

THE CHILDREN COURT- DUBLIN METROPOLITAN DISTRICT COURT

DIRECTOR OF PUBLIC PROSECUTIONS (DPP)

-AND-

T.C

APPLICANT

RESPONDENT

BACKGROUND

1. The Young Defendant [child] TC was born in early 2000. He currently resides with his mother, [O], and an older sister in a Bed and Breakfast accommodation in Dublin, but otherwise is effectively homeless. The family have a long history of homelessness. TC parents are separated and there is a history of criminality in some members of the extended family.
2. TC attended school until his Junior Certificate [an educational qualification awarded in Ireland by the Department of Education and Skills to students who have successfully completed the junior cycle of secondary education, and achieved a minimum standard in their Junior Certification]. Although a pleasant and engaged student of average ability his attendance at school was a continuing problem owing to the family's fractured living arrangements.
3. TC was initially refused bail by the Children Court following his appearance in court in regards to an incident on the 8 November 2016. He is currently on Bail due to both his and his mother's engagement with the Extern Bail Supervision Scheme. Extern, is a social justice charity which was awarded a contract by the Irish Youth Justice Service [which operates as through the Department of Children and Youth Affairs] to deliver a 'Bail Supervision Scheme'. Currently, this is a pilot scheme in the Children Court Dublin, working alongside the Irish Youth Justice Service, to ensure young people on bail and their families are supported through a dedicated scheme to address their needs. The scheme provides an intensive support through the use of Multisystemic Therapy (MST), an Evidence-Based approach, which seeks to understand the factors that contribute to the young person's behaviour.
4. MST is an internationally recognised Evidence Based Programme. MST interventions starts out by identifying the causes of offending, and then builds itself around treating them. It is called "multi-systemic" because it works across the different social systems that the young person moved in; family, school, peer group and community. MST addresses risk factors that lead to offending, and works with the family as well as the offender, coming to the family's environment in their time, and asking what the family needs. It works in the four social environments of the young person being family, school, peer group and community. It works in the community with chronic young offenders who are detention bound.
5. Since being admitted to Bail JC has worked well with the Bail Support Scheme.
6. JC has also attended a Dublin based Youthreach for five days a week [Monday-Friday] since early 2017. Youthreach is a Department of Education and Skills official education, training and work experience programme for early school leavers aged 15-20. It offers young people the opportunity to identify options within adult life, and provides them with opportunities to acquire certification.

FACTS**Charge Sheets: Garda Brian Masterson: Summons [23 January 2016]**

7. The relevant legislation to apply to this case is as follows. Dangerous driving-section 53 (1) of the Road Traffic Act 1961, as amended by section 4 of the Road Traffic Act 2011, (Liable to a fine or detention for up to 6 months detention or both. There is also a mandatory disqualification from driving.) No Driving Licence- section 38 of the Road Traffic Act 1961 (as substituted by section 12 of the Road Traffic Act, 2006) provides the offence; section 102 Road Traffic Act 1961 (as substituted by section 12 of the Road Traffic Act, 2006) provides the penalty. No Insurance- section 56 Road Traffic Act, as amended by section 18 of the Road Traffic Act, 2006.

8. In this case, TC was driving a scrambler motorbike on a public road in Dublin and hit a Volkswagen car while over-taking before he collided head on with a Toyota Avensis. The car he hit was driven by a mother who had her husband and their two young children, aged four and eleven as passengers. The Motorbike came through the windows of the car in the collision. The victims didn't wish to give a victim impact statement to the Court, but Garda Masterson informed the Court that while no one was injured, the children were very upset and there was extensive damage to the car resulting in it being a "write-off". The owners had only third party insurance policy and are not covered financially for the loss of the car.

Charge Sheets: Garda Canice Martin Phelan [17 March 2016]

9. The relevant legislation to apply to this case is as follows. Use of a motor vehicle with the consent of the owner- section 112 Road Traffic Act 1961 (as amended by section 65 of the Road Traffic Act 1968, and as amended by section 18 of the Road traffic Act 2006). Dangerous driving- section 53 (1) of the Road Traffic Act 1961 as amended by section 4 of the Road Traffic Act 2011. No Driving Licence- section 38 of the Road Traffic Act 1961 (as substituted by Section 12 of the Road Traffic Act, 2006) provides the offence; section 102 Road Traffic Act 1961 (as substituted by section 12 of the Road Traffic Act, 2006) provides the penalty. No Insurance- section 56 Road Traffic Act, as amended by section 18 of the Road Traffic Act, 2006.

