EDITORIAL NOTE: CHANGES MADE TO THIS JUDGMENT APPEAR IN [SQUARE BRACKETS].

NOTE: NO PUBLICATION OF A REPORT OF THIS PROCEEDING IS PERMITTED UNDER S 438 OF THE ORANGA TAMARIKI ACT 1989, EXCEPT WITH THE LEAVE OF THE COURT THAT HEARD THE PROCEEDINGS, AND WITH THE EXCEPTION OF PUBLICATIONS OF A BONA FIDE PROFESSIONAL OR TECHNICAL NATURE THAT DO NOT INCLUDE THE NAME(S) OR IDENTIFYING PARTICULARS OF ANY CHILD OR YOUNG PERSON, OR THE PARENTS OR GUARDIANS OR ANY PERSON HAVING THE CARE OF THE CHILD OR YOUNG PERSON, OR THE SCHOOL THAT THE CHILD OR YOUNG PERSON WAS OR IS ATTENDING. SEE http://www.legislation.govt.nz/act/public/1989/0024/latest/DLM155054.html

IN THE YOUTH COURT
AT AUCKLAND

I TE KŌTI TAIOHI
KI TĀMAKI MAKAURAU

CRI-2018-204-000150
[2019] NZYC 456

NEW ZEALAND POLICE

v

[MQ]

Hearing:	23 September 2019
Appearances:	H Clark for the Crown M Winterstein for the Young Person
Judgment:	23 September 2019

SENTENCING NOTES OF JUDGE A J FITZGERALD

---

[1] [MQ], I will just get you to stand up please. I have read all of the reports and submissions that were provided before today and I have listened carefully to what has been said this morning and the decision I have made is to make a supervision with residence order for six months in relation to the charges you have admitted which will be followed later by a supervision order for 12 months.

[2] I know that was really what you wanted to find out today and so I am telling you and everybody else that right now, so that you do not have to sit for another lengthy period wondering what is going to happen; but when Judges make important decisions like this, we cannot just say what the result is, we have to explain how we reached the decision and I am going to do that now so you can take your seat again while I do that. What I am about to do will include a lot of legal talk which you may not be so interested in and that will not be too important to concentrate hard on but at the end when I come to the formal orders that I am making, that will be a time to listen carefully but I will tell you that then.

[3] I have just told [MQ] and the other people present that I have decided to impose a supervision with residence order for six months which will be followed by a supervision order for 12 months for these three charges he has admitted;

- wilfully damaging an EM bail anklet on 18 June 2018 and then the next day;
- assault with intent to rob, and;
- aggravated wounding.

I am now going to explain the reasons for that decision starting with this summary of the facts.

Facts

[4] On [date deleted] 2018, [MQ] removed his electronic monitoring anklet and left his bail address in [location A].

[5] At about 7.03 pm the following day he entered a dairy in [location B] while an adult associate waited outside as a lookout.

[6] [MQ] waited in the store while the first victim, [victim 1], served a customer. When that customer left the store, [MQ] advanced on [victim 1], removed a knife from his pocket, and without warning, challenge or making any demand, stabbed [victim 1] three times in the torso and once in the arm. The force of the blows pushed [victim 1] away from the cash register which [MQ] then attempted to open. [Victim 1] lunged at [MQ] to prevent him from taking money and [MQ] stabbed [victim 1] again. In the process he wounded his own hand.

[7] The second victim is [victim 1]'s mother [victim 2]. When she heard her son shout, she entered the store with her nephew through an internal door. They went to assist [victim 1] who was still engaged in a scuffle with [MQ] who stopped trying to open the cash register and instead moved towards [victim 2] so as to escape.

[8] [MQ] pushed [victim 2] causing her to fall to the floor and as she lay there he stabbed her once in the upper torso causing a three centimetre wound to her chest. He then ran out of the store and away.

Submissions

[9] The sentences I will impose today were one of two options recommended by [MQ]'s social worker and advocated for by his Youth Advocate, Ms Winterstein. The alternative was supervision with activity for six months which I did not consider adequate.

[10] The police, for whom Ms Clark from the Crown appears, sought a conviction and order that [MQ] be brought before the District Court for sentencing on the basis that the following factors weighed in favour of that:

1. First, the seriousness of the offending which is said to be tantamount to serious adult offending.

2. Secondly, orders available to the Youth Court are insufficient in this case to mark the gravity of the offending, hold the young person accountable and deter him from re-offending.

