



Western Australia

Social Equity Reform Bill 2017

Explanatory Memorandum

The incarceration of children for certain crimes reflects society's stern view toward youth offending and the commission of these crimes. Current Youth Offender legislation, although optimistic in its intentions of deterring crime, reducing harm to the community, and providing a means of retributive justice, fails to adequately rehabilitate the offender. Sentencing a juvenile to detention or imprisonment has always been viewed as a means of last resort. However, with the imposition of mandatory minimum detention and imprisonment for offences committed by children, this is now hardly the case. Furthermore, this is inconsistent with Western Australia's international obligations in protecting children within the criminal justice system under Articles 37(b) and 40(4) of the Convention on the Rights of the Child, and Articles 9(1) and 14(5) of the International Covenant on Civil and Political Rights. Unnecessary contact with the criminal justice system, in particular imprisonment and detention, has long lasting detrimental effects on children, and are by no means effective. This Bill aims to divert juveniles away from detention and imprisonment, rehabilitate juvenile offenders and facilitate restorative justice. This Bill sets out sentencing laws in respect to certain crimes, establishes a statutory board and committee to administer rehabilitative programs, and introduces new cautions and orders - equitable sentencing options administrable to youth offenders, all of which were otherwise unavailable under current sentencing legislation for juvenile offenders.

In addition, the bill addresses the implementation of a community based policing program to the state which operates to bypass the previously intimidating police organisation structure in an overall effort to reduce grass-roots level crimes such as aggravated assault, homicide and drug possession. This program requires and encourages police officers to relate to the citizens in their communities and be seen as collaborators rather than enforcers. They will be encouraged to organise and partake in community activities such as sporting competitions and philanthropic events. More officers will be assigned walking or 'beat' duties whilst a small fraction will work in offices. It is expected that all reports of crimes will be directed through these 'beat' officers who will then place it in the office directory. This approach will eventually aim to be less intimidating and make the police department more relatable to all. This policing approach has been tried and tested in Camden, New Jersey, to great effect where the number of homicides halved and the amount of open air drug arrests decreased by a third. As such the more crime-ridden suburbs will have the program enacted first with the others to follow. This program has not previously been legislated for at a permanent level in Western Australia and will have a significant impact on the state.



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Western Australia

A Bill for —

An act to promote positive and sustainable outcomes within the juvenile justice system by removing mandatory minimum imprisonment sentencing, as well as to increase the collective efficacy of communities within Western Australia by implementing a community based policing program

Part 1 — Preliminary

1. Short title

This Bill may be cited as the *Social Equity Reform Bill 2017*.

2. Commencement

This Bill commences on the day on which this Act receives Royal Assent.

3. Interpretation

In this Bill, unless the contrary intention appears —

“**Accused**” means a person charged with an offence, whether it is a simple or an indictable offence.

“**Adult**” means a person aged 18 years or more as defined under section 5 of the Age of Majority Act 1972.

“**Child**” means a person between the ages of 11 and 17 inclusively.

“**CPI**” means the Consumer Price Index, the official measure of inflation in Australia as calculated by the Reserve Bank of Australia.

“**Custody order**” means the same as what is defined in the Criminal Law (Mentally Impaired Accused) Act 1996.

“**Detention**” when referring to a sentence means to be held in a detention centre.

“**Detention centre**” means a place declared to be a detention centre under section 13 of the Young Offenders Act 1994.

“**Diverse background**” refers those who were born in, or have parents born in any country besides Australia, and or have previous experience in a police force, in one of the countries listed under Part 3, Division 2.

“**Experienced**” means more than five years of full time-work.

“**Board**” means the Rehabilitation Programs Review Board established under Part 2.

“**Juvenile**” has the same meaning as “child” which is defined in the Bill.

“**JRP**” means an abbreviation for the Juvenile Rehabilitation Program Oversight Committee established in Part 2.

“**Mentally impaired**” means the same as what is defined in the Criminal Law (Mentally Impaired Accused) Act 1996.

“**Minister**” refers to the Minister for Corrective Services.

“**Psychiatrist**” means the same as that defined in the Mental Health Act 1996.

“**Psychologist**” means the same as that defined in the Mental Health Act 1996.

“**Responsible adult**” means with respect to a juvenile, a person who exercises parental responsibility for the juvenile, whether the responsibility is exercised in accordance with contemporary social practice, aboriginal customary law and Aboriginal tradition, or in any other manner.

“**RPRB**” refers to the Rehabilitation Programs Review Board established in Part 2.

“**WA**” means the State of Western Australia.

Part 2 — Sentencing and Rehabilitation of Juvenile Offenders

4. Application to all courts exercising criminal jurisdiction

This Bill applies with respect to any accused that may be before any court exercising criminal jurisdiction.

