



THE LAW SOCIETY
OF NEW SOUTH WALES

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Young Offenders Regulation Public Consultation
Mr Paul McKnight
Executive Director
Justice Strategy & Policy
Department of Justice
GPO Box 31
SYDNEY NSW 2001

By email: jsp.enquiries@justice.nsw.gov.au

Dear Mr McKnight,

Young Offenders Regulation Public Consultation

Thank you for the opportunity to comment on the draft Young Offenders Regulation 2016 ("2016 Regulation").

In principle, the Law Society does not have any concerns with the proposed remake of the *Young Offenders Regulation 2009*. We note that the 2016 Regulation is substantially the same as the existing Regulation. However, we have broad concerns about the mandatory requirements for outcome plans for arson and graffiti-related offences, as set out in cl 8(2) and 9(2) of the 2016 Regulation.

Youth justice conferences, as a restorative justice process, are designed to empower the participants rather than restrict them through mandatory requirements, which may not be specifically tailored to their individual needs. The youth justice conference convenors are skilled at assisting parties to formulate relevant and appropriate plans to suit individual needs, and the court's approval of court-referred outcome plans provides the necessary oversight. The mandatory requirements may be too onerous in some cases, and may not necessarily serve the purposes of the victim, the community or the offender.

The Law Society considers that the removal of the mandatory requirements in outcome plans for arson and graffiti-related offences would allow greater flexibility in achieving a community-negotiated response to the young offender's behaviour. This would also ensure that outcome plans are appropriately tailored to the particular circumstances of each case.

Should you have any questions or require further information, please contact Meagan Lee, Policy Lawyer for the Juvenile Justice Committee on 9926 0214 or email Meagan.Lee@lawsociety.com.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Gary Ulman', with a small dot at the end.

Gary Ulman
President