

Our reference: 04849-2019

18 July 2019

Mr Peter Russo MP
Chair
Legal Affairs and Community Safety Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Russo

Thank you for the opportunity to respond to submissions received by the Legal Affairs and Community Safety Committee regarding the Youth Justice and Other Legislation Amendment Bill 2019 (the Bill).

Please find enclosed for your consideration, the Department of Youth Justice's response to the written submissions received by the Committee in relation to the Bill.

A number of submissions raised non-legislative issues, including the need for increased resourcing for early intervention, diversion and rehabilitation programs. Common themes were also the overrepresentation of Aboriginal and Torres Strait Islander children in the youth justice system and raising the minimum age of criminal responsibility.

If you require any further information or assistance in relation to this matter, please contact Ms Megan Giles, Executive Director, Strategic Policy and Legislation, Department of Child Safety, Youth and Women on 3097 7220.

I trust this information is of assistance.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'Bob Gee', with a stylized flourish extending to the right.

Bob Gee
Director-General

Enc (1)

Legal Affairs and Community Safety Committee

Written submissions regarding the Youth Justice and Other Legislation Amendment Bill 2019

The Department of Youth Justice (the department) was provided with 28 submissions from:

1. Youth Off The Streets Limited	2. Queensland Ombudsman	3. The Office of the Public Guardian
4. Royal Australian and New Zealand College of Psychiatrists	5. CREATE Foundation	6. Office of the Information Commissioner Queensland
7. Anglicare Southern Queensland	8. Sisters Inside	9. Australians for Native Title and Reconciliation (ANTaR) Qld Association
10. Together Union Queensland	11. Youth Advocacy Centre Inc	12. knowmore
13. Youth Affairs Network of Queensland	14. yourtown	15. Life Without Barriers
16. Australian Association of Social Workers QLD Branch	17. Queensland Family and Child Commission	18. PeakCare Queensland Inc
19. Aboriginal & Torres Strait Islander Legal Service (QLD) Ltd	20. Queensland Council for Civil Liberties	21. Brisbane Youth Service
22. Mission Australia	23. Queensland Human Rights Commission	24. Australian Lawyers Alliance
25. Queensland Advocacy Inc	26. Queensland Law Society	27. Churches of Christ
28. Australian Lawyers for Human Rights		

Note: the submission numbering above reflects the numbering on the submissions as provided by the Legal Affairs and Community Safety Committee.

Summary

The majority of submissions were generally supportive of the Bill and its objectives. Common themes raised in submissions include:

- Non-legislative reforms, including the need for increased investment in early intervention, diversion and rehabilitation programs;
- Strengthened legislative provisions required in relation to police contacting a legal aid organisation;
- The proposed to introduce a new principle that the vulnerability of a child victim be taken into consideration when a child is sentenced in relation to the manslaughter of a child under 12 years;
- The complex needs of children who come in contact with the youth justice system, including the need for appropriate accommodation;
- Overrepresentation of Aboriginal and Torres Strait Islander children in the youth justice system;
- The minimum age of criminal responsibility; and
- Privacy concerns associated with the use of body-worn cameras and enhanced CCTV technology in youth detention centres.

The department has provided responses in relation to these issues.

Submissions are summarised below:

Issue	Submitter No. and Submitter	Clause	Relevant section of Act	Issues or comments from submitters	Department of Youth Justice (the department) response
Proceedings finalised in a timely manner					
Changes to pre-sentence report (PSR) requirements	No. 8 Sisters Inside	20	<i>Youth Justice Act 1992</i> (YJ Act), s 151	Notes typographical error in clause 20(5) – new subsection (9) refers to subsection (6), but should refer to subsection 3A instead.	Clause 20(6) of the Bill provides for sections 151(1A) to (10) to be renumbered as section 151(2) to (13). This means that section 151(3A) will be renumbered as 151(6) when inserted into the YJ Act. The reference to subsection (6) in new subsection (9) is therefore correct.
	No. 10 Together Union	20	YJ Act, s 151	Supports the increased flexibility in the timing and nature of PSRs, but expresses concerns that the removal of the 15 day timeframe may result in courts asking for reports earlier, increasing caseload pressures on case-workers, unsupported by resourcing for additional caseworkers.	Rather than minimum timeframes, the YJ Act requires a PSR to be provided to the Court promptly and provides that this need not be less than 15 days. The Bill proposed to replace the current reference to 15 days in the YJ Act with a requirement for a PSR to be provided to the court as soon as practicable, or in the reasonable timeframe ordered by the court, having regard to the likely complexity of the report. The wording in the Bill and the obligations on the Court acknowledge that caseworkers will need to be provided with sufficient time to complete the PSR, having regard to the relevant child's circumstances and the complexity of each matter.
	No. 11 Youth Advocacy Centre Inc. (YAC)	20	YJ Act, s 151	Notes care needs to be taken that this provision does not unintentionally put the lawyer in a compromised position with their client and relates to issues which are not within their role, and potentially fails to note that legal privilege may prevent a	The amendments to section 151 do not in any way compel a lawyer to disclose information in relation to which a child may claim legal professional privilege, nor do they diminish a lawyer's obligations nor a client's rights in relation to privilege.

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				lawyer from providing the information required.	
	No. 8 Sisters Inside No. 24 Australian Lawyers Alliance (ALA)	20(3)	YJ Act, s 151(3A)	Suggests provision should state that court 'must' ask for report within a stated time that is reasonable, rather than 'may'.	The proposed amendment provides the court with the discretion to ask for a PSR to be provided within a stated period. The stated period must be reasonable, having regard to the likely complexity of the PSR. If the court does not ask for the PSR to be provided within a stated timeframe, the report must be provided by the chief executive as soon as practicable.
	No. 26 Queensland Law Society (QLS)	20	YJ Act, s 151	Expressed concerns about removal of the 15 day timeframe and proposed that the inclusion of an upper time limit be considered to reduce delays.	<p>Current section 151 provides that PSRs must be provided to the court promptly, but need not be given in less than 15 business days.</p> <p>The Bill proposes to amend section 151 to remove the minimum timeframe and replace it with a requirement to provide a PSR within the reasonable timeframe set by the court, or if no timeframe is set, as soon as practicable. This means that if reasonable and practicable, reports may be provided in less than the 15 days currently provided for. This aims to reduce delays.</p> <p>Inserting an upper limit would not allow for the rare occasions when longer than 15 days might be required, and inserting a maximum period might result in PSRs not being provided until the end of that period. The proposed amendment gives the Court discretion in an individual case.</p>
		20	YJ Act, s 151	The amendment requiring the court, before ordering an optional PSR, to consider whether	The proposed amendment does not suggest reliance on oral addendums in place of written PSRs. The Explanatory Notes to the Bill note that "There may be