Division 1 — Sentencing in Respect of Certain Crimes

5. Laws are prohibited from imposing detention or imprisonment

- (1) A law or statute enacted after the commencement of this Bill must not require a court to impose an imprisonment or detention term for an offence listed under Schedule 1 and 2 of this Bill on a child or juvenile.
- (2) Imprisonment and Detention referred to in subsection 5(1) does not include a custody order made under the Criminal Law (Mentally Impaired Accused) Act 1996.

6. Sentencing of Juveniles

- (1) A court that intends to sentence a juvenile to imprisonment or detention for an offence under Schedule 1 and 2 of this Bill must before the imposition of such a sentence unconditionally suspend that sentence. The court must then refer the matter to the JRPOC and sentence the juvenile in accordance with Part 2 Division 2 of this Bill, unless authorised do so otherwise under subsections 11(b-c) of Part 2 Division 2 of this Bill.
- (2) Where a person is found guilty of multiple offences, and one or more of the offences does not fall under Schedule 1 and 2, the person does not qualify for sentencing under the section
- (3) Imprisonment and Detention referred to in subsection 6(1) does not include a custody order made under the Criminal Law (Mentally Impaired Accused) Act 1996.

7. Children Sentenced previously for Schedule 1 and 2 offences

- (1) Any person in prison or detention who has been convicted for the offences under Schedule 1 and 2 must be brought before the court that sentenced them within 28 days of this Bill receiving royal assent. This will be for re-consideration of what remains of their sentence in accordance with the Bill.
- (2) Where a person is found guilty of multiple offences and one or more of those offences does not fall under Schedule 1 and 2, the person will not be eligible for sentencing under this section.
- (3) Imprisonment and detention referred to in subsection 7(1) does not include custody orders made under the Criminal Law (Mentally Impaired Accused) Act 1996.

8. Pre-Sentence detention or imprisonment

- (1) Unless referred to the Juvenile Justice Team (JJT) by the police or The Children's Court, a juvenile must not be detained or imprisoned for a pre-sentence period of more than 28 days.
- (2) An extension of this pre-sentence period can only be made in writing by the RPRB upon application.
- (3) The pre-sentence period commences on the day of arrest and ends on the day the juvenile is sentenced under the JRP.

9. Relationship to the Mental Health Act 1996, Criminal Law (Mentally Impaired Accused) Act 1996 and Young Offenders Act 1994

- (1) Unless the contrary intention appears, the fact that a person is made an involuntary patient or is detained as an involuntary patient under the Mental Health Act 1996 will not affect the operation of this Part or the operation of the criminal law in respect of the person.
- (2) If at any time while the accused is remanded in custody, they become under the Mental Health Act 1996 –
 - (a) An involuntary patient; and/or

(b) Detained in an authorised hospital

The accused is to be detained in the hospital subject to that Act. But if the accused is released from that detention while remanded in custody under Criminal Law (Mentally Impaired Accused) Act 1996, the person is to be kept in custody in accordance with the remand warrant.

- (3) Under the Young Offenders Act 1994, the police when dealing with a juvenile who is reasonably believed to have committed a crime may –
- (a) Take no action;
 - (b) Administer a caution;
 - (c) Refer the matter to a Juvenile Justice Team;
 - (d) Charge the person without taking the person into custody;
 - (e) Apprehend and release them on bail;
 - (f) Apprehend and remand them in detention; or
 - (g) Use a combination of the above.

Part 2 does not affect the functions of the police under the *Young Offenders Act 1994*, except for when the juvenile is remanded in detention.

- (4) Under the Criminal Law (Mentally Impaired Accused) Act 1996, the Supreme Court and District Court may make custody orders under –
- (a) Section 16(5)(b);
 - (b) Section 21(a);
 - (c) Section 22(1)(c);
 - (d) Section 22(3)(b); and
 - (e) Section 37 of that Act.

It is at the prerogative of the Court to make and revoke these custody orders and determine the places of custody under the sections of the Act are not affected by this Bill.

- (5) Unless the contrary intention appears, to the extent that this Part is inconsistent with the *Mental Health Act 1996*, *Criminal Law (Mentally Impaired Accused) Act 1996*, and *Young Offenders Act 1994*, this Part prevails

10. Mentally Impaired children held under a Custody Order

- (a) At the commencement of this Bill and after, a person, who –
- (a) At the time of offence was a child; and/or
 - (b) Is or was mentally unfit to stand trial; and/or
 - (c) Was charged with an offence under Schedule 1 and 2 of this Bill; and/or
 - (d) Is detained or remanded due to a custody order made under the Criminal Law (Mentally Impaired Accused) Act 1996.

The person will be assessed by the Rehabilitation Program Review Board (RPRB) within 32 days of the custody order being made. This assessment will be on their suitability to undergo the JRP in lieu of treatments while under a custody order made under the Criminal Law (Mentally Impaired Accused) Act 1996. If that person is found to be suitable for the JRP, the person is to be sentenced in accordance with subsection 10(3) of this Bill.

