



FILE NUMBER



BARCODE NUMBER

DIRECTOR OF PROSECUTIONS

Location: Registry - Brisbane



053212/DEPS/13-001

053212/DEPS/13-001

OLD SERIES NO.

DATE CREATED

DATE CLOSED 9.7.14

ARCHIVE/DESTRUCTION

DATE

File Name: Sch4/3/3

Date Created: 18/09/2013

Description: WAKEFIELD - WKE ** ACW **

SPI: 17213876

Pine Rivers CCM to

BCCQ

Dang op of veh causing death or GBH
whilst excessively speeding, UUMV

RECORDS CLEARED INITIALS & DATE

NOTE: Officers may enter suggested words or phrases which are not reflected in the title.

RELATED FILES			
NUMBER	TITLE	NUMBER	TITLE

NOTE: Officers may enter related file details.



BARCODE

as no
shing

also
she is

em and

le said

ras on

ought
the

l the
ie

at

053212/DEPS/13-001

MCM/MARA, Aiden David Joseph

This footnote also confirms that this email message has
been checked for the presence of computer viruses.

Youth Justice

Sentence options – *Youth Justice Act 1992*

Section 149 of the *Youth Justice Act 1992* establishes that Act as the exclusive sentencing code for criminal court matters involving children. The sentencing options available to the court are contained in Part 7, Division 4, of the Act.

Community based orders

Probation order

Subject to section 175 of the *Youth Justice Act 1992*, a young person found guilty before a Childrens Court constituted by a Magistrate may be sentenced to a maximum of 12 months probation.

A judge may sentence a young person guilty of a serious offence as defined in section 8 of the Act to a maximum of three years probation, and, for any other offence, a maximum of two years probation.

A probation order can only be made in relation to an offence for which an adult would be liable to serve a period of imprisonment.

Purpose of order

The purpose of a probation order is to:

- address offending behaviour through participation in counselling and programs permit a young person to participate in community and family life in a supervised and supported way
- provide a clear consequence for significant and/or repeated offending behaviour
- where appropriate, continue to fulfill their employment and educational commitments and opportunities.

Consequence of offending

The mandatory requirements of a probation order are that the young person report to their departmental officer as required, receive visits as arranged and refrain from further offending. The principal consequences for a young person on a probation order are:

- loss of leisure time that mandatory reporting entails
- the potential for being breached and returned to court for not complying.

In addition, subject to certain criteria specified in section 193 of the Act, the court may impose additional conditions that are directly related to the offence.

When administering a probation order, the departmental officer, together with the young person and their family, examines the young person's offending behaviour in order to identify the factors that contributed to their offending and the risk factors for recidivism. The young person is then required to participate in interventions designed to address these identified factors and, in doing so, reduce the likelihood of further offending. For example in response to the offence a young person may be required to participate in an anger management program, a drug and alcohol program or a victim empathy program. Assistance may be provided to obtain accommodation, seek employment, access educational programs, address family issues or register for government assistance.

Administration of a probation order provides a young person with support and assistance necessary for them to integrate with their family and community.

Community service order (CSO)

Subject to section 175 of the Act, a young person guilty of an offence who has attained the age of 13 years may be sentenced to perform a minimum of 20 hours unpaid community service. If the young person has not attained the age of 15 years at the time of sentence they may be ordered to perform a maximum of 100 hours unpaid community service. If they have attained the age of 15 years at the time of sentence they may be ordered to perform a maximum of 200 hours unpaid community service.

The young person has 12 months within which to complete the community service ordered by the court however for orders less than 50 hours, the court may order that it be completed in a period less than 12 months.

A CSO can only be made in relation to an offence for which an adult would be liable to serve a period of imprisonment.

Purpose of order

The purpose of the CSO program is to:

- provide a clear consequence for significant and/or repeated offending behaviour
- provide the opportunity to make positive and meaningful reparation to the community (this is done through the performance of work activities)

- permit a young person to participate in community and family life in a supervised supported way
- where appropriate, continue to fulfill their employment and educational commitments.

Consequence of offending

The principal consequences for the young person are:

- the requirement to perform work activities as directed
- the loss of leisure time while undertaking the work activities
- the potential for being breached and returned to court for not complying.

