



Committee Secretary
Legal Affairs and Community Safety Committee
Parliament House
George Street
Brisbane Q 4000
Via email: lacsc@parliament.qld.gov.au

Wednesday 10 July 2019

Dear Sir/Madam,

Together thanks the Legal Affairs and Community Safety Committee for the opportunity to make submissions regarding the *Youth Justice and Other Legislation Amendment Bill 2019*.

Together is Queensland's public sector union, and the union for all staff employed by the Department of Youth Justice. Together members working in these departments are employed as Caseworkers, Youth Workers, Detention Youth Workers, Administration Officers, Team Leaders, Convenors, Court Coordinators and many other integral roles. A significant proportion of Youth Justice staff are Together members.

Together members are passionate about harnessing the collective power of workers to make change, build better lives and deliver quality services for the Queensland community. Together members working in Youth Justice and other areas of state government that have interactions with the system work diligently to empower young people to lead productive lives, free of offending and reoffending.

Members support the amendments in principle; however, hold concerns that resourcing may impact upon the efficacy of the amendments. These concerns are highlighted in this submission.

SUPPORT FOR THE FOUR PILLARS

Together acknowledges the policy position of the Four Pillars for youth justice reform.

1. Intervene early;
2. Keep children out of court;
3. Keep children out of custody; and,
4. Reduce reoffending.

These are important standards that are underpinned by best practice principles and relevant research. It is imperative that these amendments remove legislative barriers that contribute to children being refused bail, breaching bail conditions or remaining in detention for extended periods.

TIMELY COURT PROCESSES

The amendments offer some flexibility in the timing and nature of pre-sentence reports, which may support more efficient court proceedings finalisation. The practicality of seeking information from other sources, such as the child's legal representative, appears to be a useful way to expedite matters.

However, members have raised concern that the removal of the existing 15-day period may result in the courts asking for reports earlier. Given the current demands on caseworkers, this could lead to additional caseload pressures. There does not appear to be the budget for additional caseworkers to be employed to support the implementation of these changes.

The strengthening of Section 392 of the *Police Powers and Responsibilities Act 2000* means that parents and legal representatives will be actively involved in the arrest process or the serving of notices. This will mean increased responsibilities for police officers in the conduct of their duties. In addition, Legal Aid and ATSILS will require additional funding, so that the system will work in a timely way in reality.

Members comment that the notice to appear amendments are a child-friendly provision that considers factors which may impede a young person from attending court.

The proposed changes to the requirements for children to be brought before the court are viewed as favourable, as they will ensure that children and young people are not remanded in custody for extended periods.

BAIL REQUIREMENTS

The revitalised bail decision-making framework is child focussed and will ensure that children will not be detained unnecessarily because of welfare concerns, such as inadequate accommodation or a lack of family support. Issues of both personal and community safety are logically addressed.

The factors which are articulated in the framework of:

- the principle of detention as a last resort;
- preservation of family ties;
- the child's age;
- child's prior exposure to trauma;
- maturity, developmental needs, cognitive capacity, health and disability; and,
- recognition of Aboriginal or Torres Strait Islander status

provide a logical balance in determining both the child's and community's safety and the risk of reoffending.

With the amendments, it is hoped that bail conditions are more realistic where stakeholders consider the wholistic picture of the young person within the context of their community. Making bail conditions more targeted and easier to keep helps young people maintain a sense of order, without unnecessary reoffending because of a breach of bail which was not reasonable in light of the contextual facts. It would be reasonable to anticipate that fewer breaches will come before the court and/or lead to detention. Similarly the changes to principles of the duration of the bail conditions, and the capacity of the granting of bail to continue despite the collapse of a condition, represent child-focused practices, which will uphold the intent of Pillars 2, 3 and 4. Furthermore, allowing police more options to respond to young people where a breach has occurred will assist in minimising disruption of children's daily lives, where there are insufficient grounds to do so.

In ensuring a seamless, proactive youth justice service, an effective information sharing framework is crucial. Multidisciplinary cross agency problem solving occurs best where there is a legislated information sharing framework. Information sharing for specific purposes assists in assessment, case planning and service delivery both for individual children and for this vulnerable cohort.

COST OF IMPLEMENTATION

The lived experience of Together members, working directly with young people in the Youth Justice system, has frequently highlighted that whilst proposed legislation is seen as advantageous, subsequent implementation has been hampered by insufficient resourcing. The legislative explanatory notes state “it is anticipated that there will be some implementation costs... these costs will be met from existing resources”.

Members express their significant concern regarding this statement, as practitioners and frontline workers, as they anticipate the following:

- More community funding will be needed for counselling, skill building, diversion and outreach services to meet the need of more children out on bail;
- An increased demand and turn around needed for Legal Aid and ATSILS, without commensurate funding for service expansion;
- That expansion of bail accommodation will be needed;
- Staff and sector training on legislative and procedural changes is likely to be costly, beyond the existing training budget;
- 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 well-being of young people in detention; and,
- Additional workload issues for both Youth Justice staff and Community Visitors, without funding to address such issues.

CONCLUSION

Together members welcome the changes to the legislation, which will benefit the safety and well-being of children and the wider community. Members hope that appropriate resourcing will underpin effective implementation of this legislation.

We thank the Committee for the opportunity to provide feedback about the proposed legislative changes. Should you have further questions or wish to clarify any of our submission, please contact organiser Joanne O'Shanesy on [REDACTED] or [REDACTED].

Sincerely,



Vivienne Doogan
Branch Assistant Secretary