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THE CHILDREN'S COURT OF

WESTERN AUSTRALIA

PE 2537 of 2014

THE STATE OF WESTERN AUSTRALIA

and

JJB

JUDGE D. REYNOLDS

TRANSCRIPT OF PROCEEDINGS

AT PERTH ON WEDNESDAY, 26 NOVEMBER 2014, AT 9.57 AM

MR S. STOCKS represented the State of Western Australia.

MS A. O'NEILL appeared for the accused.

ASSOCIATE: Calling the matter of JJB.

HIS HONOUR: Just stay seated there, JJB. Ms O'Neill.

A. O'NEILL, MS: Yes. I appear for JJB this morning, your Honour.

HIS HONOUR: All right. Thank you. Mr Stocks.

S. STOCKS, MR: Your Honour, I appear for the State. Your Honour will recall that this matter was last before your Honour on 7 November - - -

HIS HONOUR: That's right.

STOCKS, MR: - - - when your Honour indicated that you accepted that the sentence was the one that needed to be disturbed and to set aside and that the offender ought to be resentenced in accordance with section 40 of the Children's Court Act. We now have a pre-sentence report that's before the court and I don't - the facts are set out as part of the review were on the transcript before the magistrate. I don't think your Honour wants me to read them in again.

HIS HONOUR: Perhaps if you can just read them and so everything can be seen on the one transcript from today's proceedings.

STOCKS, MR: Your Honour, certainly. So there's one charge of possession of prohibited drugs with intent to sell or supply. The facts are that at about 3 o'clock in the afternoon of Monday 4 August of this year, the offender was at the Carine Senior High School in Carine. The principal had received information that a student was selling cannabis at the school to other students and, as a result of that information, he approached the offender in relation to the allegation.

The principal searched the offender's school - had means to search the offender's school bag, but the offender wouldn't allow it to happen. His father was therefore informed and asked to attend, along with police. The police attended and cautioned the offender. The offender then made admissions of his intention to sell cannabis to other students, those admissions being made in company with his father.

Police searched the offender's school bag, with his consent, and found 10 clip sealed bags containing cannabis

inside a pencil case, total weight approximately 25.56 grams. On the same day at 10 to 9 that evening, the offender attended the Warwick Police Station in company with his father, took part in an electronic record of interview and made full admissions to the offence. He said he intended to sell the cannabis to students at school for the purpose of making money. Your Honour, those are the facts.

HIS HONOUR: All right. Thank you. Ms O'Neill.

O'NEILL, MS: Yes, your Honour. Those facts are admitted and if I could say from the onset and put it on the record, when JJB first appeared in court and - he was represented by Ms Donovan from our office and Ms Donovan was well aware of the seriousness of this matter and she did specifically say to his Honour at the time that a report ought to be called for. She was quite aware of the complexity of the matter, the seriousness of the matter.

So it was no fault of the duty lawyer that the disposition was as it was and she has been quite concerned about it so, for the reasons of respect to my colleague, I really just wanted to put it on the record that she did everything appropriate and it's before you for other reasons. His need for money, which is a bit silly because he comes from a loving and supportive family and I'm sure if he had have wanted sort of money or - his parents would have discussed the issues with him and of course he's a young lad who is fit and able and he could have got a job.

Probably more important than the need for money, or as important for the need perhaps for money, was his need for social acceptance. I think he wanted to be accepted by his peers and a lot of his peers do smoke cannabis and use cannabis, and given the fact that the only health problems he has had have been probably the anxiety issues and his earlier on sort of speech problems, but it has probably made him perhaps a bit more socially inadequate than he thought, and a bit of low self-esteem there and thought that this was a way of getting some kudos.

As soon as his parents were aware of it - while he pleaded guilty at the - he made admissions to the principal at the first opportunity, he was taken into the police station by his parents, he participated in video record of interview, so there was no sense at all that he was resiling from what he had done or putting the blame on to someone else or trying to get out of it or make himself look good, in a good light. That wasn't it at all.