A young person on a CSO is matched with a community agency that will arrange work activities for the young person to perform. This matching takes into account a range of factors including:

- the nature and seriousness of the offence(s)
- the young person's skills, interests and aspirations
- agency availability
- age and cultural background.

Where appropriate, a youth worker may be assigned to the young person in order to ensure compliance with the order.

Opportunity for support and assistance

The young person's integration into their family and community is potentially assisted by performing unpaid community service work.

This assistance may result from:

- the perception that the work activity is a just and tangible consequence of the offending behaviour
- the opportunity for reconciliation with the community
- acquisition of skills, knowledge and experience by the young person through performing work activities
- the young person's increased maturity and responsibility for organising their life in scheduling their work activities

- the positive engagement with community representatives and the support provided by those supervising the activities
- the potential for positive affirmation for performing a valued and worthwhile community service

Additional needs for support and assistance may be identified during the course of the order. In these circumstances, a young person has access to support services provided or arranged by the departmental officer with case responsibility.

Intensive supervision order (ISO)

Subject to section 175 of the Act a court may sentence a young person under 13 years of age to an ISO. An ISO can be imposed for a period of up to six months.

Purpose of order

The purpose of the ISO program is to:

- provide a clear consequence for significant and/or repeated offending behaviour
- establish long-term support systems that will reduce the likelihood of further offending
- permit a young person to participate in community and family life in a supervised and supported way
- address offending behaviour through participation in an ISO conference, counselling and programs
- continue to fulfil their educational commitments and opportunities.

Consequence of offending

The mandatory requirements of an ISO are that the young person report to their departmental officer as required, receive visits as arranged and refrain from further offending. The principal consequences for a young person on an ISO are:

- loss of leisure time that mandatory reporting entails
- confronting issues contributing to their offending in an ISO conference
- the potential for being breached and returned to court for not complying.

In addition, subject to certain criteria specified in section 204 of the Act, the court may impose

additional conditions that are directly related to the offence(s).

When administering an ISO, the departmental officer, together with the young person and their family, examines the young person's offending behaviour in order to identify the factors that contributed to their offending and the risk factors for recidivism. This involves convening an ISO conference involving significant people in the young person's life. The young person is then required to participate in activities agreed to at the conference which are designed to address identified factors in order to reduce the likelihood of further offending. For example a young person may be required to participate in a remedial education program. Assistance is provided to address family issues that may directly, or indirectly, contribute to the offending behaviour.

Administration of an ISO provides a young person with support and assistance necessary for them to integrate with their family and community.

Conditional release order (CRO)

Subject to section 175 of the Act, a court may sentence a young person to a CRO. A CRO is a suspended detention order that requires that a young person guilty of an offence(s) be involved in an intensive structured program for up to three months. In the event of non-compliance, a court may revoke the order and order that the young person be detained for the balance of the custodial period of the original detention order.

As this order is a suspended detention order, the court may only make such an order after having determined that no other sentence is appropriate in the circumstances.

Purpose of order

The purpose of a CRO is to provide a final option other than detention. It provides a court with the power to immediately release a young person into the community to participate in a structured program with strict conditions.

CROs involve participation of young people in activities that help them to reintegrate into the community. They allow young people who are

Sch4/3

engaged in employment or schooling on a regular basis to continue with these activities.

A young person sentenced to a CRO must:

- participate in a program outlined in the presentence report
- not commit further offence(s)
- comply with any other conditions imposed by the court.

In addition, subject to certain criteria specified in section 221 of the Act, the court may impose additional conditions that are directly related to the offence(s).

CRO programs have three components:

- educational, vocational and work activities
- re-integrative activities
- interventions to address offending.

The three components are closely integrated. The emphasis placed on each of these components may vary depending on the young person's specific circumstances. All three aspects of the order must be included in a program designed for a particular young person.

Consequence of offending

The principal consequences for the young person are:

- the requirement to perform or participate in all activities as directed
- the significant loss of leisure time while undertaking the activities
- the potential for the order to be revoked and be sent to detention for not complying.

