty could be handed down.

Some lesser sexual offences could be a result of impulse or daring behaviour, in this case the magistrate should be able to use his discretion and refer them under the YOA.

Using the YOA for first time minor drug offences could restore the life of the offender and lessen the cost to the public.

Warnings:

Q 7,8,9 & 10

Warnings should be used sparingly, as warnings can be seen as an ego boost or as bravado. There should be only one warning per individual.

All warnings need to be followed up with a visit from a YLO to ensure that they are taken in the manner that they are meant.

The adult responsible for the offender should be made clear about the details of the offence and warning, also any ramifications if there is a repeat of an offence.

When giving a warning the Police Officer should make it clear that an individual is only entitled to one warning after which Cautions come into play.

Cautions:

Q11,12,13

There should be a limit to the number of cautions a magistrate can give per individual, suggest a maximum of 3. As some offenders regard the arm of the law as a joke, believing all they have to do is front up, receive a caution then life will return to "normal".

The process of arranging and giving cautions is appropriate, however “any finger prints, palm prints or photo graphs taken of the Child in connection with the offence”, should be retained, and by notifying the offender of this it may add as a deterrent or assist in excluding this person from any future incidence .

Conferencing:

Q14,15,16

Principles are very valid

Conferencing should be the preferred option, however where possible a prominent member of the community should be included especially in the case of an Aboriginal offender with the use of a respected Elder.

All records of the conference, including the planned outcomes should be kept as well as the details of the offence.

The conference should be followed up jointly with the YLO and the community member, documenting the resultant outcomes of the “plan”.

The aim being for conferencing is to keep the offender from re-offending and from the expense of incarceration.

Interventions and Legal Advice:

Q17

Admissions should be able to be heard by any law enforcement officer, following the advice of a lawyer pointing out what such an admission may lead to.

Q20

The preferred option under the YOA would be to go down the path of conferencing as it is here that the needs of the victim can be accomplished as well as turning the life of the offender around without the individual serving there “apprenticeship” in an institution.

Q21

We should encourage the Police Department to make greater use of conferencing especially in the case of Aboriginal children at the same time as including prominent Aboriginal citizens in the conferencing process.

Q23

It is vital to re-introduce a body with an ongoing role to monitor and evaluate the implementation of the YOA across the State. This is due to the varied demographic, ethnic and socio economic differences across the State. (No one cap fits all)