He went down, faced the music, participated in video record of interview and he was charged. His parents took immediate action. He was grounded from day one. He had additional duties to perform at home. He had no access to social media, and that was his mobile phone, his computer and for young people, you know, your Honour, that's a very heavy sanction in itself. He was suspended originally from school for 10 days and then eventually he was expelled, and that in itself is a heavy burden.

So in the middle of year 11 he basically had to - he and his parents had to find another school that was willing to take him, and not only willing to take him, but they had to be informed of course of why he was expelled from the other school. So the stigma hadn't left him, so to speak. Fortunately the school that he is now attending, Greenwood College, have been very supportive of him, but once again the burden is still on him.

He has agreed and made a contract that he will make himself available for random searches, that's of his person, his phone and his computer, or his iPad, or whatever social media instrument that he has, and that's quite a thing for a young person to once again front up to, so it hasn't gone away for him. So there's no doubt about it that the parents have taken action and he has been involved in that action plan and he has followed it through.

He has also been to weekly counselling with his medical practitioner and he has attended Headspace as well to basically comes to terms with what's at the bottom of this, not only his use of drugs and the charges before you today, but the underlying issues, psychological issues, that might be personal to him and not very many young people are willing to put their hand up for counselling because they think that they're mad, "I'm not going to a psychologist. I'm not doing this," but that's not the situation here.

In terms of personal deterrence, I think that what I have already outlined is certainly a deterrent for him never to be involved in selling or supplying cannabis again. It is worrying in the report (indistinct) and I spoke to him about the report in the presence of his mother - his mother and father are in court with him today - is that he's still using cannabis (indistinct) the only positive light I can shine on that, your Honour, is that he didn't just say what the writer of the report, or you and I, might want to hear, "No, no. I haven't touched it. I'm not doing it," whatever.

He has been quite honest and forthright. He says that he knows that it's not good for his health and obviously it's illegal as well, but he says it helps him to relax and maybe that gives you some insight, your Honour, into his - level of his anxiety and of course I'm hoping that that, balanced with any psychological counselling he's getting, will weigh the scales and, at some point in time, he will be cannabis free.

He's also willing to attend drug and alcohol counselling with Holyoake, so he's not resiling from fronting up to what the issues are for him and what the issues are for society. In terms of his rehabilitation under section 46 of the Young Offenders Act, he has got a loving, supportive and close family and an extended family. He has had a stable upbringing. We don't often see two parents in court with children today, but they're here today and his father has worked around his fly in, fly out commitments to be with his son on the last three occasions.

He is well monitored now at home. I notice that his mother has said that at the time of these offences that she was caring for her parents and she takes some responsibility. She ought not to because it's certainly not her fault, maybe the reduction in supervision and maybe she didn't see a few signs, but I think that that's probably not the case. They seem to me to be parents who are totally on the ball and totally committed to their children and their children's well being.

He's now, as I said, involved in year 11 at Greenwood; the staff are very supportive there. He has now got a pro-social group of friends, he will get back into soccer as soon as his ankle mends, so he has got a lot going for him in terms of his rehabilitation and I doubt whether we will see him back here again. As I say, the only worry is that he has continued use of cannabis, but I'm hoping that with counselling that will sort itself out.

The summary of the report says he's a quiet, polite young man, and indeed he is. He's remorseful for what he has done, he's remorseful for the disappointment and, I guess, the shame it has brought on his family and making the family doubt, you know, perhaps themselves for a while when really they've got nothing to doubt themselves for. He wants to continue on to year 12. He has got dreams of going to university, so he has got a life plan ahead of him.

I think the most important thing that - I agree with your Honour and thank you for the cases that you provided

to me, your Honour's own cases, the State v SR and SWW. The section 67 disposition in this case also doesn't adequately reflect the seriousness of the offence, and I agree with my learned friend, Mr Stocks, who said that at the bottom of it of course it's selling and supplying drugs in the school atmosphere, and of course that was something that his parents couldn't have known about because they sent him off to school and weren't aware of that at all.