Compulsory attendance and participation

It is compulsory for a young person to attend or participate in all activities of the CRO program. The order is a suspended custodial order and, as such, it is intensive and highly intrusive. CROs differ from other supervised non-custodial orders in that involvement in the support services is mandatory as it is deemed essential in reducing the likelihood of further offending.

Generally, a CRO includes work and/or education programs and young people who are employed or attending full-time education will

have such activities taken into account. Young people are generally required to participate in program activities for up to 32 hours per week.

Boot camp order (BCO)

Subject to section 175 of the Act, a court may sentence a young person to a BCO of between three and six months in duration. Before making the order, the court must be satisfied that the young person is an eligible child for the order in accordance with section 226C of the Act.

A BCO is a suspended detention order that requires the young person to be immediately released into an approved boot camp centre for a one-month period, followed by two to five months of intensive supervision in the community.

In the event of non-compliance, a court may revoke the order and order that the young person be detained for the balance of the custodial period of the original detention order.

Eligibility

To be eligible for a BCO, a young person must:

- be aged at least 13 years at the time of sentencing
- usually reside in a prescribed area (as defined by regulation – see prescribed area section below)
- provide consent to participate in the boot camp program.

A young person will not be eligible for a BCO if:

- they are serving a period of detention in a detention centre for another offence
- they have been sentenced for, or have a pending charge for a disqualifying offence, or the current offence for which they are being sentenced is a disqualifying offence (disqualifying offences are contained in Schedule 5 of the Act)
- the court is satisfied that the young person poses an unacceptable risk of physical harm to boot camp centre employees and other young people participating in the boot camp program.

Prescribed area

The area is defined by local government electoral boundaries and covers Innisfail, Mareeba, Cairns, Yarrabah and Atherton.

As such, the prescribed area includes the area covered by the Cairns Regional Council, divisions four to six of the Cassowary Coast Regional Council, divisions three to eight of the Tablelands Regional Council and Yarrabah Regional Council.

Purpose of order

The purpose of the BCO is to provide an alternative option for young people at direct risk of detention, when the court considers that a high level of external structure, supervision and support is required before the young person returns to their community.

This is achieved through intensive, targeted interventions to:

- instill discipline and respect
- address offending behaviour
- increase the supervision of young people
- improve family relationships and increase the capacity of parent/carer(s) to manage the young person's behaviour
- reintegrate the young person into community life
- provide opportunity for meaningful reparation through unpaid work activities.

The young person is required to participate in a boot camp program. A boot camp program is an individualized program to meet the specific risks and needs of the young person. The details of the program are outlined in the presentence report and will include the following components:

- physical/experiential activities
- educational, vocational and work activities
- reintegrative and reparative activities
- health services
- family-focussed interventions
- offence-focussed interventions.

The young person is required to spend the first month of the BCO in a boot camp centre prior to returning to intensive supervision in the community. Young people are mentored for the duration of the BCO.

Consequences for offending

A young person sentenced to a BCO must:

- participate in a program outlined in the presentence report
- not leave the boot camp centre without written consent from the department
- not commit further offence(s)
- comply with any conditions imposed by the court.

In addition, subject to certain criteria specified in section 226D of the Act, the court may impose additional conditions that are directly related to the offence(s).

The principal consequences for the young person are:

- the requirement to spend a month in a boot camp centre subject to 24 hour, seven day a week supervision
- the requirement to participate in intensive and structured programs as directed for the duration of the order
- the significant loss of leisure time while undertaking the activities and interventions
- the requirement to perform unpaid work activities as directed
- the potential for the order to be revoked and be sent to detention for not complying.

It is compulsory for a young person to attend or participate in all activities of the BCO program. The order is a suspended custodial order and, as such, it is intensive and highly intrusive.

Custodial orders

Detention order

Pursuant to sections 175 and 176 of the Act a court may sentence a young person to a detention order.

Purpose of order

A court may only make a detention order after:

- considering all other available sentencing options
- taking into account the desirability of not holding the young person in detention

- determining that no other sentence is appropriate in the circumstances of the case.

The two components of a detention order provide:

- a period in secure custody
- a supported and supervised release period in the community.

