

Youth Justice and Other Legislation Amendment Bill 2019 (QLD)

A submission to the:
Legal Affairs and Community Safety Committee

Prepared by:
yourtown, July 2019

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Dear Committee,

We welcome the opportunity to provide feedback to the Government's proposed amendments to existing legislation covering children and young people involved in the youth justice system in Queensland in this new Bill (Youth Justice and Other Legislation Amendment Bill 2019).

yourtown is a national organisation and registered charity that aims to tackle the issues affecting the lives of young people. Established in 1961, our mission is to enable young people, especially those who are marginalised and without voice to improve their quality of life. To this end, **yourtown** provides a range of face-to-face and virtual services to children, young people and families. These services include Kids Helpline, employment and educational programs, accommodation responses to young parents experiencing homelessness and women and children seeking refuge from family violence, young parent programs and Parentline. We also have a history of providing youth offending support programs in Queensland, and are currently providing a group counselling program to assist young offenders regarding drugs and alcohol use.

The Bill covers many important areas, which if effectively implemented, should help to ensure that the youth justice system itself does not heighten the risk of children and young people reoffending and/or having lifelong involvement in the justice system. These areas include:

- The Bill's aim to ensure the timely finalisation of proceedings in the youth justice system**, including prioritisation of proceedings of young people on remand, so that young people – particularly as they have not yet been found guilty of an offence – are not unduly caught up in the system.

Association with the youth justice system and being on remand in custody or on bail for extended periods of time is a significant disruptor to young lives and can be a barrier to positive reintegration back into their communities. It is right that courts focus on the timely processing of their cases, which will require additional staffing resources in addition to legislative changes.
- The Bill's clarification regarding the granting of bail to young people so that detention as a last resort can become a reality in practice.** Despite changes in the 2009 Amendment Act, a young person's 'welfare', for example, lack of accommodation and/or family support, can result in them being put on remand in custody. Yet being held in custody is likely to detrimentally impact the young person's wellbeing and welfare, whilst being in custody has been found to increase the risks of youth reoffending.

In addition to this legislative clarification, the Government will need to invest in training and development of judicial staff and the police to ensure that they are aware of the changes and how to apply them in practice, particularly given as previous legislative changes to this effect have not resulted in change occurring on the ground. Creating such change through legislation will not achieve the desired outcome without consideration for the organisational culture.

Moreover, whilst this is a welcome legislative change, Government still has a duty to safeguard minors and we therefore believe that additional investment into support services is also required so that the pressing needs of young people, such as accommodation support, can be met.

The Bill's focus on ensuring that the police and the courts apply appropriate bail conditions to children and young people. We particularly welcome acknowledgement that many bail conditions are not proportionate to the offence or the risk of reoffence (e.g. of a minor offence such as fare evasion) and that many young people who have offended lack structure in their lives, which makes many bail conditions almost impossible for them to comply with. Bail conditions currently can set young people up to fail because of their onerous nature. We particularly endorse the Bill's insistence that the police consider alternatives to arrest if young people fail to comply with bail conditions.

As with the previous point, education and development of judicial staff about the new balance between 'unacceptable risk of certain conduct' versus 'detention as a last resort' will be necessary for this amendment to become a reality in practice.

- **The Bill's clarification that young people should not be fitted with electronic monitoring devices.** As with bail conditions, such devices have been found to provide another barrier to the effective re-integration of young people, who we know lack and struggle with structure, back into their communities.

We particularly welcome the nature of these above areas given their acknowledgement that extended contact with the youth justice system is not helpful and, in fact, that the way in which the system currently operates can, unwittingly but yet often, contribute to the sustained interaction of young people with the courts and to poorer outcomes.

However, there are three areas of the Bill about which we seek further detail:

1. **The introduction of a new information-sharing regime** to assist government and non-government organisations to assess and respond to the needs of young people in the youth justice system. We understand and support the intention of this clause in terms of sharing background information that could support services to better work with the young person or for the courts to better understand their background,. Nonetheless, we would like to see a principle inserted into the Bill 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.
Where a young person does not consent to information about them being shared with other organisations but it is decided that it is in their best interests to share that information with others, reasons why this decision has been reached must be provided to the young person. This will help them understand the judicial process and/or why other organisations need access to this information and help them feel more included in the process.
2. **The authorisation of the use of body worn cameras by staff and capture of audio recordings through CCTV technology.** We would ask that the use of cameras and recordings are subject to independent audit to reduce the risk of misuse by youth justice staff.
3. **Allow the Office of the Public Guardian's community visitor program for children to visit young people who may reside at a child accommodation service.** In principle, we fully support community visitors in child accommodation services, including watch houses. However, it is important that people appointed as community visitors have the appropriate qualifications and experience in communicating and working with young people and we would like to see this incorporated into the Bill.

Finally, we would like to see the Government continue to focus on how to better support and work with young people interacting with the youth justice system. We call for the effective implementation of the Working Together Changing Story: Youth Justice Strategy 2019-23 informed by Mr Bob Atkinson's report on youth justice. Please do not hesitate to contact us should you have any questions regarding our submission.

Yours sincerely,

Tracy Adams
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