What his parents and he are very concerned about of course is that the conviction will stay on his record. I have explained to them and read out parts of your Honour's comments in the case I've just mentioned, that were he to be placed on an order today, on the completion of that order under section 189 of the Young Offenders Act, then the conviction will fall away if he successfully completes it and is not brought back to court for breaching that order. Section 55 of course of the Young Offenders Act allows your Honour, if you think exceptional circumstances exist, to actually specify that no conviction is recorded.

I must say, your Honour, that it has been our experience in the youth law team at Legal Aid, very many of our clients are re-consulting us because they go to get police clearances or apply for various things, and we say to them in our closing letters to them that if they successfully complete the order, all the things that your Honour has said relevant to section 189, it still is always on a court record and it does follow young people around, well, it follows everyone around, but certainly young people and they have to try and explain to prospective employers what everything means.

So I'm hoping that your Honour will consider a youth community based order disposition today and perhaps your Honour could, for the purposes of the transcript and to set my young client's mind at ease, and his parents, reiterate what I've said about (indistinct) 189 of the Young Offenders Act and the effect of completion of orders. Apart from that, JJB is I don't think a danger to society and once he gets his cannabis under control he won't be a danger to himself.

HIS HONOUR: All right. Thank you for that. Ms Hotker, did you have anything else to add?

HOTKER, MS: I don't. Thank you, your Honour.

HIS HONOUR: Mr Stocks.

STOCKS, MR: Your Honour, I will deal with the penultimate issue that my friend raised first, which is 189 of the Young Offenders Act and the issue of (indistinct) about not recording a conviction. The State says there is nothing exceptional about this case that would warrant a departure from the usual rule to be found in section 55 of the Young Offenders Act if he completes the order, then under 189(5) then the conviction is not to be regarded as a conviction, so it won't come up on his police clearance or criminal history and if it does, then he will no doubt be able to have that corrected.

It would just be an administrative matter. Of course if he doesn't complete it then, yes, it will hang around with him and that's ultimately a choice that he has to make himself, in the same way as everybody who is placed on an order has to make that decision, but this offence, the State says, is too serious to depart from the usual rule for the reasons articulated by my friend, referring to something that the State said in the past. This offender stepped over a significant line.

He not only sold drugs, he sold them at a school and he sold them for the purpose of obtaining commercial benefit. That was the simple purpose. It was in order for him to achieve - to obtain money that, even the report tells us frankly, he didn't need. That is where the gravamen of this offence is to be found. He had multiple bags of cannabis pre-packaged, ready for sale and he - were it not for the intervention of the authorities, that cannabis would have been sold and would have been used or ingested by other people.

What is disappointing and concerning is the continued use of cannabis two to three times a day - a week, rather - not a day, a week, which stands in the face of my friend's submissions, well, he's now monitored by his parents. In fact it appears that he's still attempting to subvert that monitoring by using cannabis on a regular basis. Two to three times a week is not to be considered acceptable, particularly when you look at the report, he gets suspended from school, he gets expelled, he goes to Greenwood, they're checking his bag on a random basis, checking his phone and he still goes home and smokes his cannabis, wherever it is that he's going to smoke that, and obtains money in order to purchase the cannabis, because it doesn't come free, and insofar as him getting through an order and complying and doing the right thing, what he clearly continues to do is to involve himself in that sphere.

You don't buy cannabis from pro-social peers and you don't smoke cannabis with pro-social peers. Cannabis smoke - cannabis possession is illegal; it's a crime. You obtain it from criminals. You smoke it with other people who are also committing a crime, and should he be foolish enough to share in any way, whether for commercial gain or not, he will have committed exactly the same offence that he's currently before the court for and yet appears not to appreciate the significance of what it is that he has done and why it is that he's here, and that is, as I say, disappointing.