A detention order may be appropriate when the serious nature of a young person's offence(s) or repeated offending, and the community's genuine need for protection outweigh all other considerations.

Description

The principle that detention is an option of last resort is detailed in section 150 and Schedule 1 of the Act.

Unless the court directs otherwise, a young person under a detention order must serve 70% of their detention in a detention centre. The remaining 30% of the detention order is spent in the community on a supervised release order (SRO).

However, if the court considers it appropriate, it can order that 50% or more, but less than 70% of the order be served in detention.

Consequence of offending

The principal consequences for the young person sentenced to a detention order are the:

- loss of liberty while serving a period in custody in a detention centre
- during the SRO period, the loss of leisure time through compliance with regular reporting requirements and compliance with any other additional conditions
- the potential for cancellation of a SRO for non-compliance with the SRO's requirements and return to a detention centre to serve all or part of the remainder of the detention order.

On admission to detention, an assessment process examines the young person's offending behaviour in order to identify the factors that contributed to their offending and the risk factors for recidivism. The young person may then be required to participate in programs designed to address these identified factors and, in doing so,

reduce the likelihood of further offending and prepare them for their eventual release.

Routines while in detention are structured in such a way as to provide some normality to the experience. Education programs are provided within each detention centre and are compulsory for young people up to and including 15 years of age.

Available research highlights the fact that custodial sentences usually result in higher rates of recidivism. This is generally attributed to:

- hindering the learning of skills necessary for young people to live in the community
- providing young people with opportunities to join criminal networks and learn offending skills.
- in addition, placing a young person in detention strains family and community bonds.

Opportunity for support and assistance

When a young person is released from detention on a SRO the department can offer the young person support and assistance to:

- avoid further offending
- effectively reintegrate into their family and community.

Post detention services aim to:

- maximise the opportunities for the young person to use appropriate services and support networks upon their release
- provide follow-up of any programs commenced while in detention
- minimise the likelihood of the young person re-offending at a time when the risk of offending is highest.

Transfer order

Pursuant to Division 2A of the Act, if the court sentences a young person who is 16 or more to a period of detention under which the young person will be detained or continue to be detained when the young person is 18 or more, then a transfer order must be considered.

Combination orders

Where appropriate, and pursuant to sections 177 to 180 of the Act, it is possible for a court to make more than one order for one offence.

This capacity to impose a combination of orders such as probation and community service provides the opportunity for the court to impose a sentence that will achieve a range of objectives and varying degrees of intensity.

Youth justice conferences

Legislation to cease court referred youth justice conferences took effect as at 1 January 2013. For offences referred to a conference prior to that date transitional provisions allow the previous Part 7 Division 2 to apply. Refer to section 356 of the *Boot Camp and Other Acts Amendment Act 2012*.