3. Thirdly, the public interest in protecting the wider community.

[11] One preliminary observation on the first point is that almost by definition the Youth Court only deals with serious offending. Because the police handle about 80 percent of youth offending by alternative action in the community, the Youth Court generally only deals with serious and/or repeat offending by young people.

[12] The main problem with the first submission is that it implies that if offending is serious enough, a young person should be dealt with as if he or she is an adult. To describe the offending here as tantamount to adult offending is misguided. I realise the reference is borrowed from an old case but it is out of date and out of touch with the type of work the Youth Court routinely does. To view youthful behaviour in that way is also out of touch with the science. It is also hard if not impossible to justify in light of the new provisions of the Act especially the requirement to respect and uphold the rights of young people under the UN Convention and I will return to this topic soon.

[13] A problem with the second point is the emphasis on deterrence here and at other parts of the submissions. First, because I am unable to find any mention of that in the Act as a factor to be taken into account on sentencing. Secondly because of the evidence regarding the impact of [MQ]'s Foetal Alcohol Spectrum Disorder, ("FASD"), on his brain function. Specific deterrence presupposes he is capable of making and remembering the connection between the offending and the sentence imposed, remembering that connection and then mentally processing the probability of such punishment for his actions in the future. It is clear from the reports of Dr McGinn that he is incapable of doing that. Little if any weight can therefore be assigned to deterrence.

[14] The problem with the third submission regarding the public interest is that the only evidence before me on the all-important issue of protecting the public is that

sending [MQ] into the adult prison system will increase the danger he poses to public safety. I will also say more on that issue shortly.

[15] Another problem with the police submissions is that some of the statutory provisions relied upon are those that applied before 1 July 2019 when the law changed in significant ways and many of the cases referred to are more than 20 years old and out of date and out of touch with the sorts of issues the Youth Court is now having to deal with in cases such as this.

[16] [MQ]'s presenting issues, and in particular his neuro-disabilities and upbringing characterised by years of trauma which is also likely to have had an impact on his brain function, are common to many of the young people facing serious charges. That group of young people, of which [MQ] is one, make up about 10 percent of the total population of youth offenders but account for about 80 percent of the serious crime and take up most of the time and resources of all the agencies involved.

The Oranga Tamariki Act 1989

[17] Changes to the Act that came into force on 1 July this year are the most significant in the nearly 30 years of the Act's operation. It is clear that the Act must now be interpreted and applied with a more sophisticated and nuanced understanding of Te Ao Māori.

[18] The Objects section is replaced by the Purposes of the Act which are to promote the wellbeing of young people, their families and whānau, hapu and iwi by complying with a detailed and carefully defined list of duties, principles and obligations imposed on decision-makers.

[19] It is not necessarily to detail all of those now but it is important to note that they include the following:

1. Establishing, promoting or coordinating services that;
    a. firstly, are designed to affirm mana tamaiti, are centred on young people's rights, promote their best interests, advance their wellbeing,

address their needs, and provide for their participation in decision-making,

b. advance positive long-term health, educational, social, economic or other outcomes;

c. Are culturally appropriate and competently provided.

2. Families, whānau, hapu and iwi must be assisted to both prevent both young people from suffering abuse and from offending.

3. A Practical commitment to the Treaty of Waitangi is required as is recognising mana tamaiti, whakapapa and the practice of whanaungatanga.

4. Wellbeing and best interests of young people are the first and paramount consideration in all matters regarding care and protection issues and are a primary consideration in relation to youth justice issues.

[20] The four primary considerations in relation to all youth justice matters are:

1. firstly; wellbeing and best interests of the young person,

2. secondly; public interest which includes public safety,

3. thirdly; interests of any victim and

4. fourthly; accountability of the young person for their behaviour.

[21] Other principles include taking a holistic approach which means seeing the young person as a whole person which includes, but is not limited to, developmental potential, educational and health needs, whakapapa cultural identity, disability if any and age.

[22] The nine youth justice principles include imposing the least restrictive sanction possible in the circumstances and addressing causes underlying offending when determining responses and giving consideration to the views and interests of any victim.

[23] As well as those purposes and principles, the Act imposes obligations on the Chief Executive of Oranga Tamariki which include ensuring that the policies and

practices that are implemented have the objective of reducing disparities by setting measurable outcomes for Māori children and young persons who come to the attention of Oranga Tamariki. The duties of the Chief Executive also extend to recognising and providing a practical commitment to the principles of the Treaty of Waitangi promoting the establishment of services designed to improve the wellbeing and long term outcome for young people and the adoption of policies that are designed to provide assistance to young people who lack adequate parental care or require protection from harm or need accommodation or social or recreational activities.

