

## A Different Way of Justice

The *Young Offenders Act 1997* (NSW) deals with young people who break the law. The act includes four options for dealing with young offenders:

1. Warning
2. Caution
3. **Youth Justice Conference**
4. Court

At a Youth Justice Conference a young offender, with his or her family, is brought face-to-face with the victim, and the victim's support group, to hear about the harm caused and to take responsibility for their actions. Together, the people at the conference agree on a suitable outcome for the crime that can include an apology, reasonable reparation to the victim and steps to link the young offender back into the community.

Youth Justice Conferences are based on the idea that when a young person offends, they cause hurt, loss or damage to members of the community. The conference option, unlike warnings, cautions or court, helps young offenders take steps towards directly repairing the harm they have caused to victims.

### A conference may be held if:

- the offence is covered by the *Young Offenders Act 1997* (NSW);
- the young offender has admitted to the offence and agreed to participate; and
- a warning or caution is not appropriate because of the seriousness of the offence, degree of violence, harm caused to the victim or the offender's criminal history.

### Who decides to hold a conference?

- Specialist Youth Officers from NSW Police
- Office of the Director of Public Prosecutions
- The Court

### Why hold a conference?

The Police, Office of the Director of Public Prosecutions or a Court may decide that a Youth Justice Conference is the most appropriate option to deal with a young offender.

- A conference provides a forum where the young offender must acknowledge and accept responsibility for the results of their actions.
- A conference returns decision-making power to families of the young offender and identifies support mechanisms for the young person to prevent future offending.
- A conference recognises and gives importance to victims as well as involving them in decisions relating to offences against them.



### Who may attend a conference?

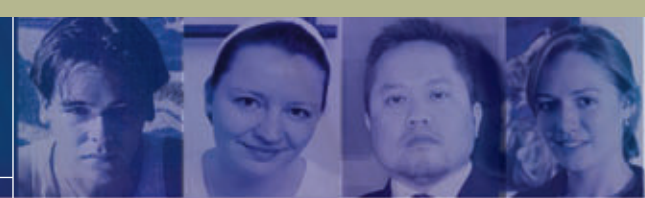
- The young offender
- The victim or a representative
- The conference convenor
- An adult responsible for the young offender and someone of the young offender's choice
- Members of the offender's family or extended family
- Family/support group of the victim
- The investigating police officer and specialist police youth officer
- An Australian legal practitioner advising the young offender
- A trainee police officer
- A cultural adviser or developmental specialist if appropriate
- A supervising officer if the young offender is under probation or a court order
- If the young offender attends school, a representative from that school
- An approved observer

### What happens in a conference?

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| <p><b>Step 1</b> The convenor asks those present to introduce themselves and explain their relationship to the offence.</p>   | <p><b>Step 7</b> The victim and their support group respond to the proposal, and together, everyone in the group talks about what should happen and how it can happen.</p> |
| <p><b>Step 2</b> The young offender tells the story of what happened. The convenor, asking questions of the young offender, ensures the full picture of the event is revealed to the group.</p> | <p><b>Step 8</b> The final agreement is written into the outcome plan. Both the young offender and victim must agree to the outcome plan.</p>                              |
| <p><b>Step 3</b> The convenor asks the victim to tell the young offender how they have been affected by the incident.</p>   | <p><b>Step 9</b> The group nominates conference participants to monitor the young offender and provide support to ensure they can meet the agreement.</p>                  |
| <p><b>Step 4</b> The convenor invites others in the group to tell their thoughts of the offence and its impact on the victim.</p>   | <p><b>Step 10</b> The conference finishes with refreshments and the signing of the outcome plan.</p>   |
| <p><b>Step 5</b> The convenor asks the victim what they would like the young offender to do to repair the harm they have caused.</p>  |  |
| <p><b>Step 6</b> The young offender and their family or support people are then given time alone to decide on an appropriate proposal for an outcome plan.</p>                                  |  |







### How is a conference different to going to court?

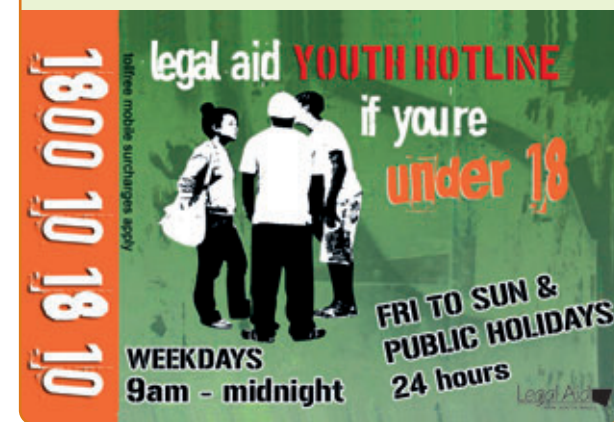
The court system is one side against the other. A conference is based on cooperation and agreement – the offender and the victim must agree on the outcome plan if they are both present.

In court, a legal person speaks for the offender. In a conference, young offenders must speak for themselves. They must meet the victim and think about how their actions have caused someone else to be hurt or to suffer loss.

In court, victims are largely excluded from the process. In a conference, the victims are able to respond to what happened, talk about how they felt and suggest a possible outcome plan.

Courts are very formal and impersonal. A conference is an emotional and confronting inter-personal experience that allows emotions to be dealt with in a safe environment.

**For specialist legal advice phone 1800 101 810  
or the Advice Line for Victims: 1800 633 063**



### Making a complaint

If you are not happy with the way your conference was prepared or facilitated, there are five options within the Department of Juvenile Justice to make a complaint.

1. Speak to the Conference Convenor.
2. Contact the Conference Convenor's supervisor, Assistant Manager (Youth Justice Conferencing).
3. Contact the Area Manager.
4. Contact the Regional Director.
5. If you are still not happy, you can write to the Director General, who is the head of the department.

A complaint can be made on your behalf, such as by a family member, a community youth worker, lawyer or by an Assistant Manager (Youth Justice Conferencing).

Your complaint remains highly confidential and is taken very seriously. Only people at the department who need to know will be told of the complaint, and staff must advise you on what they will do about it.

To make a complaint outside the Department of Juvenile Justice, you have two options:

1. Phone or write to the NSW Ombudsman. Their job is to investigate complaints made against government departments.
2. Write to the NSW Minister for Juvenile Justice.

Contact information is provided at the back of this pamphlet.

### What we believe

At the Department of Juvenile Justice, we believe in:

- treating you with respect
- treating you fairly
- making sure that your conference meets your needs.



### Contact information

#### Department of Juvenile Justice

PO Box K399  
Haymarket NSW 1240  
Tel: 02 9219 9400  
Fax: 02 9219 9500  
Web: [www.djj.nsw.gov.au](http://www.djj.nsw.gov.au)

#### NSW Ombudsman

Level 24, 580 George Street  
Sydney NSW 2000  
Tel: 02 9286 1000  
1800 451 524  
(toll free outside Sydney metro)  
Fax: 02 9283 2911  
Web: [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)

#### Minister for Juvenile Justice

Parliament House  
Macquarie Street  
Sydney NSW 2000  
Tel: 02 9230 2111  
Web: [www.parliament.nsw.gov.au](http://www.parliament.nsw.gov.au)

### Local contact information

# A Guide to Youth Justice Conferencing