- (2) JRP for persons under this section is to be held at the place of custody as defined under Part 5 Division 2 of the Criminal Law (Mentally Impaired Accused) Act 1996, unless granted leave of absence under Part 5 Division 3 of the Criminal Law (Mentally Impaired Accused) Act 1996 to undergo the JRP elsewhere.
- (3) Where a person was charged under subsection 1d of this section for multiple offences, and one or more of the offences does not fall under either Schedule 1 or 2, the person does not qualify for sentencing under the section.

Division 2 — Juvenile Rehabilitation Programs

11. Qualification for Juvenile Rehabilitation Programs

- (1) Juveniles found guilty of an offence under Schedule 2 of this Bill shall be subject to the Juvenile Rehabilitation Program (JRP).

- (2) Juveniles found guilty of an offence under Schedule 1 of this Bill shall be subject to the Juvenile Rehabilitation Program (JRP), unless the circumstances of the offence and offender are deemed by the Minister or the RPRB to be unsuitable for the JRP.
- (3) Persons under subsection 9(1) deemed suitable for the JRP are subject to the JRP.

12. Prior and Informed Consent

- (1) Persons sentenced under the JRP must be reasonably informed of the nature, structure, terms and conditions of the program, treatments, orders and cautions that apply with respect to their person before the commencement or execution of the programs, orders and cautions under the JRP.
- (2) Responsible adults of persons must also be reasonably informed of the nature, structure, terms and conditions of the program, treatments, orders and cautions that apply with respect to the person before the commencement or execution of the programs, orders and cautions under the JRP.
- (3) Such persons must consent to the structure and terms of the JRP, and agree to abide by the terms and conditions of such orders and cautions, if any.
- (4) The youth must sign the order, caution, program sheet to signify acceptance of the terms before commencement of such orders, caution and programs.
- (5) The JRPOC must ensure that a copy of the order, caution and program sheet is given to –
 - (a) The juvenile; and/or
 - (b) The responsible adult;
 - (c) The Minister by appropriate means.
- (6) In circumstances where such persons do not consent or agree to the structure and terms of the programs, orders and cautions, if any, he or she person may appeal to the Attorney-General.

13. Consideration of prior criminal offences

- (1) Previous convictions of dissimilar nature are to be disregarded.
- (2) Previous cautions or convictions for offences under Schedule 2 of more than three (3) years old are to be disregarded.
- (3) Unspent convictions must be taken into consideration when sentencing a juvenile under the JRP.

14. Establishment of the Rehabilitation Program Review Board

The Rehabilitation Program Review Board (RPRB) is to be established as a subordinate body of the Department of Corrective Services.

15. Members of the Rehabilitation Program Review Board

- (1) Each member shall serve a term of three (3) years upon appointment.
- (2) The RPRB shall consist of no less than five members, and no more than seven members, appointed by the Minister for Police and Justice.
- (3) The Rehabilitation Program Review Board shall have at least –
 - (a) Two (2) members from the legal profession;
 - (b) One (1) member from WA Police;
 - (c) One (1) member from the medical profession; and
 - (d) One (1) representative from the Department of Child Protection.

16. Functions of the RPRB

- (1) The RPRB, pursuant to section 10, is to assess and determine if a person held in custody under that custody order is suitable to undergo the JRP in lieu of treatments while under that custody

order within 32 days of a custody order being made under the Criminal Law (Mentally Impaired Accused) Act 1996.

- (2) Obey the directions of the Minister, the Attorney-General, the Department of Corrective Services, and the Department of Child Protection.
- (3) The RPRB is to oversee the day to day operations of the JPROC.
- (4) The RPRB is to govern the JPROC.
- (5) The RPRB is to review the operations of JPROC at least yearly
- (6) The RPRB is to screen juveniles convicted under Schedule 1 offence pursuant to section 11(2).
- (7) The RPRB is to review pre-sentence detention period pursuant to section 8
- (8) The RPRB is to review pre-sentence detention period pursuant to section 8.

17. Annual General Meetings of the RPRB

- (1) The RPRB shall hold an Annual General Meeting (AGM) once a calendar year and present a report of committee, its operations and statistics of the number of offenders to Minister for Corrective Services and the Director General of the Department of Child Protection.
- (2) The RPRB may elect one (1) chairperson by a majority vote at an Annual General Meeting (AGM) of the ordinary members to serve a term of one (1) year as chairperson. The maximum number of consecutive terms a chairperson may serve is three (3).

18. Establishment of the Juvenile Rehabilitation Program Oversight Committee

- (1) The Juvenile Rehabilitation Program Oversight Committee (JRPOC) is to be established.

- (2) The JRPOC is to be a subordinate department of the RPRB.