That having been through one sentencing process, having then been told on a previous occasion, "You're going through another," he still continues to use cannabis. Now, the State position on sentence was and is that the appropriate disposition is a community based disposition, and I use that phrase generically to encompass both youth community based order and intensive youth supervision order. I do not seek, although the State sought in the case of SWW and SR and also AMDL, which I think was before his Honour Keen J sitting as the Acting President of the Children's Court - the State sought a sentence of detention, but conceded it could be served in the community.

In the circumstances of this case, the State does not say that selling cannabis does not arise or cannot rise to the circumstances of a sentence of detention. If there was evidence of actual sales and if there was evidence of sales on more than this simple - one occasion or (indistinct) it's not to limit or close the factors where the State may make that submission, the State would clearly take a more significant view, a dimmer view, of the conduct and indeed were this offender to be back here for selling even one package of cannabis, the ultimate submission would be detention.

So I want to make that clear. I wouldn't want anybody in this court room to think that the State does not take a view that you have to go for jail for selling cannabis; to the contrary. The State takes the view that you do go to jail for selling cannabis, but accepts in this case, having regard to the lack of prior antecedence, the fact that the evidence of sale was prospected and the plea of guilty at an early opportunity and the admissions to the police, that a sentence of detention in the community or not is not warranted, but I, as I say, want to make it very clear that if this offender continues to engage in the use of substances and thereafter shares or sells them and comes

back before this court for the same offence, that is not the submission that will be made by the State.

The submission that would be made by the State in those circumstances would be one of immediate detention. There needs to be that understanding. Insofar as whether it's a youth community based order or an intensive youth supervision order, the State simply notes that on the one hand he has positive antecedence. He has got a family that try and do their best, although he appears to be subverting their efforts to do so, and on the other hand he - which would - so the family support would suggest that a YCVO is appropriate.

However the continuation of the cannabis and his efforts at subverting that, and his perhaps lack of acceptance or understanding of the significance that his own use of cannabis has brought into this position in the first place means that it may be more of an intensive nature that's required. I leave that ultimate decision in your Honour's hands. The State simply says that it ought to be marked by a community based disposition. We also seek an order for community work.

I accept that that's punitive in its impact and effect and that is of course the intention. The intention is to make it very clear to this offender, and I say that because it hasn't been made clear enough self-evidently. I make it clear to him that selling cannabis is bad enough. To sell cannabis within the grounds of a school is so significantly grave that there is to be a punitive component to any punishment that's imposed. Your Honour, if it please.

HIS HONOUR: I'm not sure, but if Mr and/or Mrs B want to come forward and tell me anything, they can.

MS B: Just to clear - - -

HIS HONOUR: Just come forward and take a seat in the chair over to my left. Just take a seat. Make yourself comfortable. It's Ms B, is it?

MS B: Yes (indistinct).

HIS HONOUR: Right. Thank you. Just take a seat. Thank you for being here.

Ms B: Thank you.

HIS HONOUR: What did you want to tell me?

MS B: Just to clear what the prosecutor had said about the three to five - or how many times per week. I think that was when he was actually selling and it wasn't - it hasn't been since. So I think that was - needed to be clarified because it's definitely when he was - - -

HIS HONOUR: I think the - I don't want to sort of talk over you, but the reality is that maybe none of us, other than JJB, actually know.

MS B: Yes.

HIS HONOUR: Yes. Because I read, and I understand this, that there was a period of time where you had no idea - - -

MS B: Yes.

HIS HONOUR: - - - that he was using it. So I just make the point that probably none of us can accurately state what it is. Good on him. He has owned up to still using it, but as to how often I'm not too sure.

MS B: Well, that's why we're seeking help through Headspace and also seeking help through his nurse practitioner who's helping him and guiding him in making better, stronger decisions. So I think in terms of having the support available to him to make better decisions for his future, he's seeking that, and the fact that he was honest and forthright with Tanya from the North Metro Youth Service, I think that's to his credit.

