

Detention orders

A children's court magistrate can order that a young person be sent to a detention centre for up to a year. A higher court has the power to order detention for a period of up to five years or longer depending on how serious the offence is. Young people sentenced to detention are required to spend between 50 and 70 per cent of their detention order in a detention centre and the remainder back in the community under supervision on a supervised release order. The majority of young people sentenced to detention spend 70 per cent of their order in detention and 30 per cent subject to a supervised release order.

Combined orders

Courts can also combine orders so that a young person could, for example, be sentenced to a probation order and community service for the same offence.

Other orders

Restitution and Compensation

A court may order that a young person pay compensation or restitution for property loss or for any injury suffered by a victim of the offence. This order can only be made in addition to another sentence order and the court must be satisfied that the young person has the capacity to pay the amount.

Licence disqualification

If a young person is charged under an Act which has provision for licence disqualification a court may disqualify a young person from holding or obtaining a driver's licence.

Youth justice conferencing

A court may refer a young person to a Youth Justice Conference. This is a meeting facilitated by a person called a convenor. A conference brings the young person and their family together with the victim or someone representing the victim (if they wish to attend) as well as a police officer. The convenor helps everyone talk through what happened and how everyone has been affected. The aim of the conference is for the victim, the young person and their family to come up with an agreement about how the young person can begin to repair the harm caused by the offence. An agreement may contain outcomes such as the young person giving an apology, attending a program or performing unpaid work. The agreement must not be more severe than if a court sentenced the young person.

A court can request that a Youth Justice Conference occur instead of the court making a sentence order.

A court may also request that a Youth Justice Conference take place before sentencing. In this case the court can consider the conference outcome at the time of sentencing.

Department of Communities

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Sentences

A guide

Young people who plead guilty or who are found guilty before a court will be sentenced by the court.

Sentences can be given by a range of courts including Childrens Courts (sometimes called lower courts), District Courts, the Children's court of Queensland and the Supreme Court (usually called higher courts). Most young people have their matters completed in the Children's court.

Principles

Though every case is different, courts use a set of principles (known as the Charter of Juvenile Justice Principles) when sentencing young people.

They include:

- that a young person should be detained in custody for an offence only as a last resort
- a young person should be given the opportunity to be part of, and understand what is going on
- that age, maturity and cultural background are relevant considerations in any decisions which are made in relation to young people

Sentences

Unsupervised orders

Reprimand

This is a warning given by a court to a young person who is found guilty or pleads guilty to an offence.

Good Behaviour Order

A court can order that a young person be of good behaviour for up to a year. If a young person offends again whilst subject to a good behaviour order, this fact will be taken into account by the sentencing court.

Fine

A court may order that a young person be fined for committing an offence. However, before imposing a fine the court must make sure that a young person has the ability to pay.

Orders supervised by the Department of Communities

Probation

A court can order that a young person be put on probation. This means that the young person will be supervised by an officer from the Department of Communities for the period of time that they are on probation. They must abide by the requirements of the order and not break the law. A young person has to agree to be on a probation order.

Community service orders

A young person sentenced to community service must perform unpaid work for the number of hours given by the court. It is the responsibility of the Department of Communities to organise this work and arrange for the young person to be supervised whilst he/she is performing the tasks. A young person has to agree to perform community service.

Intensive supervision orders

A court can order that a young person aged 10 – 12 years be sentenced to an intensive supervision order. An intensive supervision order can be made for a period of up to six months. The court can only make this type of order if the young person has agreed to take part in a program of activities organised by the Department of Communities. The program will include mediation, supervision and other activities as outlined in a presentence report.

Conditional release orders

Courts can immediately 'suspend' a detention order for up to three months. This is called a conditional release order. The court can only order this type of order if the young person has agreed to take part in a program of activities organised by the Department of Communities. Programs may include work, schooling, counselling and participation in community activities. If a young person does not do what they have agreed to do then he/she may be brought back to court. The court may order that the young person be sent into detention.