[24] The Chief Executive is also required to ensure where practicable that any services funded to reduce the impact of early risk factors for future involvement in the care, protection or youth justice systems are coordinated with other government funded activities for improving outcomes for children.

[25] All of those provisions are relevant in [MQ]'s case as I will explain shortly.

The UN conventions

[26] The strong emphasis on wellbeing requires amongst other things that a young person's rights under the UN Convention on the Rights of Children and the UN Convention on the Rights of Persons with Disabilities must be respected and upheld.

[27] Previously, on a number of occasions, the higher Courts have endorsed the use of the international instruments to which New Zealand is a party as providing helpful guidance to the interpretation of our law. The amendments to the Act greatly elevate the significance of those conventions and young peoples' entitlements under them to all the rights and the protections they promise. Respecting and upholding such rights must be done.

[28] The preamble to the Rights Convention includes recognition that children, by virtue of their age, are entitled to certain safeguards and protection including legal protection. Articles that are relevant in [MQ]'s case include;

1. Article 2, which requires a focus on ensuring that particular groups of children and young people including disabled youth and indigenous youth are not discriminated against;

2. Article 3, which requires that his best interests be a primary consideration as does the Act;

3. Article 37(b) which states that custody shall be used only as a measure of last resort and for the shortest appropriate period of time;

4. Article 37(c) and (d) require that young people in custody be treated humanely and be separated from adult prisoners in custodial settings;

5. Article 40 which provides that sanctions and outcomes should be consistent with the promotion of a young person's sense of dignity and worthy and also provides that a variety of dispositions shall be available to ensure that a young person is dealt with in a manner appropriate to his or her wellbeing and proportion to their circumstances and the offence;

6. Article 40(2)(b) provides for the right to have the matter determined without delay.

[29] The Act also recognises the importance of timeliness and in s 5(1)(b)(v) requires that decisions be made and implemented promptly and in a timeframe appropriate to the age and development of the young person.

[30] There has been significant delay in reaching this point in the proceeding for [MQ] largely as a result of the complicated legal process to determine his fitness to plead and stand trial for these and other charges. As a result of that process, Principal Youth Court Judge Walker found [MQ] to have FASD, attention deficit hyperactivity disorder ("ADHD") and low intellectual functioning and that these are mental impairments, but that [MQ] was fit to plead and to stand trial.

[31] [MQ] does not have an intellectual disability and FASD is not yet recognised officially as a disability which seems extraordinary when one looks at the impact it has on functioning, but that state of affairs means [MQ] may not necessarily qualify officially for the rights and protections under the UN Convention on the Rights of People with Disability. Having said that, his particular needs have been catered for to some extent throughout the proceedings. For example, he has the support when necessary of a communication assistant to enable him to participate in the process and Ms Bonetti is here today again to fulfil that role.

[32] Returning to the Rights Convention, it also picks up on the principle that young people are to be treated in a manner that takes into account their age and the desirability of promoting their reintegration and assuming a constructive role in society.

[33] Unlike the Rights Convention, the Beijing Rules and Riyadh Guidelines do not have binding force under international law but they set out recommended guidelines on minimum standards for youth justice systems and are therefore relevant.

[34] Rule 5.1 Beijing Rules provides that sanctions and outcomes must emphasise wellbeing of the young person and ensure that any reaction to young offenders shall always be in proportion to the circumstances of both the offender and the offence.

[35] Perhaps the strongest statement on the importance of wellbeing is in the general comment, number 10 of the Committee of the Rights of the Child adopted in 2007. It makes it clear that when balancing the young person's wellbeing on the one hand, and the need for public safety and sanctions on the other, the scales should tip in favour of wellbeing.

Factors to be taken into account on sentencing

[36] Section 284 of the Act sets out the factors that must be taken into in sentencing and I turn to those now.

Nature and circumstances of the offending

[37] I have already summarised what happened. This was extremely serious, unprovoked violent offending using a weapon. If there was any planning, it was very basic.