HIS HONOUR: Can I just tell you, I don't want to come down and crush young people as a result of them speaking up and telling the truth about something that requires some support. It's not in anyone's interests, not the child's interests, to not say anything because they're scared the judge is going to come down like a ton of bricks on them if they do mention something. So I want to encourage disclosure. So I'm not going to encourage disclosure if I come down heavily on people once I hear what they have to say. So I just wanted you to understand my position on that.

MS B: Thank you.

HIS HONOUR: All right. Thanks for that. Just take a seat to the back. JJB, you've had plenty of time to reflect on this offence, have you?

JJB: Yes.

HIS HONOUR: Yes, and what have you been thinking?

JJB: But - - -

HIS HONOUR: What have you been thinking about it?

JJB: Well, obviously I've been thinking that it has brought a lot of shame and disappointment to my family and I just want to correct that.

HIS HONOUR: Yes. How are you going to correct that?

JJB: Well, through the rehabilitative services like Headspace and - that I've been going to, and new opportunities and chance at school to improve myself.

HIS HONOUR: Yes. No one wants you to be in this position. You don't want to be in the position, but no one else wants you to be. Everyone wants you to be happy in the community and have a positive self-esteem and be a positive contributor. I want you to understand that the court, in dealing with this matter today in a way that's different to the way the magistrate dealt with it, I would want to make the point that selling cannabis, and being in a position to sell cannabis at a school, is regarded by the court as extremely serious.

Now that's something that needs to be reflected in the sentence. There are some good kids that unfortunately get involved in committing some serious offences. It means what they've done is bad. It doesn't mean they're inherently bad kids. I sense with you you're a good kid that has been under pressure. I think there are some issues that have been raised in the report, personal issues.

Your need for peer acceptance has rendered you vulnerable to committing an offence that would, in your mind, see you as someone that other peers would come to and you were in the position that - thinking that you would get some peer acceptance for engaging in this behaviour, so - I want to make the point though it seems to me that you've got a lot of potential; positive potential. You've got really supportive parents; absolutely no doubt about that.

So where I'm coming from is that hopefully this is an aberration. By that I mean it's just an isolated event, an isolated offence that, when looked at in the fullness of time, will be seen as exactly that. You just went off the tracks, now you're back on the tracks and that's something

that happened in the past that "doesn't reflect me and what I do now." Do you get where I'm coming from?

JJB: Yes.

HIS HONOUR: Yes. But all of that said, I do need to impose a sentence that reflects the seriousness of what you did on this occasion last August to make the point not just to you, JJB, but to every young person, that if you engage in selling cannabis to other young people, and particularly in the school context, there's going to be a serious consequence. You may or may not be aware - you might not be aware, but you might, when you sit down and think about it, understand that this court deals with a lot of young people who have committed offences and when I look at their personal circumstances, they're using cannabis, and cannabis is a drug that, once people get into using that, many of them can then escalate their use to something harder, like meth.

JJB: Yes.

HIS HONOUR: Once you start using cannabis you get into this drug space, and once in that drug space that can become overwhelming. It impacts on lots of things. It can result in truanting from school, associating with other kids who truant and use substances, and then it escalates, and then that can underpin serious offences. So there is a need to attach a great deal of weight to deterrence.

By that I mean the sentence can be seen by anyone else who intends to do the same, or something similar, as a serious consequence for the sort of thing you did, or something similar, so they don't engage in the same sort of conduct knowing there will be a serious consequence. So the sentence needs to reflect the seriousness of the offence and the factual circumstances, even though you present as someone with favourable - very favourable personal circumstances with great support from your mum and dad.

So I want the message to be that selling cannabis at a school to young people is a serious thing to do which will attract a serious consequence, whatever your personal circumstances are, given the seriousness of doing that. So hopefully the supply at schools will evaporate away so we don't have other young people introduced to cannabis which can then be the start of an involvement in the drug scene that could deteriorate or escalate to heavy usage of cannabis and/or escalation to some other harder drugs.

