

CHILDRENS COURT OF QUEENSLAND

CRIMINAL JURISDICTION

JUDGE DICK SC

THE QUEEN

v.

LG

BRISBANE

..DATE 30/04/2012

ORDER

HER HONOUR: This is an application to review the sentence imposed by Magistrate Hogan on the 23rd of January 2012 in the Charleville Childrens Court. The application is made pursuant to section 119 of the Youth Justice Act 1992. The applicant had, at the time he was sentenced, been subject to various orders.

1

10

In April 2011 he was sentenced for seven offences, including charges of entering premises and unlawful use, and he was placed on a year's probation and ordered to do 50 hours community service. In August the same year, he was sentenced for a total of 15 offences, including offences of entering premises and, at first instance, was sentenced to detention on review. That was set aside and he was ordered to detention but to be served by way of a conditional release order.

20

30

The offences presently under review were committed within two months of the conditional release order being imposed, on the 16th of September 2011. The Magistrate considered all the matters, including the mitigating factors.

40

On the 23rd of February 2012 the matter came before me to be listed as a sentence review but, at that time, there was an application for stay pending the sentence review and an application for conditional bail.

50

I was informed at that time that if the applicant was released on conditional bail, arrangements had been made for him to attend the beyond billabong program, a four week life skilling

and prevocational program based at the Longreach Agricultural College. He successfully completed the program. He has, since returning home, attended community service appointments and participated well and he is nearly at the end of the original 50 hour order and he is looking for employment.

1

He is living at home with his parents. At the time I stayed the proceedings and ordered him bail he had served 31 days in detention and on the original order, 29 days remains outstanding. In those circumstances, I have come to the view that he has spent 31 days in detention prior to the stay and that he has been subject to strict bail conditions and supervision through the conditional bail program since his detention order was stayed for a period of two months and eight days.

10

20

In those circumstances, I do not think there is any purpose to be served by ordering him to go back into detention and there appears to be some hope for him if continues with his rehabilitation. In those circumstances, the application is successful and his sentence imposed on the 23rd of January 2012 is varied and in lieu of the original orders, for the failure to appear in accordance with the undertaking, he is reprimanded.

30

40

For the offence of unlawful use or entry of a vehicle, I order he be detained for a period of 31 days. If it is necessary, I declare that he has spent 31 days in presentence custody. As he is now to be treated as an adult and there are some signs

50

of rehabilitation, no convictions are recorded.

1

-----

10

20

30

40

50