Personal history and characteristics and social circumstances

[38] [MQ] is a 17 year old tai tama tane of [iwi deleted] and [iwi deleted] descent. His whānau belong to [the Marae] in [location C]. Having been taught early in immersion schools, [MQ] is fluent in Te Reo Māori and has good knowledge and understanding of Te Ao Māori and has pride in his cultural identity and whakapapa. He is physically fit, good at sports and talented at music. At the time of the offending he was aged 16 and will turn 18 [later] this year.

[39] His family has an extensive care and protection history with Oranga Tamariki dating back to [the early-2000s] when [MQ] was aged [under five]. Alcohol and other drug abuse by his parents were amongst the concerns. There were eight care and protection intakes for [MQ] from [year deleted] onwards. Allegations of emotional abuse by the parents were substantiated; the police considered he was in need of care and protection due to his offending before age 14 and made a referral to a family group conference coordinator during 2015 before applying to the Family Court for a declaration that [MQ] was in need of care and protection on account of his offending.

[40] On 15 December 2015, a declaration was made that [MQ] was in need of care and protection on the grounds in s 14(1)(b), (d), (e) and (f) acknowledging therefore that in addition to his offending before age 14, there were various other serious care and protection concerns for him. There is a s 101 custody order in favour of the Chief Executive of Oranga Tamariki which is due to expire on [MQ]'s [next birthday].

[41] [MQ] has been diagnosed with FASD and like about 70 percent of those affected in this way, he has an associated ADHD. He is not intellectually disabled and because FASD is not yet recognised as a disability, he is not eligible for those supports and services that those with a recognised disability are entitled to receive. Other diagnoses are conduct disorder and substance use disorder.

[42] He has been impulsive and overactive from early childhood and remains impaired in his ability to regulate his actions and think through to consequences. As a consequence of his FASD, his actions are driven by what he wants at the time rather than a logical reasoning as to where such behaviours may be leading and the possible implications.

[43] Other consequences of the diagnosis include his social immaturity, behavioural dysregulation, inability to be productive without the right level of help, poor reasoning and decision-making and a failure to think through to consequences and learn from his mistakes.

[44] He is unable to retain information and work it in his mind without becoming totally overwhelmed. He has definite attention deficits with some high rates of forgetting. On testing he was found to be incapable of curbing his impulsivity leaving him highly at risk and he does not stop to think things through.

[45] Dr McGinn explains that [MQ] needs to be treated in light of his FASD because young people with such a diagnosis need to be managed differently and can do well once those around them know how to manage the disability. When sufficient structure, support and supervision are provided, his risks are manageable. However, once the supports are removed, the FASD remains and the problematic behaviours will return unless there is an appropriate level of ongoing support which is needed long-term to achieve best outcomes.

[46] [MQ] knows right from wrong and how he should behave but cannot regulate himself and will be very easily led into trouble situations by more sophisticated youth or adults.

[47] Dr McGinn also explains that punishment is known to be ineffective in changing behaviours of individuals with FASD and the provision of support is more effective. She says that sentencing [MQ] to a long-term of imprisonment is only likely to make him more dangerous as he will only have an anti-social group to mix with. It will only serve to protect the community for the period of time he is contained but increase his dangerousness once released. Instead she suggests that providing a longer

term of monitoring in the community will encourage him into work and more productive activities.

[48] [MQ] suffered a traumatic brain injury [in his early teens] and has more recently suffered a concussion as a result of an assault while he has been in the residence where he is currently detained. However, his severe behaviour problems pre-date the head injury.

[49] Dr McGinn's impression is that [MQ]'s behavioural difficulties are brain-based rather than the product of environmental factors, namely exposure to trauma in the care and protection context. His head injury and long-standing substance abuse are likely to have exacerbated his brain dysfunction.

[50] Medication for his ADHD has proven to be effective and [MQ] presents more appropriately when he is taking it. He also follows conversations better and is more able to regulate himself. He shows some insight into the benefits of medication and reported that he can now stay on task in class and get work completed.

[MQ]'s attitude to the offending

[51] Dr McGinn explains that [MQ]'s executive brain dysfunction leaves him self-centred and unable to appreciate the perspectives of others which would therefore probably make sympathy and empathy limited or unlikely. However, she also notes that he is now expressing remorse and showing some understanding of how the victims would have been affected by the events which she says seems like progress.

[52] [MQ]'s social worker reports that [MQ] has been making expressions of remorse towards the victims including composing a rap for them.

Response of his whanau

[53] That response has been to express their disappointment and a wish for him to do well in future and that they will always support him.