10. The offence occurred at 11 p.m. on Saint Patrick's Day, 2016. TC bought the car for eighty euro on the night of the incident. When approached by a Garda Síochána car, TC drove dangerously around a housing estate for twenty minutes before entering the M50 Motorway. TC had consumed a significant amount of tablets that evening.

11. According to the Gardaí, the Gardaí spotted two cars driving on the wrong side of the road at the Little Pace roundabout in Clonée. The Gardaí took up pursuit at which the two cars split up. TC was driving a 02 REG HONDA Xtreme and drove at speed through another roundabout on the wrong side of/. He sped through a red light forcing a taxi to take evasive action. He crossed several lanes without regard for other road users and he did this several times. He nearly lost control of the Honda several times. TC drove along the M50 slip road and then he crossed the motorway drivers had to take evasive action. As he reached the M50 toll bridge he was "boxed in" and stopped. He initially resisted arrest, but then became compliant and he was handcuffed and taken to Blanchardstown Hospital. The Victim didn't wish to give a victim statement but Garda Phelan informed the court that the stolen car had been hot wired and the owner was not initially aware it had been stolen. As a result of this incident the car was a "write off". The offences were committed while TC was on bail on other charges.

Charge Sheets: Garda David James Short house [29 July 2016]

12. The relevant legislation to apply to this case is as follows. Use of a motor vehicle with the consent of the owner- section 112 Road Traffic Act 1961 (as amended by section 65 of the Road Traffic Act 1968, and as amended by section 18 of the Road traffic Act 2006). No Driving Licence- section 38 of the Road Traffic Act 1961 (as substituted by Section 12 of the Road Traffic Act, 2006) provides the offence; section 102 Road Traffic Act 1961 (as substituted by section 12 of the Road Traffic Act, 2006) provides the penalty). No Insurance- section 56 Road Traffic Act, as amended by section 18 of the Road Traffic Act, 2006. Failure to appear in Court- section 13 Criminal Justice Act 1984 as amended by section 23 Criminal Justice Act 2007.

13. This incident occurred when TC was on Bail in connection with other charges. The victim's car was stolen and driven by TC in a dangerous manner. As a result of the incident the car was a write off. The owner of the car in this case informed the Court very movingly that the consequences of the loss of the car meant she had no car for a considerable period. At the time of the incident, her husband was seriously ill in hospital. Her husband subsequently died and she attended court on the first anniversary of his death.

Charge Sheets: Garda Padraic Brennan [8 November 2016]. This incident occurred while the TC was on Bail.

14. The relevant legislation to apply to this case is as follows. Use of a motor vehicle with the consent of the owner- section 112 Road Traffic Act 1961 (as amended by section 65 of the Road Traffic Act 1968, and as amended by section 18 of the Road traffic Act 2006). Dangerous driving- section 53 (1) of the Road Traffic Act 1961 as amended by section 4 of the Road Traffic Act 2011.

15. A woman's Honda Car was stolen in Dublin. Just after 11.30 p.m. the Gardaí on patrol saw the stolen car being driven at speed by the defendant on the N3 in Dublin. The teenager broke red lights and collided with a Volkswagen Golf driven by the Priest, a Parish Priest. The defendant ran from the car, but was arrested close by. The Priest suffered broken ankles and a hairline fractures on the top his knee. He spent six weeks in hospital and is not fully recovered. The incident occurred while TC was on Bail on other charges.

16. In a moving impact statement to the court the Priest stated that he was aware that TC was involved and a number of road traffic accidents and in his view *"the decisions to act or not around that impacted and continue to impact directly on"* him. He stated the firstly he is conscious that a family have been deprived of their car, the driver was uninsured which makes it difficult for insurance purposes for claims. He noted that TC fled the scene of the accident after he was injured. From a work point of view he was unable to attend funerals, officiate at weddings, attend confirmation enrolments, attend school activities, visit the sick at Christmas and couldn't attend his parish for ten weeks. He remains uncertain as to when he can resume his official duties. Due to a hospital appointment he recently wasn't able to attend a funeral that he wanted to attend.