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				it is the most efficient and effective way to obtain information relevant to the sentencing of the child, suggests that the court may rely on oral addendums to obtain information relevant to the sentencing of the child.	<p>other practical ways that the court can obtain the information it is seeking, for example, directly from the child's legal representative."</p> <p>If the information required by the court is of such a kind that oral information of a factual and uncontested nature might be efficient and effective, then this could be appropriate.</p>
Police contact with parents	No. 8 Sisters Inside	42	<i>Police Powers and Responsibilities Act 2000</i> (PPRA), s 392(3A)	Supports requirement for police to keep records, but notes the records must be maintained in a format that allows for review (also applies to requirement to keep record of bail decisions and decisions to impose particular conditions).	The proposed amendment escalates the existing operational procedures for police to a legislative requirement and will assist police to demonstrate that 'all reasonable inquiries' have been made to notify a child's parent in a particular case. The need for police to demonstrate they have met this requirement means the information must be kept in a reviewable form in an individual case. As Queensland Police Service (QPS) systems improve over time the way this information is recorded.
	No. 27 Churches of Christ	42	PPRA, s 392	The definition of parent in the PPRA should be inclusive of carer or guardian, particularly as this relates to children in statutory care.	Clause 42 amends the definition of parent in the PPRA to include a person who is a parent within the meaning of parent as defined in Schedule 4 of the YJ Act. The definition includes "a person who has the day-to-day care and control of a child", which would include a carer or guardian of a child who is subject to a child protection order.
	No. 3 Office of the Public Guardian (OPG)	42	PPRA, s 392	Suggests Section 392 of the PPRA should be amended to include the requirement that police also engage with relevant disability and/or health services when a	Many children involved in the youth justice system have multiple and complex needs and require support including disability and health supports.

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				young person is suspected to have impaired capacity due to intellectual or cognitive disability, or mental illness, and keep a record of when a specified person or organisation has not been contacted.	<p>The information sharing provisions in the Bill aim to enable relevant government and non-government agencies to share information and coordinate service delivery to assess and respond to a child's support needs.</p> <p>When a young person is arrested, police have an obligation under section 392 of the PPRA to contact a parent for the young person, youth justice services and child safety services (if the child is subject to statutory child protection intervention). If it is suspected that a child has impaired capacity or a mental illness, it is more appropriate for a parent, support person, youth justice services or child safety services to contact a disability or health service provider.</p> <p>It is not operationally feasible for police to make a determination about the supports required for each individual child or make contact with that service.</p>
Police contact with legal aid organisation	No. 8 Sisters Inside	43	PPRA, s 421	Amendment must be supported by adequate resourcing.	<p>The aim of the proposed amendment is to enable arrangements to be made to enable a child's eligibility for legal assistance to be considered and legal representation to be arranged promptly. Implementation planning for the proposed amendment is underway and the impact of the proposed amendment, should the Bill be passed, will be monitored.</p>
	No. 10 Together Union				
	No. 24 ALA				

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	No. 16 Australian Association of Social Workers (AASW)			Suggests requirement to contact a legal aid organisation should apply to all children, not just those being questioned in relation to an indictable offence.	<p>Children charged with an indictable offence may be more likely to be refused bail, and to face more serious consequences. For this reason, the requirement for police to contact a legal aid organisation only applies to children being questioned in relation to an alleged indictable offence. The provision has been carefully drafted to provide robust protections for those children most in need and to avoid unintended consequences such as delays in processing and finalising simple matters.</p> <p>The proposed amendment aligns with existing section 420 of the PPRA, which requires police to inform a legal aid organisation if an adult Aboriginal or Torres Strait Islander person is in custody in relation to an indictable offence.</p>
	No. 19 Aboriginal and Torres Strait Islander Legal Service (Qld) Limited (ATSILS)				
	No. 26. Queensland Law Society (QLS)				
	No. 19 ATSILS			Recommends section 29 of the YJ Act be amended to include a requirement that for a child deprived of a support person, a statement should be excluded unless the prosecution satisfies the court there was a proper and sufficient reason that a legal representative or legal aid organisation was not contacted or present.	<p>Under section 29 of the YJ Act, in a proceeding for an indictable offence, a court must not admit into evidence against the defendant a statement made or given to a police officer by the defendant when a child, unless the court is satisfied a support person was present with the child at the time and place the statement was made or given.</p> <p>The proposed amendment to require police to contact a legal aid organisation for a child is not intended to prevent a child from being questioned by police, so long as the current requirement for a support person to be</p>

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					present is met. Expanding the test for admissibility would be inconsistent with this position.
	No. 19 ATSILS			Raised concerns that the language “attempt to notify” a “legal aid organisation” fails to address the situations where the requirement to contact a legal aid organisation is not genuinely complied with. Suggests an obligation for the QPS to record its attempts to contact a legal aid organisation.	<p>The proposed amendment to section 421 of the PPRA requires police to, as soon as reasonably practicable and before questioning starts, notify or attempt to notify a representative of a legal aid organisation. Police are required to adhere to the provisions of the PPRA.</p> <p>The wording of the proposed amendment acknowledges that in some circumstances, police may not be able to notify a legal aid organisation that the child is in custody, and it may not be operationally feasible or in the interests of community safety to delay questioning of the child until contact can be made.</p>
	No. 26 QLS			The definition of “legal aid organisation” needs to include LAQ.	Clause 45 amends the Dictionary of the PPRA to provide that “legal aid organisation” includes an organisation, prescribed by regulation that provides legal assistance to persons. It is intended that relevant organisations will be prescribed under the <i>Police Powers and</i>

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					<i>Responsibilities Regulation 2012</i> as a legal aid organisation, prior to the commencement of clause 43.
	No. 27 Churches of Christ			Asserts every effort should be made and by all means possible to ensure a parent or guardian, along with legal representation, is available to support a young person in the court proceedings and police interviews. Interviewing a child on their own should be the extreme last resort. For Aboriginal and Torres Strait Islander children, consideration could be given for a community Elder to be nominated by the child or family as a support person.	<p>Section 392 of the PPRA requires police to contact a parent / guardian of a child who has been arrested or served with a notice to appear.</p> <p>The Bill proposes to amend section 392 to require police to make all reasonable inquiries to promptly contact a parent of a child (including a person who has the day-to-day care and control of a child) who has been arrested or served with a notice to appear. The amendment also requires police to keep a record of inquiries made when a parent has not been contacted.</p> <p>Section 421 of the PPRA provides a police officer must not question a child for an indictable offence, unless before questioning starts, the police officer has, if practicable, allowed the child to speak to a support person chosen by the child in circumstances in which the conversation will not be overheard; and a support person is present while the child is being questioned.</p> <p>Under the PPRA, a support person, for an Aboriginal or Torres Strait Islander child, may include an adult relative or friend of the child (who may be a community Elder) or person whose name is included in QPS' list of support persons and interpreters.</p> <p>The amendment to section 421 expands the existing requirements and requires police to contact a legal aid</p>

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					<p>organisation for a child who is being questioned in relation to an indictable offence.</p> <p>These amendments support existing provisions in the YJ Act, including sections 69, 70 and 71, which emphasise the importance of parents participating in a child's court proceedings.</p>
Requiring children to be brought before court within 24 hours	No. 26 QLS	13	YJ Act, s 49	Queries how the amendment will be implemented in practice. For example, will a child arrested on Saturday appear before a court on Sunday?	<p>Proposed new section 49 requires a child who has been arrested to be brought before a court as soon as practicable and within 24 hours after the arrest, or, if it is not practicable to constitute the court within 24 hours after the arrest—as soon as practicable on the next day the court can practicably be constituted.</p> <p>The Bill recognises that it may not be practicable to constitute a Childrens Court on some days, including on a Sunday by requiring a child to be brought before the court as soon as practicable on the next day the court can practicably be constituted. This may include the next business day.</p>
Encourage appropriate grants of bail					
Clarifying that principle of 'detention as a last resort' applies to bail decision making	No. 16 AASW	7, 10	<p>YJ Act, Schedule 1, principle 5</p> <p>YJ Act, new ss 48AA and 48AE</p>	Strongly supports the principle of 'detention as a last resort'. However, argues that this needs to be strengthened as a key issue when a young person is placed in detention on remand due to not having somewhere safe to go to, as this can become a default	<p>The Charter of youth justice principles, including the proposed amendments in the Bill, apply to the administration of the YJ Act.</p> <p>The issue of children being remanded as an alternative accommodation option is addressed by new sections 48AA(7) and 48AE.</p>

