### Chair



Lance Rowe, Armstrong Barton, Whanganui

Lance is a partner of Armstrong Barton. He was appointed as Crown Solicitor for Whanganui in May 2008. Lance was a youth advocate from 1993 until his appointment as Crown Solicitor. He was a member of the NZLS Youth Justice Committee from 2004 until 2008 and the convener from 2005

## **Keynote**



His Hon Judge Andrew Becroft, Principal Youth Court Judge, Wellington

Judge Andrew Becroft was appointed Principal Youth Court Judge in June 2001. Prior to this he had spent five years as a District Court Judge, based in Whanganui. He served on the NZLS Council in 1995 and for several years on the ADLS. Judge Becroft has three children aged 10, 14 and 15 and he unashamedly confesses to being a keen Hurricanes' supporter.

#### **Speakers**



Jackie Anderson, Senior Solicitor, Ministry of Social Development, Wellington

Jackie was admitted to the bar in 1989. She has had extensive litigation experience, including working as a Youth Advocate between 1999 and 2009. Jackie is a former member of the NZLS Youth Justice Committee. She currently works as a specialist Youth Justice legal adviser for the Ministry of Social Development.



Clare Bennett, Barrister, Auckland

Clare is a barrister practising in Manukau. She graduated from Otago University in 1986, practised in Hamilton until 1999 and then commenced practice in Auckland. She has been a member of the NZLS CLE Litigation Skills faculty since 2004 and has acted for young persons in the criminal jurisdiction at all levels since 1987. Clare has a keen interest in youth involved in the criminal justice system. She has spoken at both national and regional Law Society conferences on matters relating to youth justice on a number of occasions.



Ophir Cassidy, Manukau Law, Auckland

After training as a primary teacher Ophir studied law and was admitted in 2002. A fluent speaker of Māori, one of her interests is as a tutor of Māori culture at Te Kura Māori o Nga Tapuwae.

### **Speakers**



Sonja Cooper, Solicitor, Wellington

Sonja graduated with an LLB (Hons)/BA from Victoria University. She also holds a Diploma in Business Studies (Dispute Resolution) from Massey University. Sonja has acted for young persons in the criminal courts since 1987. She is a member of the NZLS Youth Justice Committee. Sonja has spoken at a number of conferences on youth justice-related topics, including the NZLS 2004 Youth Advocates' Conference. She has also presented submissions on youth justice issues at select committees and has been a member of several working parties dealing with youth justice issues.



Philip Dreifuss, Rishworth Wall & Mathieson, Gisborne

Phil was admitted to the bar in 1983 after studying law at Auckland and Otago Universities. He joined the firm of Rishworth Wall & Mathieson in Gisborne as a staff solicitor in 1986 and the partnership in 1991. Phil's principal areas of practice are family law and criminal law. He has practised as Lawyer for Child since 1991 and is a member of the Crown Prosecution Panel for Gisborne. Phil has been the District Inspector of Mental Health for the Tairawhiti region since 1998. His Youth Court practice pre-dates the Children Young Persons and their Families Act 1989 and he has practised in the Rangatahi Court at Gisborne since its inception in 2008.



Gary Earley, Barrister, Auckland

Gary has 25 years' experience in criminal and family law. He began his career as a solicitor for the then Department of Social Welfare, became a partner in a South Auckland law firm and then became a barrister 10 years ago. He has been a practising youth advocate in South Auckland for the past five years. He has presented papers in the past for the ADLS during which, it is rumoured, many people remained awake.



Mike Gardam, Barrister, Whangarei

Mike graduated LLB (Hons) from the University of Auckland and has been in practice for 18 years. He has been a Youth Advocate for 12 years. Mike has appeared in various forums including the Court of Appeal. He is the current convener of the NZLS Youth Justice Committee.



His Hon Judge Chris Harding, District Court, Tauranga

Prior to his appointment to the bench in 1996, Judge Harding was a litigation partner in a Hamilton practice and was the Hamilton coroner for eight years. After six years sitting in New Plymouth he moved to Tauranga and he is now the Executive Judge for the Waikato Bay of Plenty region.



Craig Horsley, Adams & Horsley, Tauranga

Craig was admitted in 1984 and is a partner in the firm of Adams & Horsley. He practises primarily as a criminal lawyer. Craig has extensive jury trial experience and a wide range of legal experience. He has been a Youth Advocate since the Children Young Persons and their Families Act was introduced in 1989.