17. On a personal basis he feels he inconvenienced many people with various hospital appointments. He missed holidays planned and booked with family and friends. He can't play golf and this has an effect his own leisure time. He is very conscious of the hospital expenses and has a heightened awareness of road accidents which will remain a constant reminder to him. He acknowledges that these cases are complex.

SENTENCING GENERAL PRINCIPLES

18. Justice and welfare concerns are issues in any juvenile sentencing in criminal law matters. A welfare concern focuses on the child's needs and rehabilitation rather than the establishment of criminal responsibility. A justice model promotes children rights, but it also has the potential to be excessively punitive and it has the potential to pay insufficient attention to a child's capacity and childhood issues.

19. Tom O'Malley B.L, one of the leading academics on sentencing law in Ireland, stated in 'Sentencing Law and Practice' Round Hall [3rd edition] 2016 at page 247:

"The present orthodoxy, as reflected in both the United Nations Convention on the rights of the Child and the Children Act 2001, is that pre-trial procedures should be governed primarily by an ethos of justice but that welfare considerations should predominate once a child is adjudged guilty."

20. The Benchmark against which Children Court sentencing is set is that of international standards, but in particular the United Nations Convention on the Rights of the Child 1989 [U.N.C.R.C.] as unanimously adopted by the United Nations General Assembly Convention on the Rights of the Child on 20 November 1989 and which entered into force and became legally binding on States Parties in September 1990. Ireland ratified U.N.C.R.C. in 1992.

21. In relation to U.N.C.R.C. Article 2 prohibits discrimination between children on any ground. Article 3 states the best interests of the child must be the primary consideration in all actions relating to a child. Article 12 recognises the right of a child to express his/her views, having regard to the age and maturity of the child. Article 42A of the Constitution of Ireland also states the views of the child shall be ascertained and given due weight having regard to the age and maturity of the child. Article 37 provides *"the arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time."* Article 40 provides extensive guidance on juvenile justice and *"recognizes the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society."* Article 40(4) recognises the principle of proportionality and that alternative measures are available in order *"to ensure that children are dealt with in a manner appropriate to their well being and proportionate both to their circumstances and the offence."*

22. The Best interest of the child is a central concept in international and domestic juvenile justice systems. For example the Committee on the Rights of the Child General Comment No 10 (2007) on juvenile justice states at paragraph 10:

"Children differ from adults in their physical and psychological development, and their emotional and educational needs. Such differences constitute the basis for the lesser culpability of children in conflict with the law. These and other differences are the reasons for a separate juvenile system and require a different treatment for children. The protection of the best interests of the child means, for instance, that the traditional objectives of criminal justice, such as repression/retribution, must give way to rehabilitation and restorative justice objectives in dealing with child offenders. This can be done in concert with attention to effective public safety."

23. The United Nations [U.N.] have also provided guidelines in the UN Standard Minimum Rules for the Administration of Juvenile Justice ["The Beijing Rules"], the UN Rules for the Protection of Juveniles Deprived of their Liberty and in the UN Standard Minimum Rules for Non-Custodial Measures ["The Tokyo Rules"]. At European level, the European Convention on Human Rights [E.C.H.R.] was enacted into Irish Law subject to Irish Constitution by the European Convention of Human Rights Act 2003 are also relevant to

juvenile sentencing. In particular Article 6 of the European Convention and Article 38 of Bunreacht na hÉireann [Constitution of Ireland] ensure that courts in all cases, including Children's Court, should follow fair procedures in a trial.

24. In the recent Supreme case of Conway -v- Ireland, the Attorney General & ors [2017] IESC 13 Mr. Justice Frank Clarke re-stated existing Irish law that Article 29.6 of the Irish Constitution provides that no international agreement shall be part of the domestic law of the State save as determined by the Oireachtas. However he also stated that the European Union Law [EU] in that case may be applicable or influence the proper interpretation of existing Irish law which needs to be considered on its merits. That case was concerned with EU which doesn't arise in this case but it is reasonable to interpret that in this context of existing UN and European Conventions and Agreements signed by Ireland the same principles would be considered

25. In *T. v. U.K.* (1999) Application No. 24724/94 and *V. v. U.K.* (1999) Application No. 24888/94, the European Court of Human Rights held that the two young boys, who were on trial for murder in an adult court had not received a fair trial as they had not effectively participated in the trial. Other European key standards include the European Rules for juvenile offenders subject to sanctions or measures and Guidelines of the Committee of Ministers of the Council of Europe on child, "friendly justice".