19. Members of the Juvenile Rehabilitation Program Oversight Committee

- (1) Members of the JRPOC appointed under subsection 2 of this section shall be appointed at the discretion of Director General of the Department of Child Protection.
- (2) The JRPOC shall be comprised of the following members:
- (a) Two (2) rehabilitation program executives of the Department of Child Protection;
 - (b) One (1) Medical Practitioner;
 - (c) One (1) qualified youth worker with experience working with troubled youth;
 - (d) One (1) specialist children's lawyer;
 - (e) Two (2) practicing members of the Western Australian Bar Association;
 - (f) One (1) psychologist or psychiatrist with experience working with troubled youth;
 - (g) One (1) paediatrician with experience working with troubled youth.

20. Ministerial Powers

- (1) The Minister may at any time, instruct and direct the RPRB and JRPOC and make orders at his or her discretion.
- (2) The Minister shall have the power to make regulations with respect to the rehabilitative programs, cautions and orders under the JRP.

21. Annual General Meetings of the JRPOC

- (1) The JRPOC shall hold an Annual General Meeting (AGM) once a calendar year and produce a report. It will contain accounts of committee operations and statistics about the number of offenders in the prior period. This report will be given to the Minister for Corrective Services and the Director General of the Department of Child Protection.
- (2) The JRPOC may elect one (1) chairperson by a majority vote at an Annual General Meeting (AGM) of the ordinary members to serve a term of one (1) year as chairperson. The maximum number of consecutive terms a chairperson may serve is ten (10).
- (3) Quorum shall be five (5) JRPOC members present at a JRPOC Annual General meeting.

22. Regular Meetings of the JRPOC

- (1) The JRPOC must meet, at a minimum, once a fortnight to review cases and make appropriate decisions as per the primary responsibility of the JRPOC established in this section 22. Meetings are to be chaired by the Chairperson established in subsection 17(2).
- (2) Quorum shall be five (5) JRPOC members present at any regular meetings of the JRPOC.

23. Statutory Time Limit

The period limit of all orders, programs and cautions made in respect of an offender, whether running consecutively or simultaneously, must not exceed a period of four (4) years.

24. Functions of the Juvenile Rehabilitation Program Oversight Committee

The JRPOC shall have the following powers –

- (1) In addition to issuing Cautions and making Orders instituted under Part 2 Division 3, the JRPOC shall have the discretion and powers to vary existing cautions and orders and those under Division 3, and institute new cautions and orders. In doing so, the committee must take into consideration the principles of rehabilitation outlined in section 22 subsection 3.
- (2) The JRPOC shall have the discretion and powers to vary programs, and institute new programs. In doing so, the committee must take into consideration the principles of rehabilitation outlined in subsection 3.
- (3) The principles of rehabilitation that must be taken into consideration by the JRPOC –
 - (a) The program must be reformatory on the individual's behaviour or mental/physical state;
 - (b) The program must aim to reform the individual to an extent that they can reasonably reintegrate into society upon the conclusion of the JRP program;
 - (c) The program must be reformatory on the individual's behaviour or mental/physical state:
 - (i) Regard the negative effects criminal activity and the crime the individual has committed and how a positive future can be developed without participating in criminal activity.
 - (ii) Set the individual up with a set of skills and qualifications to enable their reintegration into society following the conclusion of the JRP program.
- (4) The JRPOC shall have the power, on a case by case basis, the discretion and power to decide on the most appropriate JRP program to be undertaken and completed by the juvenile sentenced under section 10 of this Bill. Such a decision must be made taking into consideration the following:
 - (a) The juvenile receives an education consistent with his or her age group;
 - (b) The mental capacity and physical health of the juvenile and the effect of rehabilitation on their overall health;
 - (c) The possibility of recidivism by the juvenile;

- (d) Their criminal record and previous offences committed;
 - (e) The program must be proportional to the severity of offence committed; and
 - (f) Decisions are so far as practicable consistent with Australia's international obligations that are relevant to the matter.
- (5) The JRPOC shall have the discretion, authority and power to institute a government operated rehabilitation program as it deems necessary or contract one or more programs of the JRP to an external private provider.
- (6) Unless exceptional circumstances persist, as determined by the JRPOC, the JRPOC may refer a juvenile completing the JRP to court if the juvenile does not attend fifteen (15) hours non-consecutively of mandatory JRP program participation hours, or severely breaches the conditions or requirements of the program. In this event the juvenile will be sentenced in accordance with existing criminal laws, taking into account the duration of JRP served, and Part 2 of this Bill does not apply.
- (7) A motion must be called at the meeting established in subsection 7 and passed or carried in order for the JRPOC to exercise any of its powers listed under subsection 3. A motion is passed or carried when a majority of members of the JRPOC vote in favour. Each member carries one (1) vote.
- (8) Unless the contrary intention appears, the JRPOC does not have discretion over the period or length of rehabilitation which the juvenile offender must complete under the JRP. However such sentencing discretion remains with the Court.
- (9) The JPROC has power to do everything necessary or convenient to be done for, or in connection with, the performance of its functions.

25. Limitations on functions of the JRPOC

- (1) The committee cannot impose attendance conditions that require the offender to attend at a place more than thirty (30) kilometres away from the offender's registered residential address.