EXHIBIT REGISTER

Accused Name		DPP File No 053212/EXHT/13/WKE					
Sch4/3/3		OUTGOING MATERIAL					
Date Received	Description	Outgoing Date	Disclosed to Defence	Tendered in Court	Recipient	Name	Sign
13/09/13	ORIGINAL FIELD PROPERTY RECEIPT – P0427373 – 26/07/13 + COPY REC'D 17/09/13						
	ORIGINAL WARRANTY & SERVICE HANDBOOK – SUBARU – MODEL 2006 ONWARDS + COPY REC'D 17/09/13						
	ORIGINAL S95 CERTIFICATE – GRAHAM – DEP TRANSPORT & MAIN ROADS – 11/06/13 + COPY REC'D 17/09/13						
	SET OF 21 PHOTOS – NUMBERED 1-21 – SCENE + COPY REC'D 17/09/13						
	SET OF 8 PHOTOS – NUMBERED 1-8 – HANDBRAKE MECHANISM + COPY REC'D 17/09/13						
	DATA CD – VEHICLE INSPECTION UNIT – PHOTOS (68 IMAGES) + COPY REC'D 17/09/13						
	DVD – POLICE DRIVE-THROUGH – DTMR FOOTAGE + COPY REC'D 17/09/13 <ul style="list-style-type: none"> • FOOTAGE 1 (00:02:56) • FOOTAGE 2 (00:02:11) • FOOTAGE 3 (00:01:56) • FOOTAGE 4 ** DOES NOT OPEN ** • FOOTAGE 5 ** DOES NOT OPEN ** 						
	DVD – CCTV – BRUCE HWY FATAL – DEP TRANSPORT – 29/05/13 + COPY REC'D 17/09/13						
	DVD - POLICE DRIVE-THROUGH – BRUCE HWY – IN-CAR FILM – 25/06/13 (00:04:27) + COPY REC'D 17/09/13						
	AUDIO CD – FIELD – [REDACTED] – CAVE - 30/05/13 (00:25:26) + COPY REC'D 17/09/13						
	ROI 93A AUDIO [REDACTED] PASCOE – 31/05/13 <ul style="list-style-type: none"> • TRACK 1 (00:15:06) • TRACK 2 (00:01:00) ** SENT FOR TRANSCRIPTION ** + COPY REC'D 17/09/13						
	ROI 93A AUDIO – TAYLING – MENAGH – 08/06/13 (01:09:58) ** SENT FOR TRANSCRIPTION ** + COPY REC'D 17/09/13						
	ROI 93A AUDIO – [REDACTED] WHEATLEY – 31/05/13 (00:55:20) ** SENT FOR TRANSCRIPTION ** + COPY REC'D 17/09/13						
	AUDIO CD – FIELD/REFUSAL [REDACTED] – RCH – 31/05/13 (00:09:03) + COPY REC'D 17/09/13						

	COPY ANALYSIS – VEHICLE SPEED – NORTH LAKES FATALITY + COPY REC'D 17/09/13					
	COPY A3 SCALED MAP PRINTOUT – SECTION OF THE NORTHBOUND LANES OF THE BRUCE HWY, NORTH LAKES + A4 VERSION + COPY REC'D 17/09/13					
	COPY QLD Sch4/3/3 2013/7201 – 16/07/13 + COPY REC'D 17/09/13					
	COPY - 05/06/13 + COPY REC'D 17/09/13					
	COPY ADJUSTMENT NOTE – TYRE SELECT, COOPERS PLAINS – 23/08/12 + COPY REC'D 17/09/13					
	COPY TAX INVOICE – 105057 – TYRE SELECT, COOPERS PLAINS – 16/04/12 + COPY REC'D 17/09/13					
	COPY TAX INVOICE – 104245 – TYRE SELECT, COOPERS PLAINS – 20/12/11 + COPY REC'D 17/09/13					
	COPY TAX INVOICE – 101873 – TYRE SELECT, COOPERS PLAINS – 13/12/10 + COPY REC'D 17/09/13					
	COPY TAX INVOICE – 104180 – TYRE SELECT, COOPERS PLAINS – 12/12/11 + COPY REC'D 17/09/13					
	COPY TAX INVOICE – 103386 – TYRE SELECT, COOPERS PLAINS – 29/08/11 + COPY REC'D 17/09/13					
	COPY TAX INVOICE – 102463 – TYRE SELECT, COOPERS PLAINS – 04/04/11 + COPY REC'D 17/09/13					
	COPY TAX INVOICE – 101442 – TYRE SELECT, COOPERS PLAINS – 10/09/10 + COPY REC'D 17/09/13					
	COPY TAX INVOICE – 101418 – TYRE SELECT, COOPERS PLAINS – 06/09/10 + COPY REC'D 17/09/13					
	COPY TAX INVOICE – 100732 – TYRE SELECT, COOPERS PLAINS – 27/04/10 + COPY REC'D 17/09/13					
24/10/13	1 X COPIED EXTRACT QPS OFFICIAL POLICE NOTEBOOK NO. J 000547 – PAGES 288 – 295					

MALONE



QUEENSLAND POLICE

OFFICIAL POLICE NOTEBOOK

No. J 000E 47

Sch4/3/3

2147.

- ✓ 9. DVD
- ✓ 10. DVD
- ✓ 11. DVD
- ✓ 12. DVD
- ✓ 13. DVD
- ✓ 14. DVD
- ✓ 15. Analysis into vehicle speed
- ✓ 16. series of photos
- ✓ 17. map
- ✓ 18. DVD of vehicle inspection
- ✓ 19. map

8
24/9/13

During the patient's stay, the importance of complete bed rest was explained to him along with head injury advice and the reasons for continued observations.