25. Part 9 of The Children Act 2001 deals with the powers of the court in relation to child offenders. Section 96 of the Children Act 2001 as amended by section 136 of the Criminal Justice Act 2006, and, S.I. No. 65 of 2007 states:

96.—(1)Any court when dealing with children charged with offences shall have regard to—

(a)the principle that children have rights and freedom before the law equal to those enjoyed by adults and, in particular, a right to be heard and to participate in any proceedings of the court that can affect them, and

(b)the principle that criminal proceedings shall not be used solely to provide any assistance or service needed to care for or protect a child.

(2)Because it is desirable wherever possible—

(a)to allow the education, training or employment of children to proceed without interruption,

(b)to preserve and strengthen the relationship between children and their parents and other family members,

(c)to foster the ability of families to develop their own means of dealing with offending by their children, and (d) to allow children reside in their own homes, any penalty imposed on a child for an offence should cause as little interference as possible with the child's legitimate activities and pursuits, should take the form most likely to maintain and promote the development of the child and should take the least restrictive form that is appropriate in the circumstances; in particular, a period of detention should be imposed only as a measure of last resort.

(3)A court may take into consideration as mitigating factors a child's age and level of maturity in determining the nature of any penalty imposed, unless the penalty is fixed by law.

(4) The penalty imposed on a child for an offence should be no greater than that which would be appropriate in the case of an adult who commits an offence of the same kind and may be less, where so provided for in this Part.

(5) When dealing with a child charged with an offence, a court shall have due regard to the child's best interests, the interests of the victim of the offence and the protection of society.]

26. Referring to the sentencing powers under the Children Act 2001 Professor Dermot Walsh in Juvenile Justice [Thompson -Round Hall page 189] states at 8-02 that "*the Principles are heavily biased towards the rehabilitation as distinct from the punishment of child offenders. At the same time they do not ignore the interests of the victim and the need to respect the fundamental rights of the child as an autonomous citizen*" and at 8-03 he states "although the principles are not specifically presented in any hierarchical order it is significant the first one concerns the courts duty to respect the rights of the child as an autonomous individual."

27. A sentence in the Children Court in conformity with international and domestic law strives where possible to divert children away from custody and respond to the issues of the child, of the victims, and of the community. In this regard, the seriousness of the offence is the starting point for sentence and the Court has to consider the child's culpability in committing the offence, the effect of the offence on his victims and the degree that which the intent in committing the offences were foreseeable bearing in mind the age and maturity of the child. However, there are other factors which must also be considered.

28. The U.S. Supreme Court judgment of *Roper v. Simmons* 543 U.S. 551 (2005) outlined three reasons for treating children and adults differently:

(a)children are more susceptible to immoral and irresponsible behaviour,

(b)children are vulnerable and lack control over their environment, and

(c)children struggle to define their own identity and thus are more likely to reform.

29. The Irish Court of Criminal Appeal examined the weight that should be attributed to the age of the offender when sentencing for a serious offence. In *D.P.P. v. D.G* [2005] I.E.C.C.A. 75 (Unreported, Court of Criminal Appeal, 27 May 2005), the appellant had been convicted of murder. He was fifteen years old when he killed another young boy and at the age of sixteen years was sentenced for same. The trial judge sentenced the appellant to life imprisonment subject to review by the Court in 2014. The Court of Criminal Appeal found that the trial judge had taken into account the age of the offender at the time he committed the offence. It noted that a person of the age of fifteen years was "*by definition, immature, being a significant number of years from adulthood*" and that specific regard should be had to the prospect of rehabilitation. The Court of Criminal Appeal observed that "*each case will depend on its own particular circumstances and especially the age of the offender at the time when the crime was committed*". The Court also stated that children who are convicted of serious offences that ordinarily involve long custodial sentences should be considered as a "special category" in that an important onus lies upon the Court to have regard to their rehabilitation and welfare because of their young age.

30. In the Court of Appeal in *DPP v. Donovan* [2014] IECA 60 [ex tempore] Mr. Justice Sheehan upheld a Circuit Court sentence

imposed on a teenager for two years detention with final six months suspended as the sentencing judge "sought to apply the principle of proportionality and reconcile that principle with the penal aim of rehabilitation in the sentence actually imposed." He stated "while the sentence might be considered lenient, it was a significant one for a young man with difficult personal circumstances."