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				'placement' which is unacceptable.	<p>Section 48AA(7) provides that a police officer or court must not be satisfied that a child will if released, fail to surrender into custody, commit an offence, endanger the safety or welfare of a person, or interfere with a witness or otherwise obstruct the course of justice, only because the child will not have accommodation, or adequate accommodation, on release from custody.</p> <p>Section 48AE provides that a police officer or court must not decide that a child should be kept in custody for their own safety only because they will not have accommodation, or adequate accommodation, if released.</p>
New principles in the Charter of youth justice principles	No. 27 Churches of Christ	7	YJ Act, Schedule 1, Item 16	Notes the term "if practicable" is mentioned in relation to a child being able to reside in his or her own home. Suggests that "every effort should be made" to ensure a child is able to reside in their own home if this option is considered safe.	This wording is based on a similar provision in the <i>Young Offenders Act 1997</i> (NSW) and recognises that unfortunately for some children, it may not be practicable or appropriate for them to stay in their own home, for a variety of reasons, including, but not limited, to safety and wellbeing.
Clarifying the bail decision-making framework in the YJ Act and incorporating an explicit presumption in favour of release	No. 8 Sisters inside No. 24 Australian Lawyers Alliance (ALA)	10	YJ Act, s 48	Suggests the Bill does not provide a clear legislative framework that will reduce the high number of young people on remand.	<p>The Bill complements a broad range of systemic reforms and significant investment aimed to reduce the number of young people involved in the youth justice system including the number of young people on remand.</p> <p>During consultation on the Bill, stakeholders advised that the existing bail decision-making framework in section 48 of the YJA is confusing and difficult to apply</p>

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					and this contributes to the number of young people remanded in detention. The Bill makes significant amendments to clarify this framework and encourage appropriate grants of bail, including by: providing an explicit presumption in favour of release, resolving confusion about whether certain provisions of the <i>Bail Act 1980</i> apply to children, and providing that even where the presumption of release can be rebutted, police or a court may release a child if release is not inconsistent with community safety and is otherwise appropriate, having regard to a number of additional child focussed factors.
	No. 20 Queensland Council for Civil Liberties (QCCL)			Suggests the presumption in favour of bail should be stronger. The Bill should provide that bail should only be refused if there is sufficient evidence on balance of probabilities that the objection to bail has been made out, such as in Irish legislation.	<p>The proposed amendments in the Bill are based on the existing legal framework for bail decision making in Queensland.</p> <p>The Bill includes a clear presumption in favour of release which can only be rebutted in limited circumstances. Bail may only be refused by a court or police officer if the decision maker concludes, on the balance of probabilities, that there is an unacceptable risk that a child will if released, fail to surrender into custody, commit an offence, endanger the safety or welfare of a person, or interfere with a witness or otherwise obstruct the course of justice.</p> <p>Even when the presumption is able to be rebutted, new section 48AD provides that police or a court may release a child if release is not inconsistent with</p>

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					community safety and is otherwise appropriate, having regard to a number of additional child focussed factors.
	No. 27 Churches of Christ	10	YJ Act, s 48	Suggests there needs to be a more robust and transparent decision making framework in place which can assist those making decisions about when a young person can and cannot be detained.	<p>The Bill clarifies the decision-making framework for police and courts when deciding whether a young person should be released (with or without bail) or remanded in detention.</p> <p>New section 48B requires a police officer or court that makes a decision to remand a young person in custody to state the reasons for that decision. This amendment will improve transparency and accountability about how a decision has been made for an individual child.</p>
	No. 3 OPG	10	YJ Act, new s 48AA(5)(b)	Recommends a note should be inserted under new section 48AA(5)(b) to clarify how this provision might be applied, and that it must never be used to justify refusal of bail or release from custody.	<p>New section 48AA(5)(b) provides that in making a decision about whether there is an “unacceptable risk” for a child, a court or police officer may have regard to the child’s criminal history and other relevant history, associations, home environment, employment and background. These factors are relevant considerations for the court to take into account, for example, to decide whether there is an unacceptable risk of a child reoffending while on bail.</p> <p>The application of these concepts are well understood by police, the judiciary and legal practitioners and a drafting note is not required.</p>
The matters to be considered by a police officer or court when	No. 3 OPG	10	YJ Act, new s 48AA(7)(b)	Recommends new section 48AA(7)(b) should be amended to insert the words ‘or safe home	New section 48AA(7)(a) provides that a court or police officer must not decide it is satisfied there is a risk or unacceptable risk of a matter mentioned in section 48(4) only because the child will not have

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deciding if an unacceptable risk exists, or if to release a young person with or without bail				environment' after the words 'no apparent family support'.	accommodation, or adequate accommodation, on release from custody. The words "adequate accommodation" would encompass "safe home environment".
	No. 3 OPG No. 5 CREATE	10	YJ Act, new ss 48AA and 48AD	Recommends police must take into account a young person being in out-of-home care as these young people disproportionately have developmental delays, mental health concerns, and having experienced trauma, which can all affect young people's cognitive capacity.	<p>The considerations in new sections 48AA and 48AD relate to and acknowledge a child's vulnerability and the impact of a child's experience of trauma. This may not be limited to those children who are subject to statutory child protection intervention.</p> <p>For example, new section 48AA provides a court or police officer may have regard to the child's age, maturity level, cognitive ability and developmental needs. New section 48AD(2) outlines a court or police officer may have regard to the child's exposure to, experience of and reaction to trauma.</p> <p>The proposed amendments that clarify how decisions are made when a child is remanded in detention are based on the current law relating to bail decision making in Queensland and aim to provide for particular considerations that should be taken into account for children. The Bill maintains discretion of decision makers and balances community safety with protecting the interests of children involved in the youth justice system.</p>

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	No. 8 Sisters inside	10, 18	YJ Act, ss 11, new ss 48, 48AA and 59A	States there should be consistency between the matters considered when deciding whether to charge a child (section 11), deciding whether to grant bail (new sections 48 and 48AA) and deciding how to respond to a breach of bail condition by a child (new section 59A).	<p>These sections have different purposes and different considerations are relevant. Section 11 requires police to consider alternative options other than commence a proceeding against a child. New section 48AA provides for factors that should be considered when proceedings have been commenced and a decision is being made about whether to release a child.</p> <p>Section 59A requires police to consider options other than arrest when responding to a child who has breached a bail condition. Breaching a condition of bail is not an offence for a child. The intention of this amendment is to provide police with alternative options to respond to a child who breaches a condition of bail, acknowledging that some breaches are minor and do not warrant the child's arrest.</p>
	No. 8 Sisters inside	10	YJ Act, new ss 48, 48AA, 48AD	Considers the concept of "unacceptable risk" should be removed and replaced with consideration of specific matters that are consistent with community safety and children's inherent vulnerability.	The proposed amendments that clarify how decisions are made when a child is remanded in detention are based on the current law relating to bail decision making in Queensland and aim to provide for particular considerations that should be taken into account for children. The concept of "unacceptable risk" is long-standing and well-understood, and includes consideration of community safety.

