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| **Praise for youth detention law change on table** |
| **Hobart Mercury, Hobart** by**Duncan Abey** | 06 Apr 2016 |
| General News - page 7  |  |
| TASMANIA'S Children's Commissioner Mark Morrissey has backed changes to the state's Youth Justice Act, which have been tabled in Parliament more than three years after the unlawful detention of a teenager triggered a major review.Mr Morrissey said the proposed legislation had picked up on the recommendations made by former Tasmanian ombudsman Leon Atkinson-MacEwen, whose 2014 report described the 81-day detention of a 14-year-old male two years earlier as both unlawful and oppressive.Mr Atkinson-MacEwen recommended the Act be amended to ensure the power to return a youth to detention was overseen by independent authorities outside the Department of Health and Human Services.Mr Morrissey supported the Government's proposal to give courts the power to determine whether there had been a breach of a Supervised Release Order."I actually think this is in the interests of the young person, so I think the department and the Government have responded well and appropriately, and hopefully we won't see a repeat of what occurred some years ago," Mr Morrissey said."I believe that a magistrate is best placed to make a decision, as opposed to the agency because, by and large, magistrates get it right." Under new laws, any youth breaching an SRO would be given the opportunity to explain their behaviour before an independent judicial decision was made. The magistrate would then have the power to continue with the SRO as it stood, amend or even cancel it. If the SRO was cancelled, the youth would be returned to custody, for a period of time determined by the magistrate.Mr Atkinson-MacEwen's report described the "significant number of errors" made by the DHHS to revoke the boy's release order and take him back into custody in August 2012. |