



**Juvenile Justice**  
Attorney General & Justice

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Mr Paul McKnight  
Executive Director  
NSW Law Reform Commission  
GPO Box 5199  
SYDNEY NSW 2001

Dear Mr McKnight,

Thank you for the opportunity to comment on the Law Reform Commission's review of the *Crimes (Sentencing Procedure) Act 1999* (NSW). Juvenile Justice provides the following comments which focus on children and young people appearing in the Children's Court and higher courts.

The agency supports the availability of a wider range of structured intensive community-based interventions that promote rehabilitation, particularly for young offenders. Diversionary programs have been proven to surpass incarceration as a method of preventing youth from becoming entrenched career criminals.

Where detention is the only sentencing option, young offenders should be granted the shortest appropriate period of detention. This is in recognition of research which shows that the adolescent brain develops over time, having a great capacity for change.

The provisions within the Act relating to fines recognise that fines can cause severe financial hardship for young offenders and their families who typically have no or very low income. The agency supports the inclusion of Work and Development Orders for such vulnerable people as an alternative to fines.

The agency also supports a therapeutic component to Community Service Orders to incorporate aspects of the Work and Development Order Scheme, including participation in mental health programs and attendance at relevant counselling services.

The agency supports the retention of recording without conviction where appropriate.

The "rising of the court" should continue as a sentencing option, particularly for young offenders that have spent a considerable time in custody whilst awaiting sentence.

If you have any further queries please do not hesitate to contact Kay Elphick on [REDACTED] or [REDACTED].

Yours sincerely



Valda Ruis  
**A/Chief Executive**

13-8-12