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	No. 16 AASW		YJ Act, s 48(11), new s 48AC.	Suggests the provision requires clarification of the consequences of conflict, and process that follows, to ensure that a child from a small community is not disadvantaged as a result of potentially being excluded in support and decision making.	This provision in relation to community justice groups replicates existing section 48(11) of the YJ Act.
Providing that even where the presumption of release can be rebutted, police officers and courts may release a young person, if satisfied that the release is not inconsistent with ensuring community safety and it is otherwise appropriate, having regard to additional factors.	No. 3 OPG No. 8 Sisters Inside		YJ Act, new s 48AD(2)	Recommends wording of section 48AD(2) be changed from 'may' to 'must' to require courts and police to release children if satisfied that the child's release is consistent with community safety, and appropriate having regard to the matters outlined in the subsections.	<p>The Bill meets the intention of the proposal. The Bill provides that police and courts <i>must</i> release a child unless there is an unacceptable risk that if released, the child will fail to surrender into custody, commit an offence, endanger the safety or welfare of a person, or interfere with a witness or otherwise obstruct the course of justice. If an unacceptable risk exists, police or courts may release the child under new section 48AD.</p> <p>The Bill maintains discretion of decision makers and balances community safety while protecting the interests of children involved in the youth justice system.</p>
	No. 13 Youth Alliance Network Queensland (YANQ)				
	No. 24 ALA				
	No. 3 OPG			Proposes inserting the word 'one' in section 48AD(2) before the words 'of the following matters'.	New section 48AD(2) provides that the court or police officer may decide to release the child if satisfied the child's release is not inconsistent with ensuring community safety and is otherwise appropriate having regard to any of matters listed in (a) to (j). As drafted, court or police could have regard to a single matter. It is not necessary to include the word "one."

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	No. 16 AASW			Suggests a clearer definition of 'community safety' is required that refers specifically to human rights instruments (for example, the United Nations Convention on the Rights of the Child)	It is not considered necessary to define the term "community safety". It will be given its ordinary meaning.
Bail conditions are appropriate and tailored to the child					
Punitive bail conditions	No. 22 Mission Australia	16	YJ Act, new s 52A	Recommends exempting children and young people from being subject to punitive bail conditions.	<p>Under clause 16 of the Bill, release decision-makers will be required to be satisfied that a condition is necessary to mitigate an identified risk that the child will commit an offence; endanger a person's safety or welfare; or interfere with a witness or otherwise obstruct the course of justice. This proposed new requirement aims to ensure that bail orders and the imposition of conditions are tailored to respond only to the particular risks identified for an individual child.</p> <p>The Bill also provides that a bail condition must not involve undue management or supervision of a child, having regard to the child's age, maturity, cognitive ability and developmental needs, health, including need for medical assessment or treatment, any disability, including need to access supports and services, home environment and ability to comply with the condition. Applying this new criteria to the imposition of bail conditions aims to avoid punitive conditions that are not designed to specifically manage the actual risks for a child while on bail.</p>

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Police responses to breaches of bail conditions	No. 8 Sisters Inside No. 24 ALA	18	YJ Act, new s 59A	Proposes that new section 59A should explicitly reflect children's unique circumstances as defendants and that arresting children for welfare related reasons should not occur.	Proposed new section 59A of the YJ Act reflects the need for police to consider the unique circumstances of children as distinct to adults when responding to breaches of bail.
Information sharing					
What information may be shared, by whom, and when	No. 6 Office of the Information Commissioner (OIC)	30	YJ Act, new sss 297B – 297H	Supports, but welcomes the opportunity to be further consulted in the development of the regulations, prescribing the circumstances which further limit the sharing of information between prescribed entities and service providers.	The department consulted with OIC during the development of the Bill and acknowledges the valuable input provided. The department will continue to consult with OIC in relation to the amendment of the <i>Youth Justice Regulation 2016</i> .
	No. 5 CREATE			Supports, but concerns about information beyond a “need to know” basis, without appropriately trained staff in varied roles, can contribute to further stigmatisation and labelling of young people.	The Bill contains a number of safeguards to limit the sharing of confidential information. It clarifies that, in addition to the Charter of youth justice principles, it is a principle underlying the information sharing framework that, whenever possible and practical, a person's consent should be obtained before disclosing confidential information relating to the person to someone else.
	No. 28 ALHR			States that there must be sufficient protection of, and balance with the right to privacy of the child	Information sharing is limited to relevant information for particular purposes, including to help a recipient to: <ul style="list-style-type: none"> • participate in case planning for the child; or • assess the child's needs; or • ensure a court is able to take into account the child's needs; or

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					<ul style="list-style-type: none"> • provide appropriate referrals for the child; or • deliver services, programs or support for the child; or • address the child's health needs or disability needs so far as they are relevant to the child's previous, or possible future, offending behaviour. <p>A further safeguard in the Bill provides that the information sharing provisions apply subject to any limitation prescribed by regulation about how, or the circumstances in which, a prescribed entity or service provider may disclose, record or use confidential information.</p> <p>Additionally, the Bill amends section 285 of the YJ Act to provide that prescribed entities and service providers under the framework are 'persons involved in the administration of the YJ Act.' This will ensure that those entities are subject to the obligation in section 288 of the YJ Act to only disclose information for authorised purposes under the Act.</p>
	No. 11 YAC			Suggests that the sharing of information to education facilities may put children at risk of being suspended or excluded – particularly since State Schools may suspend simply on the basis of charges and suspend or exclude where there is a conviction (even where a	Under the amendments, information can only be shared for specified purposes and to the extent that the holder reasonably believes that it may help the receiver do particular things, such as participating in case planning or delivering services, programs or support to a child who has been charged with an offence. Penalties of up to two years imprisonment or 100 penalty units apply for the inappropriate use or disclosure of information (section 288 of the YJ Act).

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				conviction is not recorded), irrespective of whether the offences had anything to do with behaviour related in any way to the school.	
	No. 14 yourtown			Suggests a principle stating that information regarding a child's offending history, or other information relating to the young person's circumstances, not be shared unless in the opinion of their juvenile justice officer, it facilitates the child's best interests.	The Bill meets this intention. Under the amendments, information can only be shared for specified purposes and to the extent that the holder reasonably believes that it may help the receiver for particular purposes, such as participating in case planning or to deliver services, programs or support to a child who has been charged with an offence.
Consent	No. 8 Sisters Inside			Suggests that children must maintain the right to consent – the principle in s 297C is an insufficient safeguard. If information is shared without consent, the child should be advised after the fact.	Obtaining consent before sharing a person's private information is specifically identified as the preferred approach. However, there may be circumstances when it is not practicable to first obtain a child's consent, and it is in the best interests of the child to share the information. For example, if a child cannot be found after all reasonable efforts, it might be appropriate to share information about the child without their consent if it is necessary to urgently address the child's health needs. The Bill includes protections and safeguards including limiting information sharing to information relevant for particular purposes and including a penalty for the inappropriate disclosure or use of information.
	No. 13 YANQ			States that the confidentiality of young people must be maintained and they must have the option of consenting to what information about them and to whom that information is given. Any sharing of information without the young person's full	

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	No. 14 yourtown			consent is a breach of their confidentiality and basic rights. Suggests that where a child does not consent to information being shared with other organisations, but it is decided that it is in their best interests to share that information, reasons why this decision has been made must be provided to the young person as this will help them to understand the process and why other organisations need the information to help them feel included in the process.	
Guidance and training	No. 15 Life Without Barriers			Calls for consideration to formalise, mandate, identify and ensure the requirement for a new information sharing regime across government and community organisations.	The proposed information sharing provisions in the Bill permit, but do not compel the sharing of information.
	No. 12 knowmore			States that it must be ensured information sharing arrangements established under the new framework are clear and robust, and that people are provided with support and guidance to help them make	The Bill provides that the information sharing provisions apply subject to any limitation prescribed by regulation about how, or the circumstances in which, a prescribed entity or service provider may disclose, record or use confidential information. If the Bill is passed, during the implementation of the Bill the amendments will be clearly communicated and explained to relevant agencies and services providers.