Effects on the victims

[54] Unfortunately, only a limited amount of information is available about the victims apparently because they did not want contact with the police. The following information is taken from the social work report: [victim 1] spent about two months in hospital and had a number of surgeries and infections due to the stab wounds. [Victim 2] also spent time in hospital and needed to have a shoulder replacement. She has lost her independence and is not able to do her normal work such as lifting, nor is she able to cook and do [business deleted] work which she loved doing. This has resulted in lost income and most of her independence. She needs help doing even simple things such as brushing her hair.

[55] It is to be expected that in addition to those impacts, there will have been enormous and significant psychological and emotional harm done. Although no statement is provided describing that, no one would dispute the offending was of the most serious nature and the impacts on the victims will be of the most significant and serious nature.

Previous

[56] [MQ] has previously come to police attention from 2013 onwards when he was between 11 and 12. Some matters were resolved by alternative action. He has notations in the Youth Court from 2017 for four charges of escaping custody, two of possessing cannabis, behaving threateningly, interfering with a motor vehicle, taking a bicycle and burglary.

[57] There are other charges [MQ] denies which are awaiting the judge-alone trial in [location D]. Those charges are two of aggravated robbery, three of unlawfully taking motor vehicle and two of assault with intent to rob. That offending is alleged to have occurred between January and June 2018.

FGC

[58] No agreement was reached. Underlying causes are apparent from what I have mentioned already.

[59] Section 284(1A) requires that when the Court is considering transfer of a proceeding to another Court, including doing so under s 283(o), the Court must consider and give greater weight to the seriousness of the offending, the young person's criminal history, the interests of the victim and the risked posed by the young person to other people.

[60] I have given these issues careful attention and add the following comment to those already made on these issues.

[61] As well as the concern about increasing the danger [MQ] poses to public safety by sending him to an adult is prison, is the fact that Corrections are not currently equipped to deal with someone his age with his presenting issues.

[62] In *New Zealand Police v SD,* Principal Youth Court Judge Walker in March 2018 set out the following response he had received from Corrections to an inquiry he had made about what youth-specific interventions would be available if the sentence were to be managed by Corrections either in prison or in the community. The response he received was as follows:[1]

> In the space of youth (17 to 25 years) within the Department of Corrections there are unfortunately limited services available. If sentenced to a custodial term, he may be eligible for the Young Offenders Programme. This is a specific programme/unit targeted to those under 20 in a custodial space. This is offered in Christchurch and Hawke's Bay Prisons. If sentenced to a community-based rehabilitative sentence, there are again limited resources. The only programme available in Auckland is a Mauri Toa Rangatahi (Power of Youth) Programme which is offered once per financial year per district. The current programme is running in South Auckland. I apologise I do not have a forecast roster as of yet. There are multiple agencies in the community in which we can encourage the youth to engage with. However, it has proven difficult once they reconnect with antisocial associates and the like as I am well aware you would know.

[63] When I met with Corrections officials in Wellington last month and asked them whether there had been any change in that situation since March 2018, I was told there had not been yet. Corrections is working on developing youth-specific programmes in order to cater for young people, who they define as being 17 to 25 years of age, but

---

1 *New Zealand Police v SD* [2018] NZYC 169 at [40].

at this stage, the changes have not yet amounted to any improvement in the situation as Judge Walker recorded in March last year.

[64] The reality would therefore be that after being released more dangerous from an adult prison, there would be no youth-specific programmes and no adequate monitoring of his situation in the community.

[65] With those things in mind, a transfer to the District Court, so as to be sent to prison and not receive anything to manage his risk upon release, would be irresponsible. Also given the disproportionate number of Māori who are already in prison, to send a very young man who identifies as Māori there would not be something to do lightly and would possibly be in breach of obligations under the UN Convention on the Rights of Indigenous People.

[66] The inadequacy of what Corrections can offer here is to be compared to what is available to [MQ] by being sentenced in the Youth Court where he will continue to benefit from the support he receives from staff who are trained and dedicated to working with young people. He is responding reasonably well to that support in that environment.

[67] It needs to be emphasised that [MQ] has already spent 15 months in custody on remand and so the supervision with residence order is time added on top of that remand period. If [MQ] earns his early release, the period in custody will have been about 19 months. The time then available for him to be under supervision in the community will be 11 months. In terms of s 289 Oranga Tamariki Act, that is not clearly inadequate especially having regard to what I have already mentioned and the factors to which I now turn.