- (2) The JPROC may not make unlawful directions.
- (3) The court can impose community work conditions on an offender only if the offender has reached 12 years of age.
- (4) The court cannot make an order imposing community work conditions such that, the aggregate number of hours of work to be performed under it, or under any other youth community based order, would be –
 - (a) Less than 10 hours; and
 - (b) More than 150 hours.
- (5) The JPROC must require the offender to attend before an officer of the Department of Corrective Services, at a place specified in the conditions, and within such time (if any) as is so specified.
- (6) A person who gives directions to the offender under any order is, so far as practicable, to –
 - (a) Avoid conflict with the offender’s religious beliefs;
 - (b) Take into account the offender’s physical fitness and mental state of mind; and
 - (c) Avoid interference with the times, if any, which the offender normally works or attends school or another educational establishment.

26. Appeals

- (1) An individual who does not agree with a determination made by the RPRB or the JPROC can appeal to the Minister. The appeal must be in writing and list the reasons they believe the Board or JPROC has not considered or given appropriate weighting to in making their decision.
- (2) An individual who does not agree with a determination made by the Minister can appeal to the Attorney-General. The appeal must be in writing and list the reasons they believe the Minister has not considered or given appropriate weighting to in making their decision.

- (3) Pursuant to subsection (1), the Minister must decide whether or not they will overturn the decision made by the Board or JPROC.
- (4) Pursuant to subsection (2), the Attorney-General must decide whether or not they will overturn the decision made by the Minister.
- (5) The Attorney-General can request any information that they believe would be reasonably necessary and would assist them in making a decision.
- (6) The Attorney-General must exercise the powers provided for under this section personally, that is these powers cannot be delegated.

27. Right to Appeal

The provisions of this Bill should have no bearing on an individual's right to appeal against conviction or sentence and to participate in the judicial appeals process.

Division 3— Institution of Certain Programs, Orders and Cautions Under the JRP

28. Multiple Programs, Orders and Cautions

The JPROC has the discretion to make multiple programs and orders that run consecutively or simultaneously. The JRPOC may also issue multiple cautions.

29. Other Orders

The JRPOC may institute other forms of programs, orders, cautions pursuant to section 20 of this Bill.

30. Referral to Juvenile Justice Teams

The JRPOC, exercising the powers of the Children's Court, may refer to a juvenile found guilty of a Schedule 2 offence to a Juvenile Justice Team.

31. Orders under the Young Offenders Act 1994

The JRPOC may make any order under the provisions of the Young Offenders Act 1994 to the extent that it is not inconsistent with provisions in Part 2 and 3.

32. Youth Conditional Caution

- (1) This caution is available to all juveniles and suitable mentally impaired children found guilty of a Schedule 2 offence under this Bill.
- (2) The JRPOC may impose one or more conditions, but must do so pursuant to the principles of rehabilitation outlined in section 21(3) of Part 2. In addition, the JRPOC must also take into consideration the following principles and guidelines when imposing conditions under this section –
 - (a) Conditions attached to conditional cautions must either facilitate the rehabilitation of the offender or ensure that the offender makes reparation for the offence, or both;
 - (b) Be proportional to the seriousness of the offence;
 - (c) More stringent conditions to be imposed for domestic violence and hate crime which includes those with homophobic or racist elements;
 - (d) A person who has in the last two years been cautioned for a similar offence should not be given a Youth Conditional Caution. That is unless there are exceptional circumstances where it is believed that the condition might be effective in breaking the individuals pattern of offending;
 - (e) The conditions must be clearly defined in terms of what must be done and within what period of time. Conditions must be realistic and should take into account the offender's specific circumstances, including physical and mental capacity, so that he could reasonably be expected to achieve them within the time set;

- (f) The conditions should be relevant to the offence and or the offender and must not require the offender to do anything unlawful; and
 - (g) Specific conditions such as that the offender should avoid a particular street or public house may be included, but consideration should also be given as to whether alternatives such as Prohibited Behaviour Order would be more appropriate or timely.
- (3) Offender must be required at a minimum to comply with the condition that they commit no further offences until the conditions have been performed.
- (4) The juvenile offender must sign a pro-forma document which to its effect contains:
- (a) Details of the offence;
 - (b) The offender's response to being given the Youth Conditional Caution;
 - (c) An agreement to comply with the conditions attached to the caution, which must be set out on the face of the document; and
 - (d) An explanation of the implications referred to in (a-c) above.

33. Prohibited Behaviour Order

The JRPOC may make a prohibited behaviour order under the provisions of the Prohibited Behaviour Orders Act 2010, pursuant to the principles of rehabilitation in section 21.

34. Graduated Release Order

- (1) This section only applies to juveniles and mentally impaired children, who qualify for the JRP by virtue of section 10(1) and section 7 of Part 2 Division 2.
- (2) The Graduated Release Order is the same as the Expanded Supervised Release Order under this Division only more stringent implementing the following where appropriate –

- (a) Electronic monitoring and intensive supervision from a Youth Justice Officer;
- (b) The wearing or have attachment of a monitoring device in accordance with the directions of the JRPOC;
- (c) Regular daily reporting to an assigned correctional services officer, police officer or correctional facility; and/or
- (d) Semi-custodial residences or halfway houses where offenders return to at the end of each schooling or working day.