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				decisions under it. This should include the development of relevant training, policies, procedures and guidelines, as well as work to promote a culture of information sharing within and across agencies.	
Purpose of information sharing	No. 27 Churches of Christ			Concerned that the focus of information sharing provisions is too much on rehabilitation.	The overarching aim of the information sharing framework is to achieve the best possible outcomes for a young person, acknowledging that this is a shared responsibility across multiple government and non-government agencies.
Review of provisions	No. 9 ANTaR		YJ Act, new sss 297B – 297H	Urges government to review carefully all legislation which inhibits timely and effective joint actions and strategies.	If passed, the impact of the amendments in the Bill will be reviewed.
Electronic monitoring					
Electronic monitoring conditions must not be imposed on young people	No. 11 YAC	19 - 26	YJ Act, ss 150, 151, 193, 204, 221, 228, 228A and 269	Suggests wording could be stated more directly to exclude the use of monitoring devices. The wording in the Bill may enable a device to be worn “by consent” or “voluntarily”.	The wording in the Bill is clearly provides a court or the chief executive must not impose a condition requiring a child to wear an electronic monitoring device. The proposed amendments do not need to be strengthened.
Body worn cameras and CCTV in youth detention centres					
Restriction on who young	No. 1 Youth Off the	5	N/A	Suggests that phone calls by detainees are restricted to family members, guardians or lawyers	This suggestion is beyond the scope of the proposals in the Bill and would require careful consideration to

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people can call from detention	Streets Limited			to minimise risk of potential drug dealers and other criminals trapping young people in their networks because there have been unconfirmed reports of young offenders calling criminal dealers to discuss their release date	ensure it does not restrict the rights of children in detention.
Ensuring robust operational guidelines that minimise risks to privacy	No. 6 OIC No. 8 Sisters Inside No. 11 YAC No. 12 knowmore No. 13 YANQ No. 20 QCCL No. 24 ALA No. 26 QLS No. 28 ALHR			Provides it is essential that robust guidelines which seek to enhance transparency and accountability are implemented to mitigate risks and minimise privacy issues. Stakeholders should be consulted on guidelines before they are released and amendments commence.	The Department of Youth Justice is committed to developing clear guidelines that minimise the risks to privacy of both children and staff at youth detention centres. The department will consult with OIC and other key stakeholders during the development of the guidelines prior to the commencement of the relevant provisions.
				Recommends an additional obligation on the chief executive to retain all CCTV footage for at least 12 months and to ensure that any footage is made available on a timely basis on lawful request of any government department or agency (in line	The storage and retention of body worn camera footage will adhere to the Queensland State Archives approved Retention and Disposal Schedules, which meets the intention of the proposal. Access to footage would be subject to a lawful request under the <i>Right to Information Act 2009</i> .

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				with Recommendation 21.2 of the NT Royal Commission)	
Independent monitoring to ensure proper use of the technology	No. 13 YANQ No. 14 yourtown			Suggests ongoing and independent monitoring of footage. Proposes that the use of cameras and recordings be subject to independent audit to reduce the risk of misuse by staff	The department in conjunction with the OIC will ensure that appropriate safeguards are in place for the use of cameras in youth detention centres and that recorded information is appropriately available for oversight purposes. These safeguards will be subject to scrutiny of oversight bodies and statutory officers.
Review of the implementation of the technology	No. 23 QHRC	5	N/A	Recommends the inclusion of a statutory review of the efficacy of the use of these technologies within a reasonable timeframe that will enable an effective evaluation	If passed, the impact of the amendments in the Bill will be reviewed. The implementation of body worn cameras will be subject to monitoring, review and evaluation. The benefits of body worn cameras will be routinely evaluated.
Increased scrutiny for staff in youth detention centres	No. 10 Together Union Queensland			Increased scrutiny for staff in detention centres (regarding body-worn cameras), which may increase the number of investigations, which are frequently lengthy and disruptive to workforce stability. This may affect the retention of a stable and experienced workforce, which benefits the wellbeing of young people in detention.	The use of body-worn cameras in youth detention centres was recommended by the Queensland Ombudsman in <i>The Brisbane Youth Detention Centre</i> report in March 2019. It was also recommended in the 2016 <i>Independent Review of Youth Detention</i> report. Footage from body warn cameras has the capacity to make investigative processes more efficient.
Community visitor access under the <i>Public Guardian Act 2014</i>					
Qualifications of OPG's community visitors	No. 14 yourtown	47	<i>Public Guardian Act 2014</i>	Suggests that community visitors must have appropriate qualifications and experience in communicating and working with	This is outside the scope of the proposal in the Bill. Under the <i>Public Guardian Act 2014</i> , a person is eligible for appointment as a community visitor (child) only if the public guardian considers the person has the

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				young people and this should be incorporated into the Bill.	knowledge, experience or skills needed to perform the functions of a community visitor (child).
Aggravating factor on sentence for the manslaughter of a child					
Inappropriate extension of aggravating factor to children	No. 8 Sisters Inside No. 11 Youth Advocacy Centre Inc. No. 18 PeakCare No. 22 Mission Australia No. 26 Queensland Law Society No. 28 ALHR	4	YJ Act, s 150	Do not support aggravating factor on sentence for children. Does not align with main purpose of Bill or the recommendations of the Queensland Sentencing Advisory Council.	A number of legislative safeguards remain to protect the interests of a child who has been convicted of an offence of manslaughter of another child under 12 years. The amendment does not override the Charter of youth justice principles in the YJ Act. It also does not override the sentencing principles in section 150 of the YJ Act and the requirement in section 208 that all other available sentences must first be considered. The amendment does not override the existing provision in section 176 of the YJ Act that for a life offence, the court may order that the child be detained for a period of no more than 10 years, or a period up to the maximum of life only if the offence involves the commission of violence against a person and the court considers the offence to be particularly heinous having regard to all of the circumstances.
Terrorism-related provisions					
Application to children	No. 8 Sisters Inside No. 11 YAC No. 22 Mission Australia No. 26 QLS	10, 11, 25	YJ Act, ss 48, 48A and 228A (new ss 48AA, 48A and 48AB)	Does not support the application of terrorism-related provisions to children.	This is beyond the scope of the proposals in the Bill. The provisions relating to terrorism already exist in the YJ Act and commenced on 11 April 2019 to implement the Council of Australian Governments agreement to introduce presumptions against bail and parole for persons who have demonstrated support for, or have links to, terrorist activity.

