

# Relocation and Travel Policy

## Essential Summary

The Youth Justice NSW (YJNSW) *Relocation and Travel Policy* and related procedures provide employees with information on managing young people on community-based supervised orders, who are travelling or relocating, within and outside NSW.

YJNSW is committed to working collaboratively with other juvenile and adult jurisdictions to provide a continuity of service under the following arrangements:

- temporary travel within NSW, interstate and overseas
- transfer between offices within NSW
- relocation to, or from, another state or territory jurisdiction

This policy outlines YJNSW responsibilities for:

- determining the legislative requirements for relocation and travel
- identifying the levels of authority to approve transfer, relocation and travel requests
- supporting young people to understand their responsibilities when travelling or relocating
- promoting collaboration between YJNSW community offices and other state and territory jurisdictions
- using the approved documents to initiate requests, record decisions and support the flow of information being processed.

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Please check in The Operations Manual to ensure you have the latest version before using this document.

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# 1 Scope

This policy applies to all young people subject to community-based supervision orders, who are temporarily travelling, or permanently relocating, within or outside of NSW.

# 2 Purpose

This policy outlines YJNSW's responsibilities for:

- managing requests and ongoing supervision for temporary interstate/overseas travel and relocation
- supporting young people to meet the requirements of their community-based supervision orders including the requesting and receiving of representative supervision
- applying case management practices that are child focused to promote child safety and well-being
- providing information on transferring parole orders across state and territory borders for young people aged 18 years and over
- setting out how work must be carried out to assist the Minister to discharge their functions under the *Parole Orders (Transfer) Act 1983*.

# 3 Child safe standards

As an organisation, YJNSW is committed to the safety and empowerment of young people and is responsible for the implementation of the Child Safe Standards. As employees, all YJNSW staff have a duty to uphold the rights of young people in their work.

When considering travel requests and plans, it is important that each young person:

- is treated equitably and respectfully
- understands why particular practices are in place
- is included in the decision-making wherever possible
- has their personal safety and individual needs been considered and respected within the requirements of their legal order.

# 4 Definitions

**Community transfer** occurs when a young person moves or relocates to another location within NSW and requires their case file to be transferred to the receiving Youth Justice Community Office (YJCO) in that area.

**Interstate transfer of community-based supervised orders** for 18+ refers to the informal transfer of an eligible community-based supervised order of young people aged 18 years and over to an adult jurisdiction in a receiving state or territory. If approved, YJNSW retains responsibility of the order including any warning or breach processes, like the representative supervision process.

**Interstate transfer of parole** refers to the legislated, formal process of transferring the parole order of a young person aged 18 years and over to an adult jurisdiction in a receiving state or territory. When accepted, the parole order becomes enforceable in the new jurisdiction.

**Must** indicates a mandatory action to be complied with.

**Receiving jurisdiction** is the jurisdiction undertaking supervision of the legal order on behalf of the requesting jurisdiction.

**Relocation** refers to the permanent move or change of address to another location or jurisdiction.

**Representative supervision authority** is a jurisdictional delegate responsible for approving and accepting representative supervision for young people. Representative Supervision Authorities must be at a level to make relevant decisions on behalf of their state or territory, usually Executive Director or equivalent.

**Representative supervision** refers to the process of requesting another state or territory jurisdiction to supervise an order on behalf of the requesting jurisdiction. The Australasian Youth Justice Administrators (AYJA) developed the framework for the process.

**Requesting jurisdiction** refers to the jurisdiction where the community-based order originates.

**Section 11 of the *Crimes (Sentencing Procedures) Act 1999*** (aka: Griffith Remand) is the granting of bail and adjourning proceedings until another day. The court cannot delay the sentencing for any longer than 12 months from the day the young person was found guilty.

**Secondary supervision** refers to the request for ongoing casework help from another YJNSW community office. The requesting office keeps all case management responsibilities for the young person. The supporting office provides the casework assistance and shares the information using the electronic case management system (CIMS), e-mails, phone contacts and other mediums.

**Serious Children's Indictable Offence (SCIO)** means:

- Homicide
- Any offence that carries a penalty greater than 25 years imprisonment
- Serious sexual assaults
- Any offence relating to the manufacture of firearms where the penalty is greater than 20 years imprisonment
- An indictable offence prescribed by the regulations as a serious children's indictable offence for the purposes of the *Crimes Act 1900*.

The above offences are *serious children's indictable* offences and will not be dealt with in the Children's Court. Young people who have committed SCIO matters may also be subject to parole supervision.