So that's where I'm coming from. Now, I said on the last occasion, I think, that I would make a few comments when the matter was next before me about why I thought the matter should be reviewed by me after the decision by his Honour, the magistrate. It seems to me that he imposed no further order, no further punishment, under a particular provision section in the Young Offenders Act, section 67, because notwithstanding the nature and factual circumstances of the offence, he noted that you had been grounded by your mum and dad.

I think he might have been told by Ms Donovan at the time that that was for about two and a half weeks, or thereabouts. He was also told that you had been to Headspace and he made reference to that, and of course he made particular reference to you having a very supportive mum and dad and that he thought that they had things in hand. So putting all those things together in combination, he decided not to impose any further punishment.

With respect, I think that whilst all those things are very relevant to sentence, they didn't operate so as to not require, when one takes into account the seriousness of the nature of the offence and the factual circumstances, an order which reflected those things - properly reflected those things, and I have given some previous decisions, as has been mentioned, SWW and also SR where I've made some comments about the seriousness of selling or supplying drugs to young people and, consistent with my comments there, I now, on this occasion, set aside the order of his Honour and I will impose an order that I will refer to in just a moment.

I will bear in mind matters personal to you, as well as the nature of the offence and its factual circumstances that I've commented on. I know you were 16 at the time, about 16 years and nine months, I think, if my calculations are right.

JJB: Yes.

HIS HONOUR: So you've only just recently turned - - -

JJB: 17.

HIS HONOUR: - - - 17 early this month, haven't you? So you're relatively young, you've pleaded guilty and you've got no prior convictions. So all of those things are heavily in your favour, both singularly and collectively. I can see that you have been attending the counselling. Your mum has made mention of that, I have read about that;

that's great. It concerns me that you're still using cannabis.

As I said to your mum, I'm pleased that you've been honest about that and I'm not going to make things worse by the fact that you've disclosed that. I'm pleased that you have disclosed it because what it means is that you do need more support, more counselling and also be told of ways that you can help yourself relax, get rid of the anxiety, without resorting to the use of cannabis. JJB, can I just tell you that if you keep resorting to cannabis in order to relax and deal with any personal matters, you're resorting to something that is illegal and it's not going to actually achieve - the objective that you have is obviously to feel better.

Well, there are other ways that you can feel better that aren't against the law and you've got to start being informed about what those ways are and pursuing those ways without this way, because the fact of the matter is that whilst you might have the view at the moment that it's relaxing you, what it's actually doing is damaging your brain, and that damage is going to be irretrievable. It's putting you in an environment or culture where you could be at risk of escalating your use and also escalating to use of some other harder drug.

So you're actually putting yourself at great risk and you need to understand that and you need to engage in further support to reach that conclusion and get off cannabis. Now, I can see, so far as your education is concerned, you shifted your school. You went from Carine to Greenwood. I'm not sure how you've been going at Greenwood. The report suggests that things have been going okay.

JJB: Yes.

HIS HONOUR: And you've been under a regime where you've been subject to conditions and they have all been met.

JJB: Yes.

HIS HONOUR: It's pretty close to the end of school, isn't it?

JJB: Yes.

HIS HONOUR: Yes.

JJB: I've already finished.

HIS HONOUR: You've already finished. Gee whiz. It's not even December. I wish I was back at school. In my day it was the week before Christmas. Gee, what's going on?

JJB: Exams, so you get to finish a little earlier.

HIS HONOUR: Do you?

JJB: Yes.

HIS HONOUR: Yes. Okay. So it has been pretty hectic recently, so you need an early end to it all. Is that the way it is?

JJB: Yes.

HIS HONOUR: Yes. Okay. Still sounds better than my day. So what have you done? You've injured your ankle playing soccer or something, have you?

JJB: Yes. Just a little bit of ligament damage.

HIS HONOUR: Yes. Okay. All right. And are you still seeing Dr L for the - - -

JJB: Yes.

HIS HONOUR: - - - psychological counselling?

JJB: Yes.