The patient was subsequently discharged on the same day with advice to avoid strenuous physical activity for 2 weeks. The patient was advised to see his GP in 1 week for review.

These injuries would have caused moderate pain and discomfort at the sites. These injuries have interfered with the health and comfort of this patient.

Justices Act 1886

I acknowledge by virtue of section 110A(6C)(c) of the Justices Act 1886 that:

- (1) This written statement by me dated 11/12/2013 and contained in the pages numbered 1 to 2 is true to the best of my knowledge and belief; and
- (2) I make this statement knowing that, if it were admitted as evidence, I may be liable to prosecution for stating in it anything that I know is false.

Dr Kevin CHAN

Signature



Signed at Brisbane this 11th

day of December

2013



QUEENSLAND POLICE SERVICE
STATEMENT OF WITNESS



Occurrence No:	QP 1300633856	
Forensic / Statement No.:	FR 1175167	Date: 6/9/2013

Statement of

Name of Witness	Timothy Peter Woodcock	Position	Senior Technical Officer (To4)	Employee No.	4017403
Station	Electronic Recording Section	Contact Phone No	07 3364 3050		
Address	Level 4, 200 Roma St Brisbane	Region	Operation Support Command		

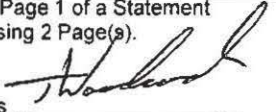
Tim Woodcock states:

1. I am a Technical Officer Grade 4 (TO4) employed by the Queensland Police Service (QPS) Electronic Recording Section (ERS) as a Senior Forensic Recording Analyst. I have been at this establishment since May 2003. During my employment, I have been involved in the analysis, enhancement and dubbing of audio and video recordings. I have performed these duties on a daily basis, and have processed over 1400 audio and video recordings. Sch4/3/3



2. ERS records indicate that on 25th June 2013, ERS received a request from Plain Clothes Senior Constable (PCSC) Simon JUDD of the Pine Rivers District Child Protection Investigation Unit (CPIU), to estimate the speed of a vehicle involved in a fatal traffic incident that had been captured on Closed Circuit Television (CCTV). The request was assigned Forensic Register (FR) case file numbers FR 1175167, and ERS 3169615.
3. In response to the request, between the 25th June 2013 and the 30th August 2013 I compiled a speed analysis report titled "Analysis into Vehicle Speed – North Lakes fatality – 30/8/2013". Within the report I calculated the average speed of a vehicle that

This is Page 1 of a Statement comprising 2 Page(s).

Witness 

is seen to crash near the north bound Anzac Ave exit off the Bruce Highway as being 201.88 ± 21.19 km/h.

- 4. The "Analysis into Vehicle Speed" report was based on CCTV footage contained on a Corporate Express brand CD-R optical disc, bearing the QPS Property Tag P1300177193. This exhibit was lodged at ERS on 01/08/2013 and attributed forensic exhibit number 222325204.
- 5. I am able to produce a copy of the report (titled "Analysis into Vehicle Speed – North Lakes fatality – 30/8/2013") which outlines the methodology and calculations used to determine the vehicle's speed.

TENDERED AND MARKED EXHIBIT

- 6. On completing the report, I created four printed and signed copies of the analysis, and returned these to the ERS secure evidence storage room. ERS records indicate the reports were posted to PCSC Judd at Petrie (CPIU) Police Station on 3rd September 2013.



Tim Woodcock
Senior Forensic Recording Analyst

Justices Act Acknowledgment

Justices Act 1886

I acknowledge by virtue of section 110A(6C)(c) of the Justices Act 1886 that:

- (1) This written statement by me dated 6th September 2013 and contained in the pages numbered 1 to 2 is true to the best of my knowledge and belief; and
- (2) I make this statement knowing that, if it were admitted as evidence, I may be liable to prosecution for stating in it anything that I know is false.

.....Signature

Signed at Brisbane this 6th day of September 2013.

This is Page 2 of a Statement comprising 2 pages

Witness