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					The Bill merely renumbers these provisions as part of the broader reform of the bail decision-making framework.
Location of provisions	No. 26 QLS	10, 11, 25	YJ Act, ss 48, 48A and 228A (new ss 48AA, 48A and 48AB)	Suggests that terrorism matters are confined to one section of the YJ Act.	Options were considered during the drafting of the Bill, however as the terrorism related provisions relate to the decision making framework for release they have been included as drafted.
Overrepresentation Aboriginal and Torres Strait Islander children					
Overrepresentation of Aboriginal and Torres Strait Islander children in the youth justice system	No. 5 CREATE No. 15 LWB No. 16 AASW No. 22 Mission Australia No. 23 QHRC No. 25 QAI No. 28 ALHR	N/A	N/A	Highlights the overrepresentation of Aboriginal and Torres Strait Islander children in the youth justice system and the need for culturally appropriate mechanisms, community consultation and a stronger emphasis on family-led decision making.	<p>The Queensland Government recognises that Aboriginal and/or Torres Strait Islander children are overrepresented in the youth justice system. There are a number of recently announced initiatives that aim to address overrepresentation and embed Aboriginal and Torres Strait Islander cultural responses across the youth justice system, including:</p> <ul style="list-style-type: none"> • \$6.38M over two years for the Enhanced Youth and Family Wellbeing Initiative, with extra case workers in Indigenous Family Wellbeing Services in 10 priority locations to work intensively with Aboriginal and Torres Strait Islander families and support them; • \$5.6M for eight Specialist Multi-Agency Response Teams (SMART) for court and bail assessments and service pathways, linking also with Aboriginal and Torres Strait Islander Family Wellbeing Services; and • \$0.8M for one year for a Mount Isa Transitional Hub - staffed by Aboriginal and/or Torres Strait Islander people from prominent local families.

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					The implementation of these initiatives is well underway.
Community justice groups informing the court in relation to bail decisions	No. 23 QHRC	10	YJ Act, new ss 48AA and 48AC	Suggests that limiting the consideration of cultural issues to submissions made by community justice groups may, in practice, lead to relevant cultural considerations not being taken into account by courts or police when considering bail.	The Bill retains the current framework for community justice groups to make submissions about an Aboriginal and/or Torres Strait Islander child. If passed, the impact of the Bill will be reviewed. The impacts on Aboriginal and Torres Strait Islander children will be included as part of this review.
Objective of Bill	No. 24 ALA	N/A	N/A	Suggests that the key objective of the Bill must be to reduce the over-representation of Aboriginal or Torres Strait Islander young people in youth detention facilities and police watch houses.	
Proposals not contained in Bill					
Age of criminal responsibility	No. 4 RANZCP QLD No. 5 CREATE No. 7 Anglicare No. 8 Sisters Inside No. 13 YANQ No. 17 QFCC No. 23 QHRC No. 24 ALA No. 25 QAI	N/A	Criminal Code Act 1899, s 29	Recommends that the age of criminal responsibility in Queensland should be raised to 12 or 14 years.	In response to the Report on Youth Justice from Special Advisor, Mr Robert (Bob) Atkinson AO, APM in February 2018 the Queensland Government committed to consider recommendations that the minimum age of criminal responsibility be raised, pending any recommendations made in relation to this issue at a national level. This issue is being considered at a national level. The Council of Attorneys-General (CAG) agreed on 23 November 2018 “to establish an interjurisdictional working group to review the age of criminal

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	No. 28 ALHR				responsibility and make recommendations to the Council in that regard". The Queensland Government is participating in the working group, which is due to report back to the CAG in late 2019.
	No. 17 QFCC	N/A	<i>Criminal Code Act 1899</i>	Recommends that in the interim of reaching a national position on the age of criminal responsibility, consider restricting the number of offences that apply to children under 12 years of age.	The Bill maintains discretion of decision makers and balances community safety while protecting the interests of children involved in the youth justice system. The Queensland Government is actively involved in national work through the Council of Attorneys-General related to the minimum age of criminal responsibility. Legislative amendments beyond the scope of the Bill are a policy matter for Government.
Minimum age of detention	No. 3 OPG No. 23 QHRC No. 24 ALA No. 25 QAI	7, 10	YJ Act, new s 48AD	Recommends children under 14 years should be not be held in police watch houses or youth detention centres.	The Bill maintains discretion of decision makers and balances community safety while protecting the interests of children involved in the youth justice system. Clause 10 of the Bill inserts new section 48AD (2)(j) which provides that if there is an 'unacceptable risk' in relation to a child being granted bail, bail decision makers may still release a child under 14 years of age from custody due to their vulnerability and community expectations that children under 14 years are entitled to special care and protection.

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					<p>Clause 7 of the Bill also clarifies that the principle of 'detention as a last resort' also applies to children on arrest, <u>remand</u>, or sentence.</p> <p>This issue was addressed by the Minister in her explanatory speech.</p>
Timeframes for finalising proceedings	No. 2 Queensland Ombudsman	N/A	N/A	Suggests there should be legislated timeframes in which youth justice proceedings must be finalised.	This suggestion is beyond the scope of the Bill and is a policy matter for Government. Such an amendment would require careful consideration to balance protection of the interests of an accused child, due process, and the desirability of timely finalisation of youth justice matters.
Accommodation for children	No. 3 OPG No. 5 CREATE No. 13 YANQ No. 17 QFCC No. 20 QCCL	N/A	N/A	Recommends there is a legislative obligation on the Queensland Government to secure accommodation for children, for example similar to section 28 of the <i>Bail Act 2013</i> (NSW).	<p>This suggestion is beyond the scope of the Bill and is a policy matter for Government.</p> <p>Such an amendment would require careful consideration to avoid unintended consequences including the detention of a child while appropriate accommodation is identified by a relevant government agency.</p> <p>The Bill includes provisions to enable the appropriate sharing of relevant information to enable government and non-government entities to share information to assist to identify an individual child's needs and develop an appropriate support plan for the child.</p>

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					<p>The Government has committed \$2.7 million over four years and \$200,000 per annum ongoing to support multi-agency response teams (SMART) and dynamic risk assessments for court. The intention of SMART teams is for information to be shared earlier to enable a program of supports, including suitable accommodation to be arranged for a child, including to support making an application for bail. Implementation planning of this initiative is well underway.</p> <p>Where the Department of Child Safety, Youth and Women (DCSYW) is notified by QPS that a child subject to a child protection order is held in a watch house and issues of accommodation options are impacting on the likelihood of the child being granted bail, DCSYW works with the Department of Youth Justice (DYJ) and the Department of Housing and Public Works (DHPW) to source appropriate accommodation for the child.</p>
Time limit for detention in a watch house	No. 3 OPG No. 5 CREATE No. 23 QHRC	N/A	N/A	Suggests there is a legislated upper limit of time a child can be detained in a police watch house, for example 4 hours or 72 hours.	<p>The Queensland Government does not support children being detained in police watch houses other than for normal arrest and processing.</p> <p>Section 56 of the YJ Act provides that a child remanded in detention is remanded to the custody of the chief executive and, if the child is in police custody, the child must be delivered to the custody of the chief executive as soon as practicable.</p> <p>Such an amendment would require careful consideration to avoid unintended consequences</p>