**Should** indicates a recommended action to be complied with unless there are sound reasons for taking a different course of action.

**Temporary travel** refers to the time during which a young person temporarily travels outside their usual Youth Justice Community Office area within NSW, interstate or overseas. It only applies when the requested period of travel is more than one week and less than four weeks. Interstate travel exceeding four weeks requires the request and management of the representative supervision process.

**Travel approval** is the granting of approval for a young person subject to a parole order and /or has committed a SCIO, to travel temporarily (i.e. more than one week and less than four weeks) interstate/overseas.

## 5 Relocation and travel plans

[Redacted content]

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### 5.1 Order management

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### 5.2 Order variation

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### 5.3 Non-compliance with supervision

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## 5.4 Non-transferable order

## 5.5 Travel and relocation related procedures

The table below identifies the related procedures to use when managing travel and relocation requests or plans.

Travel and Relocation Plans /Requests	Related Procedures
Temporary travel plans – within NSW, Interstate or Overseas	Temporary Interstate/ Overseas Travel Procedure
Relocation within NSW – Permanent Change of address	Transfer of Supervision Between Offices Procedure
Interstate transfers to adult jurisdiction for paroles	Interstate Transfer to Adult Jurisdictions 18+ Parole Procedure
Interstate transfer to adult jurisdictions 18+ for non-parole, including SCIOs	Transfer to Adult Jurisdictions 18+ Non-parole & SCIO Procedure
Apply for temporary travel interstate or overseas – paroles & SCIO matters	Temporary Interstate/ Overseas Travel Procedure
Relocation interstate	Representative Supervision Procedure





## 7 Travel or relocation considerations

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[REDACTED]

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### 7.1 Working with other jurisdictions

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[REDACTED]

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[REDACTED]

### 7.2 Being culturally responsive

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## 8 Temporary travel

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### 8.1 Travel within NSW

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#### 8.1.2 Secondary supervision

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### 8.2 Temporary travel interstate

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**8.3 Temporary travel overseas**

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## 9 Relocation

### 9.1 Supervising office

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### 9.2 Transfers between offices within NSW

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### 9.3 File management

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[Redacted]

**9.4 Representative supervision**

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[Redacted]

[Redacted]

[Redacted]

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**9.5 Informal interstate transfers for 18+ to adult jurisdiction (except parole)**

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**9.6 Interstate transfer of parole for young people 18 years +**

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**9.7 Overseas relocation**

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**10 Appeals**

**10.1 Request for reconsideration**

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**10.2 Appeals relating to representative supervision**

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# 11 References

## 11.1 Legislation

*Children's (Interstate Transfers of Offenders) Act 1988*  
*Parole Orders (Transfer) Act 1983*  
*Parole Orders (Transfer) Regulations 2004*  
*Children (Criminal Proceedings) Act 1987*  
*Children (Criminal Proceedings) Regulation 2016*  
*Children and Young Persons (Care and Protection) Act 1998*

## 11.2 Policies

Case Management Policy  
Managing Non-Compliance and Breach Policy

## 11.3 Procedures

Temporary Interstate/Overseas Travel Procedure  
Transfer of Supervision Between Offices Procedure  
Representative Supervision Procedure  
Interstate Transfers to Adult Jurisdiction (Parole) Procedure  
Interstate Transfers to Adult Jurisdiction (Non- parole) Procedure

## 11.4 Forms

Address Check Request  
Application for temporary interstate or overseas travel (parole & SCIO only)  
Application for Interstate Transfer to Adult Jurisdiction for young people over 18+

## 11.5 Resources

AYJA Guidelines  
Community Corrections Policy and Procedures Manual on the intranet  
Managing Breach and Noncompliance Resource  
Court Report Writing Manual

# 12 Document information

<b>Title:</b>	Relocation and Travel Policy
<b>Business Centre:</b>	Operations Unit
<b>Author:</b>	Project Officer
<b>Approver:</b>	Senior Project Officer
<b>Date of Effect:</b>	02 June 2021
<b>Next Review Date:</b>	██████████
<b>File Reference:</b>	████████████████████

<b>Key Words:</b>	Representative supervision, receiving jurisdiction, requesting jurisdiction, adult authority, relocation, interstate travel, temporary travel, travel within NSW, overseas travel, interstate transfer of parole, interstate transfer, SCIO
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## 13 Document history

Version	Date	Reason for Amendment
1.0	02/06/2001	New policy position reflecting a change in the relocation and travel approval requirements. Supersedes - <i>Relocation and Travel Policy D18/12961/YJ</i>