Care and protection

[68] Because [MQ] has current care and protection proceedings before the Family Court, I have been case managing his files in the crossover list so as to coordinate what is going for him in both proceedings.

[69] Back in June I directed that there must be a review of his care and protection plan before his birthday and hoped that review would occur today. Unfortunately, that has not proved possible but there is still time to address things properly.

[70] In April there was a transition to independence FGC but at that time, the situation with the Youth Court proceedings was far from certain and perhaps not surprisingly, the transition from care to independence plan at that stage was minimalistic and inadequate.

[71] Now is the time to revisit that plan and present something suitably robust at the crossover list on [date deleted] 2019 at 10.30 am.

[72] It is important to note that whether or not those proceedings continued past [MQ]'s next birthday, which is certainly an option, the Chief Executive has an obligation to provide ongoing advice and assistance to [MQ] until he is 25 years old in terms of s 386A of the Act.

Supervision

[73] I have already mentioned that the supervision with residence order will be followed by a supervision order which I am not making today. It will most likely be made on 20 January 2020 at the early release hearing.

[74] A cultural report had been ordered for this hearing but due to an administrative error, the referral was not sent. It has been sent now and so the report will be available before the early release hearing and will be provided to those concerned once it arrives. It is anticipated that recommendations in that report will inform some of the content of the supervision order plan so far as cultural content is concerned.

[75] The period immediately following [MQ]'s release from residence will be a high risk time. We know that [MQ] will not fare well if he is left to try and live independently in the community. He has impaired reasoning and decision making capacity and despite expressing good intentions in the past, has a pattern of repeating

the same mistakes. Dr McGinn says this is common of individuals with FASD who have a need for high level structure support and supervision to do well.

[76] Therefore, the time between now and January next year must be used to come up with a supervision plan that will be suitably robust, well-structured and supported to cater for [MQ]'s risks and needs. In that regard, I commend to the social worker who will be preparing that plan the recommendations made by Dr McGinn about what the plan will need to include.

[77] It should include Te Awa Whakamana which is a Māori emotion regulation programme that would be valuable for [MQ] she thinks.

[78] A key worker model of care is known to be effective for individuals with FASD. An FASD informed key worker can function as an external brain to compensate for areas of deficit. Therefore, once living in the community, [MQ] would benefit from having a mentor who could take this role to assist in solving problems before they arise and in supporting [MQ] to make good choices. It will be important for all involved with [MQ] to become FASD informed to know how best to help him.

[79] Residential drug rehabilitation may be needed in the future should [MQ] start to use again although he says he is determined not to.

[80] This brings me back to where I started with the purposes, principles, duties and obligations under the new provisions of the Act. This will be one of the first very complex cases to put to the test those obligations I mentioned before and how the purposes and principles will be fulfilled, and duties and obligations met.

[81] For instance, establishing and coordinating services designed in the context of [MQ]'s case to affirm mana tamaiti, to be centred on his rights, promote his best interests, advance his wellbeing, address his needs and crucially I would add address risk as well as advance health, educational, social and other outcomes in a culturally appropriate way.

[82] Importantly, [MQ]'s whānau will also need to be assisted to play their part when he is back in the community to help prevent further offending.

[83] I suggest the social worker will need to approach preparation of the plan in support of the supervision order for [MQ] in the context of his particular profile and needs, so as to ensure it can be implemented in a way that satisfies the requirements and the duties placed on the Chief Executive under sections 7 and 7AA of the Act. Services will need to be designed to provide the necessary level of structure, support and supervision will be required and must be adequately funded.

[84] [MQ], I will now get you to stand up please because I have finished explaining how I came to the decision that I told you about before.

[85] I am sentencing you on the three charges that you have admitted to six months' supervision with residence and the residence is to be [location deleted].

[86] The plan that your social worker prepared, dated 29 August this year, is approved.

[87] You will be allowed out of [the residence] two thirds of the way through that six month order as long as you meet these tests:

[88] You must not abscond or commit further offences;

[89] You must behave well;

[90] You must do a good job of carrying out the plan your social worker has provided.

[91] The hearing to decide if you will get early release will be on 20 January 2020 at 10.30 am. On that date, the supervision order that must follow the residence order will be made and I am now asking your social worker to provide the report and plan that will be needed for that hearing and again, just draw attention to the comments I have made about the things that I think must be contained within that plan.

[92] That is all for today, [MQ]. You will need to go back into custody now.

A J FitzGerald
Youth Court Judge