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					including children being held in a police watch house in the future beyond normal arrest and processing for up to 72 hours. Inserting a maximum period could become a standard timeframe for children to be detained in a watch house. This would be inconsistent with the Government's commitment.
Early intervention/diversion from criminal justice system	No. 8 Sisters Inside No. 24 ALA	N/A	N/A	Concerned the Bill does not make any amendments to support early intervention or changes in relation to police decisions about alternatives to charging a child for an offence	<p>The suggestion is beyond the scope of the proposals in the Bill. The three key policy objectives of the Bill are:</p> <ul style="list-style-type: none"> • reduce the period in which proceedings in the youth justice system are finalised • remove legislative barriers to enable more young people to be granted bail • ensure appropriate conditions are attached to grants of bail. <p>The YJ Act provides police with a number of diversionary options to respond to children:</p> <ul style="list-style-type: none"> • taking no action; • administering a caution; • referring to a restorative justice process; • offering attendance at a drug diversion assessment program; and • referring to a graffiti removal program.
Additional principles in YJ Act	No. 3 OPG No. 25 QAI No. 12 knowmore	N/A	YJ Act, Schedule 1	Recommends there is a new principle that children remanded in custody in watch houses should be for 'as short a time as is practicable'.	<p>The Queensland Government does not support children being detained in police watch houses, other than for normal arrest and processing.</p> <p>Section 56 of the YJ Act provides that a child remanded in detention by the court is remanded to the custody of</p>

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				<p>Suggests the Bill should ensure that the detention of children is for the shortest time possible</p> <p>Children should only be detained 'as a last resort and for the shortest appropriate time'</p>	<p>the chief executive and, if the child is in police custody, the child must be delivered to the custody of the chief executive as soon as practicable.</p> <p>Principle 17 of the Charter of youth justice principles provides that children should be detained in custody for an offence, whether on arrest or sentence, only as a last resort and for the least time that is justified in the circumstances. The Bill amends principle 17 to also cover children on remand.</p>
	No. 27 Churches of Christ	10,	YJ Act, Schedule 1 and new s 48AD	<p>Recommends there is a new principle that ensures all decisions impacting children are informed by an analysis of their history of trauma.</p>	<p>Principle 2 in the charter of youth justice principles provides that the youth justice system should uphold the rights of children, keep them safe and promote their physical and mental wellbeing.</p> <p>If a child has experienced trauma, this informs the youth justice system's response to the child, including any decisions that are made about the child.</p> <p>Clause 10 of the Bill inserts new section 48AD into the YJ Act that provides even if there is an 'unacceptable risk' in relation to a child being granted bail, bail decision makers may release a child having regard to the child's exposure to, experience of and reaction to trauma.</p>
Conditions in youth detention centres and watch houses	No. 25 QAI No. 28 ALHR	N/A	YJ Act, Part 8 and Schedule 1	<p>Proposes that if children are detained, they must be segregated and kept in age-appropriate, non-prison-like environments, staffed by</p>	<p>The Queensland Government does not support children being detained in police watch houses for any time, other than for normal arrest and processing.</p>

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				specialists experienced and trained in dealing with children.	<p>The YJ Act contains safeguards in relation to children detained in youth detention centres. Section 263 of the YJ Act provides the chief executive is responsible for the safe custody and wellbeing of children detained in detention centres and must ensure, as far as reasonably practicable, principles 3, 1, 19 and 20 of the Charter of youth justice principles are complied with in relation to each child detained in a detention centre.</p> <p>Principle 20 specifically provides that a child who is detained in a detention centre under the YJ Act:</p> <ul style="list-style-type: none"> a) should be provided with a safe and stable living environment; and b) should be helped to maintain relationships with the child's family and community; and c) should be consulted about, and allowed to take part in making, decisions affecting the child's life (having regard to the child's age or ability to understand), particularly decisions about— <ul style="list-style-type: none"> (i) the child's participation in programs at the detention centre; and (ii) contact with the child's family; and (iii) the child's health; and (iv) the child's schooling; and d) should be given information about decisions and plans about the child's future while in the chief executive's custody (having regard to the child's age or ability to understand and the security and safety of the child, other persons and property); and
	No. 28 ALHR	N/A	<i>Youth Justice Regulation 2016</i> , ss 16, 18-20	<p>Recommends the Bill adopts Recommendations 13.4 and 13.5 of the NT Royal Commission by amending the <i>Youth Justice Regulation 2016</i> in relation to the use of force or restraint on a youth detention centre detainee.</p>	

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					<p>e) should be given privacy that is appropriate in the circumstances including, for example, privacy in relation to the child's personal information; and</p> <p>f) should have access to dental, medical and therapeutic services necessary to meet the child's needs; and</p> <p>g) should have access to education appropriate to the child's age and development; and</p> <p>h) should receive appropriate help in making the transition from being in detention to independence.</p> <p><i>Example for paragraph (h)—</i> help in gaining access to training or finding suitable employment.</p> <p>The YJ Act provides for the administration of youth detention centres including the management of detention centres, reporting of harm to children, complaints, monitoring and inspection.</p>
Independent inspectorate of places of detention	No. 17 QFCC No. 25 QAI	N/A	N/A	Proposes that youth detention centres and/or watch houses should be inspected by an independent body, whether pursuant to Australia's OPCAT obligations, or by Queensland establishing a new inspecting body.	In response to the <i>Independent Review of Youth Detention</i> report, the Queensland Government accepted the review's recommendation to establish an independent inspectorate for youth detention centre facilities. In response to the Final Report of the Queensland Parole System Review, Government committed to an independent inspectorate for correctional facilities and supported in principle that it consider expanding the purview of an independent inspectorate to include youth detention and police watch houses.

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	No. 17 QFCC	N/A	YJ Act, s 263	Recommends further amendment to the YJ Act to allow the Youth Detention Inspectorate to inspect watch houses where children are held	<p>The Queensland Government does not support children being detained in police watch houses for any time, other than for normal arrest and processing.</p> <p>Section 56 of the YJ Act provides that a child remanded in detention by the court is remanded to the custody of the chief executive and, if the child is in police custody, the child must be delivered to the custody of the chief executive as soon as practicable.</p>
Royal Commission into the Detention and Protection of Children in the Northern Territory	No. 28 ALHR	N/A	N/A	Urges Queensland Government to take steps to implement all relevant recommendations of the NT Royal Commission.	<p>A number of amendments in the Bill align with recommendations from the NT Royal Commission, including:</p> <ul style="list-style-type: none"> • Clause 5: authorising the use of body-worn cameras in youth detention centres (Recommendation 21.1); • Clause 43: the requirement on police to contact a legal aid organisation when a child is detained for questioning in relation to an indictable offence (Recommendations 25.33 and 25.4); and • Clause 16: implementing specific considerations in relation to the imposition of bail conditions for young people and police responses to breaches of bail for young people (Recommendation 25.19).
Monitoring police compliance with obligations	No. 13 YANQ	N/A	N/A	Recommends undertaking an independent audit of police proceedings before arrest and compare police proceedings including administration of 'cautions' to Aboriginal and/or Torres Strait Islander young	<p>These suggestions are beyond the scope and objectives of the proposals in the Bill. Existing mechanisms are in place to independently monitor police compliance with obligations.</p> <p>The Bill proposes to amend section 392 of the PPRA to require police to make all reasonable inquiries to</p>

