

FACT SHEET

Youth Justice Act

The new *Youth Justice Act* essentially continues the current juvenile justice system. However, it introduces the concept of stated objects and principles, makes significant improvements to the way the system operates for young people and provides a more flexible framework to cover all facets of the youth justice system. The new Act ensures that young people who have committed an offence are made aware of their obligations as well as their rights and are held accountable for their actions.

Key Features of the Act:

- *Improves the youth justice system, including the diversion scheme;*
- *Establishes a Youth Justice Advisory Committee ;*
- *Introduces a Register of Appropriate Support Persons;*
- *Provides for a Youth Justice Court;*
- *Encourages youth to take responsibility for their behaviour and allows the ‘system’ to take this into account; and*
- *Delivers greater flexibility and clarity to deal with youth if and when appearing before the Court.*

Improvements to the youth justice system.

The new *Youth Justice Act* is intended to provide a flexible framework to cover all facets of the youth justice system – from the investigation of offences and pre-court diversion (Police), through court proceedings, sentencing and sentencing outcomes (Courts), to the operation of community supervision orders, detention centres and interstate transfers (Correctional Services) – in one piece of legislation. Placing most matters relating to young people who break the law in one Act provides greater consistency for dealing with youth.

Significant improvements to the Act are the inclusion of objects (s3), general principles that must be taken into account in the administration of the Act (s4), and a set of specific sentencing principles the Youth Justice Court must have regard to when sentencing a young person who has been found guilty of an offence (s81).

The pre-court diversionary scheme has been expanded (Part 3). There is a presumption of diversion, ie a youth who is reasonably believed to have committed an offence must be diverted unless they have left the Territory, the offence alleged is a serious offence (defined in regulation 4) or the youth has a history that makes diversion unsuitable (s39).

The Act is also more inclusive of all parties involved with a young person and ensures that the courts, police and detention centres explain what is happening at every stage of the process.

Youth Justice Advisory Committee

The Youth Justice Advisory Committee (YJAC) is a new concept in the Northern Territory in the administration of justice for young people. The Act (Part 13) specifies that the YJAC is to reflect the composition of the community at large and lists Indigenous and regional representation among its membership, as well as a young person and a person who has formerly been a detainee.

Membership of the YJAC is to consist of not less than 8 and not more than 12 members, who are appointed by the Minister. Members are to represent government, non-government and the community.

One of the main tasks of the YJAC is to monitor and evaluate the administration and operation of the new Act and advise the Minister on issues relevant to the administration of youth justice. This includes the planning, development, integration and implementation of government policies and programs concerning youth and the collection and analysis of information relating to issues and policies concerning youth justice.

Another task for the YJAC is to establish and maintain a Register of appropriate support persons (s14) and the Minister may ask the YJAC to undertake any other project or task.

For more information about the YJAC or contact details, visit websites of the Department of Justice, on either www.justice.nt.gov.au or <http://www.nt.gov.au/justice/graphpages/lawmake/changed.shtml> .

Register of Appropriate Support Persons.

The Youth Justice Advisory Committee is responsible for the establishment and maintenance of a register of appropriate support persons. The Register is to provide names and contact details of persons who are appropriate and willing to support young people during the police investigation of an offence the youth is alleged to have committed when the parent/carer is unable to attend. An investigation may include interviews, searches or forensic procedures.

Some people – namely other young persons, police and probation officers, and persons working in a detention centre – are excluded from being on the Register (s14(3)) because this might present a real or perceived conflict of interest. Of course a parent or carer of a youth in need of support, who happens to be a police officer, probation officer or working in a detention centre is not excluded from being a support person (s35(4)).

Youth Justice Court.

The Youth Justice Court takes the place of the Juvenile Court (s45) once the new Act commences on 1 August 2006. There will be the option for the Chief Magistrate to appoint specialist Youth Magistrates (s46) and although generally the Court will sit in buildings at locations approved by the Minister, the Court may sit in any other place if considered expedient (s48). Proceedings are held in open court (s49).

Encouragement of youth to take responsibility for their behaviour and of the 'system' to take this into account.

The principles of the new Act encourage youth to take responsibility for their behaviour and allow the 'system' to take this into account (s4(a), (e) and (n)). For example when a young person breaks the law, he or she will be encouraged to take responsibility for their actions for example by attempting to rectify the damage or compensate the victim. The Court in sentencing must take into account whether a youth has taken steps to make amends with any victims (s81(5)).

Greater flexibility and clarity to deal with youth if and when appearing before the Court.

The new Act provides more options for the Court to deal with youth when pre-court diversion is not appropriate, although the Court may, if the prosecution and the youth agree, ask for a re-assessment for diversion, including a family conference or a victim/offender conference.

The new Act includes all the sentencing options that were available to the Court under the 'old' Act, with the addition of alternative detention, periodic detention and an increased term of detention – from 12 months to 2 years – for youth who are 15 years or older. A sentence over 12 months requires the Court to fix a non-parole period during which the youth cannot be released from custody. The Court can also order a pre-sentencing conference when determining the appropriate sentence

Further information

For more information about the sentencing options of the new Act, see [Questions & Answers – Youth Justice Act](#).

For more information and contact details about the Youth Justice Advisory Committee, visit www.justice.nt.gov.au.

For stories from people who were in a conference and conference examples, visit <http://www.nt.gov.au/pfes/police/community/jdu/stories.html>,
<http://www.nt.gov.au/pfes/police/community/jdu/conferencing.html>