35. Pre-release (Day Release and Compassionate Leave) Order

- (1) This section only applies to juveniles and mentally impaired children, who, qualify for the JRP by virtue of section 10(1) and section 7 of Part 2 Division 2.
- (2) The JPROC may, at the committee's discretion and in writing, authorise a juvenile to be absent from a detention centre or prison for a period not exceeding 7 days.
- (3) The JPROC may, at the committee's discretion and in writing, authorize a suitable mentally impaired child to be absent from the place of custody, for a period not exceeding 7 days.
- (4) Such persons referred to in subsection 1 may apply to the RPRB for an extension of this Order.

36. Court Conferencing

The JRPOC may refer a juvenile convicted of an offence under Schedule 1 and 2 of this Bill to court conferencing in the Children's Court.

37. Expanded Supervised Release Order

- (1) This order is available to juveniles found guilty of a Schedule 2 offence under this Bill, and mentally impaired children found suitable for the JRP by virtue of section 10(1).

- (2) For the issuance of such order the juvenile must have admitted responsibility for the offence.
- (3) The Expanded Supervised Release Order is the same as the Supervised Release Order under Part 8 of the Young Offenders Act 1994, implementing the following where appropriate –
 - (a) Conditions should be appropriate, achievable, proportionate and aimed at rehabilitating the young person;
 - (b) Stable, supportive accommodation is to be provided as necessary;
 - (c) Appropriate educational opportunities or vocational training, including an apprenticeship;
 - (d) A job, or at least the opportunity to pursue a vocation;
 - (e) Recreational activities which offer the chance to be occupied out of work or school hours and to make good peer associations;
 - (f) Support and guidance to facilitate the avoidance of harmful peer associations and opportunities to offend;
 - (g) Counselling;
 - (h) Group work;
 - (i) Victim awareness;
 - (j) Skills development;
 - (k) Victim mediation;
 - (l) A curfew, when helpful and feasible;
 - (m) A culturally appropriate mentor, and guidance and supervision generally, in effective form, rather than as a token effort;
 - (n) Psychiatric and/or psychological treatment or counselling;
 - (o) Any other medical treatment for matters which relate to offending behaviour, including counselling generally; and/or
 - (p) Substance abuse (alcohol, illicit drugs, solvents, etc.) treatment and counselling monitored by random urinalysis, where appropriate and available.

38. Home Detention Order

- (1) This order is available to juveniles found guilty of a Schedule 2 offence under this Bill, and mentally impaired children found suitable for the JRP by virtue of section 10(1).
- (2) The JRPOC may impose such an order if satisfied it is desirable to do so in the circumstances.
- (3) The JRPOC must specify in the order the premises or place (which may include a restricted area) at which the youth is to reside or remain and the period, not exceeding 24 months, that the order is to remain in force.
- (4) The JRPOC may only make this order if the following criteria are fulfilled –
 - (a) Suitable arrangements are available for the youth to reside at his or her residential address or other suitable premises or place for the duration of the order;
 - (b) The residential premises or place is suitable for the purposes of the order; and
 - (c) The making of the order is not likely to inconvenience or put at risk other persons living in those premises or at that place or the community generally.
- (5) Compulsory conditions of this order are as follows:
 - (a) To not leave the premises or place specified in the order except at the times and for the periods as prescribed or as otherwise permitted by the Minister;
 - (b) Wear or have attached a monitoring device in accordance with the directions of the minister, and allow the placing, or installation in, and retrieval from, the premises or place specified in the order of a machine, equipment or device necessary for the efficient operation of the monitoring device; and
 - (c) Obey reasonable directions given by the JRPOC.

- (6) The JRPOC may authorise an officer of the Department of Corrective Services at any time, with or without a warrant, to enter the premises or place at which the juvenile is required under the order to reside, and require a juvenile who is subject to a Home Detention Order to submit to a test to determine whether there is alcohol or any illicit drug or substance present in their body.
- (7) A drug and alcohol test in subsection 6 may include a breath test, blood test and urine test. Failure to comply with these tests and provide a breath, blood or urine sample shall constitute a breach of conditions of this order.
- (8) The JRPOC may any time pursuant to section 24 of this Bill vary the scope, itinerary, terms and conditions of this order.

39. Breach of Conditions of Orders, Programs and Cautions

In (or during) the event a person sentenced under the JRP breaches the conditions of the orders, programs and cautions, the JRPOC may —

- (1) In the event of a minor breach, where appropriate –
 - (a) Take no action; or
 - (b) Impose further conditions and orders; or
 - (c) Impose stricter conditions and orders; or
 - (d) Extend the period of orders or programs by a term not exceeding 1 month; or
 - (e) Impose a surety bond or good behaviour bond on the offender and responsible adult; or
 - (f) Any combination of the above (a-f).
- (2) In the event of a severe breach, refer the matter to the Court pursuant to section 24(6) of the Bill.