31. Victims and the public also need to be reassured that the Court's are prepared to treat the matters seriously. In this regard the Courts notes Directive 2012/29/EU (the Victims' Rights Directive), establishing minimum standards on the rights, supports and protections of victims of crime, was brought into force. In practice in the Children Court Victims are allowed to give a Victim Impact Statement to the Court or communicate their interests in accordance with section 96 (5) of the Children Act 2001 and where applicable this has been provided for in this case.

32. The Children's Court is pro-active in promoting restorative Justice such as for example Family Conferencing which arises under section 78 of the Children Act 2001. Where relevant in a particular case this can be beneficial to both the child and victims. It is the view of the Probation Service and of this Court that Family Conferencing is not appropriate in this case due the multiplicity of charges, the particular child's circumstances and the general facts of the case. However, any probation element of sentencing will take into account the child's victims and their injuries and loss suffered.

33. Any sentence for a child must, unless otherwise determined by statute, be individualistic and focused on the child. In this regard, the Guidelines of the Committee of Ministers of the Council of Europe on Child, Friendly Justice [part IV, Rule 82] states:

"Measures and sanctions for children in conflict with the law should always be constructive and individualised responses to the committed acts, bearing in mind the principle of proportionality, the child's age, physical and mental well-being and development and the circumstances of the case. The right to education, vocational training, employment, rehabilitation and re-integration should be guaranteed."

34. The United Kingdom [UK] Sentencing Council 2017 "Guide Overarching Principles- Sentencing Children and Young People" which will be effective from the 1 June 2017, which states:

"While the seriousness of the offence will be the starting point, the approach to sentencing should be individualistic and focused on the child or young person, as opposed to offence focused. For a child or young person the sentence should focus on rehabilitation where possible. A court should also consider the effect the sentence is likely to have on the child or young person (both positive and negative) as well as underlying factors contributing to the offending behaviour."

While these are prospective UK guidelines for the Youth Courts and the Crown Court and are not binding in Ireland they are instructive as to how courts internationally are interpreting Youth Justice Sentencing.

35. The Children Act 2001 and the Irish Courts follow the international concepts of proportionality of sentencing and the individualising of sentences for children. In this regard, the Children Court in general is mindful that many children have particular vulnerabilities such as speech and language, educational [including learning], mental health, capacity, abuse, attachment and other childhood issues.

36. Many children such as this child appearing before the Children Court have particular issues and experience poor accommodation and in this case homelessness, poor parental employment, experience of considerable family association with criminal offending, neglect, negative peer group, and a substantial misuse of drugs. These issues are not an excuse for a crime, but they are important factors in deciding the appropriate sentence. A welfare model in sentencing should not therefore be a penal welfare sentence, but should where appropriate promote re-integration rather than retribution. Children such as this child who are exposed to criminality at an early stage run a risk of a further contaminating influence in a custodial context. The effect of a custodial sentence on child can have disproportionate impact on a child, but at all times recognising that there are cases where this threshold of custody can arise. However, in these cases the Court has to also balance the seriousness of the offence with the vulnerability factors and in particular the effect of children in closed conditions which could exacerbate any underlying issues including the risks to self harm.

37. In framing this sentence, I will give due regard to an acknowledgement of guilt and that this child is receptive to changing the way he conducts himself and that he substantially responds to appropriate interventions and has the capacity to learn from his mistakes. I also wish to give due regard to section 98 of the Children Act of 2001 provides:

"Where a court is satisfied of the guilt of a child charged with an offence it may, without prejudice to its general powers and in accordance with this Part, reprimand the child or deal with the case by making one or more than one of the following orders:

(a) a conditional discharge order,

(b) an order that the child pay a fine or costs

(c) an order that the parent or guardian be bound over,

(d) a compensation order,

(e) a parental supervision order,

(f) an order that the parent or guardian pay compensation,

(g) an order imposing a community sanction,

(h) an order (the making of which may be deferred pursuant to section 144) that the child be detained in a children detention school, including an order under section 155(1),

(i) a detention and supervision order."

38. There are ten community sanctions available to the Children Court, nine of which are supervised by the Probation Service and one [Restriction of Movement Order] which is supervised by the Gardai.

