

# Support for the YTO Model

There has been support for my recommendation for Youth Therapeutic Orders:

- On my return from the Fellowship, I established a **What Can Be Done Steering Committee**. Please find attached the **membership list as at July 2025**. I will update the List in light of Ms Tsorbaris' appointment as the National Children's Commissioner. The members include **leaders** in relation to **treatment for substance abuse and dependency issues**. They **largely operate in the voluntary treatment regime**. The members also include **two First Nations** people, including one who has lived experience. The members have provided support for the What Can Be Done Model. In light of **their significant experience and expertise**, in my view **substantial weight** should be placed on their support for the model.
- **Recommendation 19 of the Victorian Parliamentary Inquiry Into Youth Justice Centres** (March 2018) recommended '*That the Victorian Government establish a trial program of Youth Therapeutic Orders based on the What Can be Done model*'.
- The **executive Summary of the Armytage Ogloff Report – Youth Justice Review and Strategy** (July 2017) at pages 13 and 14 – '*There is also merit in considering a youth therapeutic order for court-mandated therapeutic treatment for young offenders. This has been proposed by*

Magistrate Bowles (2014) and the 'What can be done' Steering Committee.'

- **The Report of the Australian Human Rights Commission** (August 2024) '**Help Way Earlier** – How Australia can Transform Child Justice and Improve Safety and Wellbeing' – '**Some submissions highlighted the importance of therapeutic jurisprudence which recognises how the law and sentencing can be used as a 'therapeutic tool' or 'social force'. This includes the values of Youth Therapeutic Treatment Orders which can mandate drug and alcohol treatment, including in therapeutic residential environments, for children with significant difficulties and who do not voluntarily engage in treatment. Providing intensive therapy orders can address the root cause of behaviours and provide access to timely therapeutic supports to address underlying and mental health or substance abuse issues.**' (footnote – Magistrate Jennifer Bowles – Churchill Fellow).

**The former National Children's Commissioner Anne Hollonds and the current National Commissioner, Deb Tsorbaris support the establishment of YTOs.**

- I was involved in the **consultation process** (including the **incorporation of suggested amendments** to the Justice **(Age of Criminal Responsibility) Legislation Amendment Bill 2023** conducted by the **ACT Government**. The Bill amended the *Children and Young People Act 2008* and introduced **Intensive Therapy Orders in child protection proceedings which include the option of confinement**

**and are modelled on my Churchill Fellowship**

**recommendation.** I have continued to be involved regularly liaising with Dr Justin Barker, the Chair of the Therapeutic Support Panel. The Intensive Therapy Orders were introduced with the increase in age of criminal responsibility in the Act. (from 22/11/23 increase to 12 yo; from 1/7/25 increase to 14 yo – exceptions for 12 yo and 13 yo who commit certain serious and very violent offences. Children aged 10 years and over can still be charged with Commonwealth offences due to 10 being the age of criminal responsibility under Commonwealth law.)

In **Alberta, Canada the *Compassionate Intervention Act (Bill 53)*** received Royal Assent on 15 May 2025. It is anticipated to be fully implemented this year. A **compassionate intervention order** is an order that allows individuals to be involuntarily **committed to treatment if it is determined that they are ‘likely to cause substantial harm to themselves or others within a reasonable time due to their substance use or addiction.’**