Part 3 — Community Based Policing

Division 1 — Implementation of Community Based Policing System

40. Police Budget

The Police Department of each designated suburb will have its budget transformed to include the following changes —

- (1) Technology and Transport will be decreased 20%.
- (2) Wages will be increased by 5% plus the change in CPI each calendar year for five years to agree with the changes detailed in subsection 2(a).

41. Employment

- (1) Overall Employment will increase by 50%.
- (2) A standard minimum requirement of 50% of each department's yearly hiring must:
 - (a) Reflect the local communities racial mix; and
 - (b) Be residents of the local community.

42. Equality Subsidies

Police departments that achieve a population of officers that correctly reflects the communal racial makeup will receive a subsidy equal to 5% of the operating budget.

43. Office Space/Related Budgetary Commitments

Budgetary commitments for office space and related expenses will be decreased by 20% to accommodate for section (48) of this legislation.

44. Expectations and Occupation Requirements

All officers are to follow certain obligations and commitments to their role as an officer of the Western Australian Community Police Program. Requirements to be followed are—

- (a) Organise at least 3 community events or schemes in their suburb annually and subsequently be involved in all other events organised by colleagues. Examples include bake sales, sporting competitions, philanthropic events and neighbourhood watch initiatives;
- (b) Be in constant contact with as many citizens as possible to ensure direct, friendly contact in the case of crime emergencies through forums such as social media and mobile;
- (c) Apply maximum effort to be a relatable, popular member of their community even when not working;
- (d) Be expected to work weekdays as well as weekends on occasion;
- (e) Display a vibrant personality and working presence;
- (f) Use initiative when seeking out any disturbances in the neighbourhood; and
- (g) If a Suburb Chief believes these requirements aren't met then they will refer to section (45) of the bill. The suburb chief interprets this section (44) to his/her own discretion.

45. Community Organisation Alignment

Officers will be expected to align with already established community organisations in the planning and execution of events as detailed in section (44), sub-section 1 as well in general.

Evidence of this includes—

- (a) Representatives from said organisations appearing at community events; and
- (b) Police officers appearing at least 1 community event that they specifically didn't organise, once a month.

46. Officer Reprimands

If any of the criterions in section (44) and (45) are not met then the Police Chiefs of each suburb have the authority to either—

- (a) Suspend officers, unpaid, for up to a week in the event of not fulfilling the requirements of a Community police officer in the case of the first two infractions; and/or
- (b) Eliminate officers' employment in the Western Australian Police Force after the third infraction if the officer displays actions or attitude not in correspondence with the demands of their job.

Note that these reprimands are merely options for the Police Chiefs of each suburb and are to be used at his/her own discretion.

47. Officer Review System

Each officer will be constantly reviewed on his/her performance as a community police officer and will be legally subject to—

- (a) Monthly meetings with his/her police chiefs; and
- (b) Written Performance Reports handed out twice annually.

48. General Quarterly Meeting - Police Chiefs

All Community Police Chiefs are to meet at a quarterly general meeting/forum of all chiefs in Western Australia to discuss the development of the program and possible improvements.

49. Police Emergency Line

- (1) The police line will be separated from the emergency services of ambulance and fire services. The new police number will be 111 with the other two staying with the previous number at 000.

- (2) 111 will act as an optional emergency line but community members will also be encouraged to contact officers directly who will then organise an appropriate response.
- (3) If a citizen does call 000 then they will be automatically redirected to the 111 police emergency line.

50. Working Role Classifications

On any given day police activity per department will be split as three 'beat officers' to any one 'desk' officer. The general roles they will follow are—

- (1) 'Beat Officers' refer to officers who walk around the community getting to know the members and policing general crime whilst possibly investigating more major events. Each officer will be assigned to a specific area of a suburb and then be required to police it accordingly.
- (2) 'Desk Officers' refer to officers who work at a desk doing administrative tasks and providing social and telephone forums for the general public. They should also be in communication with the aforementioned 'beat officers'.

51. Community Policing Oversight and Review Committee

- (1) The Community Policing Oversight and Review Committee will be constructed to oversee all community police programs in the state. Note that this committee will be considered an adjunct of the Western Australian Police Department.
- (2) The responsibilities of each member of the committee will also be to —
 - (a) Be assigned one district to monitor and report on;
 - (b) Work in accordance with the chiefs and other police officers in their own district;
 - (c) Meet monthly to discuss the progress of their districts; and

- (d) Act as an independent governing body of the community policing institution to ensure that the essence of community policing stays consistent and beneficial to all suburbs.

52. Time Based Implementation of Program

- (1) The program will be enacted in order of aggregate combined murders, drug arrests and aggravated assaults from most to least.
- (2) One new district will have it enacted per month until every district across the state has the program.