## **Speakers**



Ian Lambie, Associate Professor, Clinical Psychology, University of Auckland

Ian teaches clinical, forensic, and child psychology. Born and raised in the lovely Scottish heartland city of Dunedin, Ian worked as a nurse in general and psychiatric settings before pursuing his psychology career. He has a PhD from the University of Auckland. He has been providing treatment for adolescent offenders for 20 years and has published nationally and internationally in this area. His specialist clinical and research interests are youth forensic psychology and, in particular, severe conduct disorder, adolescent sexual offending and arson.



His Hon Judge Stephen O'Driscoll, District Court, Dunedin

Judge O'Driscoll was appointed to the District Court in 2003. He is currently the Administrative Youth Court Judge for the southern region. Prior to his appointment to the bench, he was a youth advocate from 1989 to 2001. Judge O'Driscoll was the original author of Children and Young Person's in the *Laws of New Zealand*. He was an author for Adams *Criminal Law* (Robertson, 3rd ed) and is a co-author of Brookers *Law of Transportation*. Judge O'Driscoll has been president of the Otago District Law Society and chairman of both the Legal Services Board and Legal Services Agency. In 2010, Judge O'Driscoll graduated with a doctorate from Otago University.



Claire Ryan, Meredith Connell, Auckland

Claire is a Crown prosecutor and astronomer from Auckland and has practised law for almost 25 years, including five years in Australia. She has worked extensively in the areas of family law and child protection, both in Australia and New Zealand, and appears regularly in the Youth, District and High Courts. Claire prosecutes criminal jury trials and defended hearings and has dealt with many applications under the Protection of Person and Property Rights Act 1988, Health Act 1956, and Mental Health (Compulsory Assessment and Treatment) Act 1992. She lectures in criminal law for the Diploma of Forensic Science at Auckland University and is a member of the Family Law Section of the NZLS.



Anne Stevens, Barrister, Dunedin

Anne has practised as a criminal lawyer for 23 years, nearly 20 of those as a youth advocate. She is a member of the NZLS Board and has been involved in both the NZLS CLE Duty Solicitor and Litigation Skills programmes for a number of years.



His Hon Judge Heemi Maana Taumaunu, District Court, Waitakere

Born in Gisborne, with tribal affiliations to Ngati Konohi, Ngati Porou (East Coast, North Island), and Ngai Tahu (South Island), he completed primary and secondary school in Christchurch before joining the Army in 1984, for five years. Graduating from Victoria University in 1993 with a Bachelor of Laws, Judge Taumaunu practised as a barrister and solicitor in the Gisborne region for a number of years prior to his appointment as a District Court Judge in 2004. Judge Taumaunu is warranted to preside over jury, general and youth courts, is a resident Judge of the Waitakere District Court, and is the liaison Youth Court Judge for Waitakere, Gisborne, Ruatoria and Wairoa. Married with three children, Judge Taumaunu has a special interest in youth justice and, in particular, youth justice for recidivist Māori youth offenders. His Honour presides over the Rangatahi Courts at Te Poho-o-Rawiri Marae in Gisborne and Hoani Waititi Marae in Waitakere.

# **CONTENTS**

# In session order

2011, A big year for youth justice
Communicating with youth offenders
A young defendant – a vulnerable client
Being young is different
Arrest and the nominated person
Custody and Bail
Steering the waka to new shores; analysing the amendments to the 1989 Act 167 Claire Ryan
Indictable jurisdiction
Rangatahi Courts of New Zealand
Mental impairment, fitness to plead and recent decisions
Delay

## **CONTENTS**

# Alphabetical by author/presenter

Author		Title	Page
Becroft	His Hon Judge	2011, A big year for youth justice	1
Lambie	Ian	Communicating with youth offenders	39
Bennett	Clare	A young defendant – a vulnerable client	51
Cooper	Sonja	Being young is different	67
Horsley	Craig	Arrest and the nominated person	127
Earley	Gary	Custody and bail	149
Ryan	Claire	Steering the waka to new shores; analysing the amendments to the 1989 Act	167
Rowe	Lance	Indictable jurisdiction	213
Taumaunu	His Hon Judge	Rangatahi Courts of New Zealand	237
Stevens	Anne	Mental impairment, fitness to plead and recent decisions	263
Gardam	Mike	Delay	275