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				people compared with other young people. States the need to ensure police comply with their obligations by having an ongoing reporting mechanism and an independent monitoring regime.	promptly contact a parent of a child (including a person who has the day-to-day care and control of a child) who has been arrested or served with a notice to appear. The amendment also requires police to keep a record of inquiries made when a parent has not been contacted.
'Four pillars' of Youth Justice Strategy	No. 13 YANQ	N/A	N/A	Suggests adding the fundamental pillar of 'prevention' to other pillars articulated in the Youth Justice Strategy and invest in prevention strategies as a matter of priority.	This is outside the scope of the proposals in the Bill. The <i>Working Together Changing the Story: Youth Justice Strategy 2019-2023</i> includes the priority area of 'intervene early' as one of its four pillars.
Education issues	No. 13 YANQ	N/A	N/A	Recommends prohibiting the use of exclusions and suspensions by schools and reform the education system in line with democratic principles.	This is outside the scope and objectives of the proposals in the Bill.
Resourcing, training and implementation					
Accommodation for children	No. 5 CREATE No. 7 Anglicare No. 10 Together Union No. 15 Life Without Barriers	N/A	N/A	Identifies a need for more funding to ensure there is safe and accessible housing for children in contact with the youth justice system.	Since 2017, the Queensland Government has invested \$550 million into the youth justice system. If passed, the implementation of the Bill will be supported by a number of initiatives that aim to ensure children have access to stable accommodation, including: <ul style="list-style-type: none"> • new bail support services in Rockhampton, Yeppoon, Cairns and Yarrabah; • a new 24/7 hub in Mount Isa, connecting at-risk young people with support and services; • Project Street CRED - a partnership between QPS, the Department of Child Safety, Youth and Women

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	No. 18 PeakCare No. 22 Mission Australia				<p>and other non-government agencies that reconnects Gold Coast young people with their home or finds them a place of safety with assistance from a relevant service provider; and</p> <ul style="list-style-type: none"> • four supervised accommodation locations across Queensland. <p>Where a child is subject to a child protection order and in contact with the youth justice system and may require alternative accommodation or placement support, DCSYW works with carers, carer support, DYJ and other agencies to put additional supports in place for the child and the carer. If alternative housing assistance is required, DCSYW will work with DHPW's local housing service centre.</p> <p>During 2018-19, DHPW and DCSYW have been working together to streamline the pathway and improve support for young people in care transitioning into safe, secure and affordable housing when necessary. DCSYW also funds six Youth Housing and Reintegration Services provided by community organisations.</p>
Resourcing of courts	No. 2 Ombudsman	N/A	N/A	Suggests additional resourcing for courts may be required to reduce the time to finalise matters.	<p>The Queensland Government has committed \$2.56 million over 14 months (until June 2020) to continue the trial of additional specialist Childrens Court sitting days.</p> <p>The Queensland Government is also funding \$18.45M over four years to continue the Townsville Community Youth Response, including the High Risk Youth Court.</p>

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Training of youth justice, police and court officers	No. 5 CREATE No. 10 Together Union No. 11 YAC No. 16 AASW QLD	N/A	N/A	Notes the need for child-focussed education and training of police and judicial officers.	<p>The <i>Working Together Changing the Story: Youth Justice Strategy 2019-2023</i> (Youth Justice Strategy) commits to roll-out extra training, and continue to address barriers and explore options, for police across Queensland on appropriate use of diversionary options. The Youth Justice Strategy also commits to extend training in adolescent development and trauma-informed responses for workers across education, health, family support, youth, justice, and other community services sectors. An Action Plan to support the Youth Justice Strategy is due for release in mid-2019.</p> <p>Some recently announced initiatives also aim to improve the relationship between children in the youth justice system and police. For example, the Queensland Government has committed \$410,000 to extend the QPS 'Framing the Future' (FTF) mentoring initiative for young people until December 2020 in eight Queensland locations. FTF is a mentoring program delivered by QPS in partnership with Police Citizens Youth Clubs. The Queensland Government has also committed \$2.56 million over 14 months (until June 2020) to continue the trial of additional Childrens Court sitting days.</p> <p>If passed, the majority of the provisions in the Bill will commence by proclamation to enable appropriate implementation planning to be undertaken.</p>
Diversionary programs, community	No. 1 Youth Off The Streets	N/A	N/A	Recognises that the objectives of the Bill cannot be achieved without the funding and support	The Queensland Government is investing \$332.5 million to fund more services and initiatives aimed at keeping Queensland communities safe while steering at-risk

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services, education, supports for children	No. 3 OPG No. 4 RANZCP QLD No. 5 CREATE No. 12 knowmore No. 16 AASW QLD No. 17 QFCC No. 22 Mission Australia No. 27 Churches of Christ No. 28 ALHR			of services and programs for children who come in contact with the youth justice system.	<p>young people away from crime. This brings the government's investment into the youth justice system to a total of \$550 million since 2017.</p> <p>The Bill supports the implementation of these initiatives.</p> <p>Some of the key highlights of the investment package include:</p> <ul style="list-style-type: none"> • \$28.7 million over four years to expand on the successful Transition 2 Success (T2S) program and support young people to reconnect with education, training, employment and life skills. • \$29.3 million over four years to support the Townsville Community Youth Response and establish three new three new Community Youth Response initiatives to address youth crime hotspots in Brisbane, Ipswich and Cairns. • \$2.6 million over three years to continue existing conditional bail programs, which will also be supported by Queensland Police Service community-based supervision for high-risk young people on bail in South East Queensland. • \$2.7 million over four years and \$200,000 per annum ongoing to support multi-agency response teams (SMART) and dynamic risk assessments for court. • \$829,000 to establish a hub in Mount Isa delivering after hours diversionary services to high risk young people.

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					<ul style="list-style-type: none"> \$27.5 million over four years to enhance restorative practice including Restorative Justice Conferencing and Family Group Meetings. <p>The <i>Working Together Changing the Story: Youth Justice Strategy 2019-2023</i> provides a framework that will strengthen prevention, intervention, restoration and rehabilitation whilst considering the young person's individual needs and circumstances. An Action Plan to support the Strategy is due for release in mid-2019.</p>
Conditions in youth detention centres and watch houses	No. 28 ALHR	N/A	N/A	Suggests that the security upgrade of youth detention centres should be completed as a matter of urgency.	The majority of the security upgrade to Brisbane Youth Detention Centre is complete and due to be finalised by the end of 2019.
Review of the YJ Act and related legislation					
Further review of the YJ Act	No. 23 QHRC	N/A	N/A	Suggests that the urgent legislative reform proposed by this Bill should be followed with a more comprehensive and considered review of youth justice laws and programs, with evidence based considerations that fully embrace the 'Four Pillars' for youth justice reform.	<p>If passed, the impact of the amendments in the Bill will be reviewed.</p> <p>Recent government announcements about significant initiatives to improve the youth justice system stressed a focus on evidence-based programs, for example the additional funding to expand the Transition 2 Success program.</p>
Human rights	No. 16 AASW	N/A	N/A	Recommends that the YJ Act must conform with the provisions of relevant human rights legislation and conventions, including the United Nations <i>Convention on the Rights of the</i>	The YJ Act is underpinned by a human rights framework. As part of the Queensland Government's implementation of the <i>Human Rights Act 2019</i> , the department is reviewing policy and operational requirements to ensure compatibility with human rights.

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				<i>Child, the Universal Declaration of Human Rights and the Queensland Human Rights Act 2019.</i>	