53. Elimination of Crime Stoppers or equivalent

Police officers will aim to establish communication directly to community members and so after a three month period it is expected that any reports of crime will be handled by and communicated directly to the police officers, who will then forward this on to their department. Under this scheme, Crime Stoppers role becomes that of a general crime line. With this community police program displaying a considerable focus on community relations, citizens will be encouraged by their community officers to inquire about any crimes and incidents outside of the suburbs applies here.

54. Program Security

For 24 months this program is secure in its existence with no parliamentary financial and political backing allowed to be withdrawn. After this period, parliament can review it.

55. System of Rank Change

The rank system of each suburb's police organisation will be as follows—

- (1) One (1) Senior Chief who will oversee all operations.

- (2) One (1) 'Patrol Chief' who will be in constant communication with the beat officers during their walks.

No other positions of rank or seniority will exist.

Division 2 — Greater Awareness and Representation of Ethnic Minorities in Law Enforcement

56. Accessibility of Western Australia Police employment to international officers and transitional Officer Recruitment

- (1) The Western Australia Police will recognise prior international police service of applicants who are citizens of countries under the Commonwealth of Nations, offering the following incentives:
- (a) A shortened Academy course;
 - (b) Faster progression through Constable ranks;
 - (c) Affordable and accessible accommodation within the WA Police Academy campus for the duration of Recruitment testing; and
 - (d) Partial subsidy of travel fees involved in attending the testing.
- (2) The Western Australia Police will offer suitable accommodation to international recruits for the duration of the 13-week transitional course.

57. WA Police Aboriginal Cadet Program Scholarships

Two (2) Scholarships to the Aboriginal Cadet Program will be made available to each Aboriginal Independent Community School of the Association of Independent Schools of Western Australia (AISWA), to students who demonstrate the essential criteria for an Aboriginal Cadet. This is to be decided by the recipient school and approved by a representative of Western Australia Police.

58. Provision of Cultural Awareness Training

- (1) Western Australia Police personnel will be required to complete Cultural Awareness Training (CAT), for the purposes of instilling into Police officers –
 - (a) Awareness of intercultural diversity;
 - (b) Cultural sensitivity; and
 - (c) Understanding of sensitivities associated with meeting the needs of ethnic communities.
- (2) Cultural Awareness Training will be provided on a regular basis along with biannual assessments to ensure cultural competence of Police officers.
- (3) Officers must behave in a manner in accordance with the training that they receive.

59. Encouraging diversity in the police force

- (1) Western Australia Police are mandated to use 35% of their promotional budget to fund projects that encourage people of diverse backgrounds to apply to the Western Australia Police.
- (2) Western Australia Police are to officially participate in community events; including but not limited to multicultural fairs and pride parades. Number of attended events are at the discretion of the police chief.
- (3) Western Australia Police must advertise with the aim of encouraging and displaying diversity in the police force, through social media and traditional media. At the discretion of the Police Commissioner, involved media includes, but is not limited to:
 - (a) Twitter;
 - (b) Instagram;
 - (c) Facebook;
 - (d) Public Broadcaster Television; and
 - (e) LinkedIn.

Part 4 — Miscellaneous

60. Sunset Provisions

Unless renewed by Parliament, this Bill and amendments made by this Bill shall cease to have effect ten (10) years from the commencement of the Bill.

Appendix

Schedule 1 - Indictable Offences that qualify for the JRP

Offence	Corresponding Sections of <i>The Criminal Code</i>
Acts intended to cause grievous bodily harm or prevent arrest	s 294
Grievous bodily harm	s 297
Wounding and Similar Acts	s 301
Acts or omissions causing bodily harm or danger	s 304
Assaults occasioning bodily harm	s 317
Assaults with intent	s 317A
Stalking committed in circumstances of aggravation	s 338E(1)
Stealing a motor vehicle, aggravated by reckless or dangerous driving	s 378(2)
Criminal damage	s 444
Damaging Property	s 445
Burglary	s 401
Persons found armed, etc., with intent to commit crime	s 407
Demanding property with threats with intent to steal	s 396
Attempts at extortion by threats	s 398
Statements or acts creating false apprehension as to the existence of threats or danger	s 338C
Threats with intent to influence	s 338A

Appendices

Schedule 2 - Simple Offences that qualify for the JRP

1. Offences under Part Two of the *Misuse of Drugs Act 1981*:

Offence	Corresponding section(s) of the <i>Misuse of Drugs Act 1981</i>
Offences concerned with prohibited drugs and prohibited plants in relation to premises and utensils	s 5(1)
a person who has in his possession or uses a prohibited drug	s 6(2)
a person who has in his possession or cultivates a prohibited plant	s 7(2)
Fraudulent behaviour in relation to prohibited drugs	s 8

2. An offence that can be heard with the absence of a judge, jury and defendant and heard with one magistrate only