39. Section 144 of the Act of 2001 provides subject to certain specified requirements within that section the Court may defer the making of a detention order. Before making this order, the Court must be satisfied that detention is the only suitable way of dealing

with a child and after hearing evidence from a parent or guardian that it would be in the interests of justice to defer a detention order. If a place is not available for a child in a children detention school or for any other sufficient reason the Court may also make a deferred detention order. A deferred detention is usually accompanied by probation supervision and such other conditions as the Court deems appropriate.

40. The penalties as amended by the various statutes and statutory instruments under the Road Traffic Acts and for failure to appear in court are set out in detail by the Law Reform Commission but may for the purposes of this case be summarised briefly as follows:

- a. No driving licence under section 38 of the Road Traffic Act 1961 (as substituted by section 12 of the Road Traffic Act, 2006) and section 102 Road Traffic Act 1961 (as substituted by section 12 of the Road Traffic Act, 2006) are a fine for the first two offence though on a third offence the court can impose a sentence up to 3 months detention;
- b. No insurance under section 56 Road Traffic Act 1961, as amended by section 18 of the Road Traffic Act, 2006, is liable to a fine or detention for up to 6 months detention or both .There is also a mandatory disqualification from driving with the exception of a special reason on a first offence and which reason doesn't arise in this case;
- c. Dangerous driving under section 53 (1) of the Road Traffic Act 1961 as amended by section 4 of the Road Traffic Act, 2011, is liable to a fine or detention for up to 6 months detention or both. There is also a mandatory disqualification from driving;
- d. Use of a motor vehicle with the consent of the owner- section 112 Road Traffic Act 1961 (as amended by section 65 of the Road Traffic Act 1968, and as amended by section 18 of the Road traffic Act 2006), is liable to a fine or detention for up to 12 months detention or both.

41. The penalties for failure to appear in court after being released on bail in criminal proceedings under section 13 Criminal Justice Act 1984 as amended by section 23 Criminal Justice Act 2007, is liable to a fine or detention for up to 12 months detention or both

SENTENCE

42. The aggravating factors in this case are:

- the persistent offending while on bail;
- the persistent disregard for human life;
- the failure to remain on the scene of the accident;
- the disregard for the court orders and failure to appear in court.

43. The mitigation factors in this case are:

- The age of the child;
- The lack of previous conviction;
- The personal circumstances of the child;
- The pleas of guilty;
- The remorse of the child.

44. I have received a probation report from the Probation Service in accordance with section 99 of the Children's Act 2001 and I have considered the contents of same.

45. Taking all of theses factors into account, I am satisfied this child has reached the threshold of custody. The starting point of the global sentence for this child is the full jurisdiction of the Children Court which is two years detention. Allowing for mitigation factors, I believe the appropriate reduction is 25% which is 18 months detention.

46. As this child has reached the threshold of detention, the Court must consider if there are any alternatives to detention. In this regard, I believe the alternative sentences such as community service, Community Sanctions [e.g. Day Centre Orders] suspended sentences, detention and supervision orders and Adjourned Court supervision are not appropriate in this case. This child requires certainty of sentence which will allow him to deal with the crimes with support under the supervision of the Probation service but subject to an automatic court review in a defined period. As the child has engaged well recently with his Bail Support and with the Probation Service I believe the appropriate sentence is a Deferment of Detention Order under section 144 of the Children Act 2001.

47. In making a Deferment of Detention Order I also make the following orders:

- A. an order in compliance with section 117 of the Children Act 2001 that the child complies with the conditions set out by the probation service;
- B. an order under section 144 (8) of the Children Act 2001 that the resumed hearing date will be six months from the date of this court [the exact date communicated to the defendant in court];
- C. that at the resumed hearing the court receives an up to date Probation Report.

48. I have explained to the child in open court in language appropriate to the child in accordance with Section 144 (6):

- (a) why the making of the children detention order is being deferred and for what period;
- (b) any of the conditions referred to in section 117 which the court suggests should be complied with by the child during that period;

(c) the expectation of the court that the child will be of good conduct during that period and the possible consequences for the child of his or her failure to comply with any such conditions; and

(d) the expectation of the court that the child's parents or guardian, where appropriate, will help and encourage the child to comply with any such conditions and not commit further offences.

49. In relation to disqualification from driving the total disqualification period is six years.

50. I have explained in court to the child and his mother the allocation of the individual sentences to the particular charges and of the disqualification period from driving.

Judge John O'Connor