HIS HONOUR: Yes. Okay. All right. Well, putting everything together, my view is that the appropriate order is an intensive youth supervision order. Now, you've probably been told - likely been told by Ms O'Neill that there are two types of community order. One is a youth community based order; that's the lower of the two, and the higher, the more intensive order, is an intensive youth supervision order. Now my view is that that's the appropriate order.

Even though you've got a lot of favourable circumstances here, in the end the seriousness of the offence and the factual circumstances, it involving you possessing cannabis to sell to young people at a school, that elevates my view that - or the seriousness of the case such that only an intensive youth supervision order is appropriate, then the question is the length of time. My view is that a term of 10 months is appropriate. So that will start from today.

JJB: Okay.

HIS HONOUR: And it's subject to you being supervised, subject to you engaging in substance abuse counselling and psychological counselling as directed and, in relation to that counselling, counselling that you're already attending can be taken to be counselling for the purposes of compliance with the order. I don't want you to have to duplicate going and seeing someone else for the same purpose that you're already seeing someone, and there also is a condition that you perform 50 hours unpaid work, and I will be up front with you, JJB, and say that that's really a punitive condition. So are you prepared to comply with all of those conditions?

JJB: Yes.

HIS HONOUR: All right. Well, I will make an order in those terms. Can I also not only set aside the order of his Honour in relation to that section 67 disposition, but also set aside that order that there be no conviction. Can I say my view is that, given the seriousness of the offence and its factual circumstances, notwithstanding all of these positive things for you, there does need to be a conviction recorded, but that said, as Ms O'Neill has rightly advised you, there is a section in the Young Offenders Act, section 189, that says that a conviction can't be used for any purposes two years - after two years from the expiry of the order.

So you've got this order for 10 months and then for two years after the expiry of that order, obviously on the basis that you don't have to come back and have the matter dealt with afresh on any breach, but two years after the expiry of the order by force of the legislation, the conviction would fall away. So if at some stage after that two year expiry period from the expiry of the order, you're asked to get your record to show to an employer, or for whatever purpose, if it's got the conviction on it then you can rightly require it to be taken off. So what Ms O'Neill has said to you is spot on. So do you understand the conditions of the order?

JJB: Yes.

HIS HONOUR: Yes. I think there already has been an order for the material that was seized to be destroyed. If not, I will make an order in those terms.

STOCKS, MR: There was.

HIS HONOUR: All right. So I need to mention to you, JJB, that if within the term of 10 months, if you don't comply with those - any of those conditions or if you reoffend, you will be in breach of the order and then you will come back to me and you will need to be sentenced afresh, taking into account what you've done between now and then in relation to the order. Do you understand that?

JJB: Yes.

HIS HONOUR: I don't think it will come to that. I think you're good enough to make sure it doesn't come to that, and I think you've got great parental support to provide you with the necessary assistance to make sure that doesn't happen. One of the traps, I think, JJB, is that people in your situation - I'm not saying it's necessarily you, but you've got a really good mum and dad giving you some advice, sometimes firm advice, requesting you not to do some things, eg, not to use cannabis or whatever, and you don't pay enough attention to what they tell you.

I just want to make the point to you, JJB, that your mum and dad don't tell you not to do things or impose rules just because they want to give you a hard time. They do that because they're concerned about your best interests and they don't want you to do anything that they're old enough and wise enough to know is not in your best interests that, for the moment, you're not prepared to accept. So you make sure, knowing that you've got good, supportive parents, when they tell you not to do something or they impose boundaries, accept them. Okay.

JJB: Okay.

HIS HONOUR: Yes. Don't head off and think, "I know best. Anyway, it's what I want to do," that sort of frame of mind. Don't think like that otherwise you will trip yourself up, because I'm sure over the next 10 months they will be doing everything they can to make sure that you don't breach the order. So understand where they're coming from. All right. I think I've dealt with the matter. I will just adjourn. Thank you.

AT 10.37 AM THE MATTER WAS ADJOURNED ACCORDINGLY

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