

WE LIFE WITHOUT BARRIERS VE

10 July 2019

Mr Peter Russo MP.
Chair
Legal Affairs and Community Safety Committee
Parliament House
George Street
Brisbane Qld. 4000

Dear Mr Russo,

Submission by Life Without Barriers on the Youth Justice and Other Legislation Amendment Bill 2019

Life Without Barriers is delighted to have the opportunity to make a submission to the Youth Justice and Other Legislation Amendment Bill 2019 introduced into the Queensland Parliament by the Honourable Di Farmer MP, Minister for Child Safety, Youth and Women and Minister for the Prevention of Domestic and Family Violence.

This response has been prepared in the context of a response to the Bill which proposes to amend the *Youth Justice Act 1992*, the *Bail Act 1980* and the *Police Powers and Responsibilities Act 2000*.

Life Without Barriers is one of Australia's largest not-for-profit organizations, providing care and support to more than 22,000 vulnerable and marginalized people in over 300 communities across Australia and New Zealand. Our purpose is to work in partnership with the community, Elders, government, non-government organizations, research institutions and the private sector to improve outcomes for those we support.

Our services and programs include:

- Caring for children, young people and working with families
- Supporting people with a disability
- Caring for older people
- Supporting Aboriginal and Torres Strait Islander Peoples
- Supporting people with mental health issues
- Counseling for people affected by alcohol and other drugs
- Supporting people experiencing homelessness
- Supporting refugees and asylum seekers.

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Our direct interest in the proposed legislative amendments is based on our experience and current funded direct service provision in the Queensland context through the delivery of the *YouthChoices MST Program (YouthChoices)*. In late October 2017 Life Without Barriers commenced delivery of *YouthChoices*, in Queensland through the Queensland Treasury Social Benefit Bond Program.

YouthChoices receives referrals from the Department of Youth Justice, for young people aged 10 to 16 years who have been determined to have *high to very high risk* of re-offending. Life Without Barriers will accept 600 referrals over the five years of the Bond. Life Without Barriers provides *YouthChoices* through two specialist teams, one based in Shailer Park to the south and to the north at North Lakes. Our teams work with families facing complex issues including youth offending, truancy, substance abuse and family dysfunction.

We have achieved many significant outcomes for young people and their families over the first eighteen months of delivering *YouthChoices* including a reduction in offending, re-engagement in learning or earning and an increase in pro-social behaviour. These outcomes continue to be achieved on the basis of our strong collaboration with our government partners. They directly reflect, and are built upon, the *Four Pillars* of the Queensland Government policy position for Youth Justice Reform detailed in the “*Working Together Changing the Story: Youth Justice Strategy 2019-2023 (the Youth Justice Strategy)*”.

The “*four pillars*” of youth reform: *intervene early, keep children out of court, keep children out of custody, and reduce re-offending* were detailed by Mr Robert (Bob) Atkinson AO, APM in the *2018 Report on Youth Justice*. These four pillars are the key policy, practice and operational service delivery drivers of *YouthChoices* service provision provided through a Multisystemic Therapy (MST) model.

Our commitment to partnering with communities is highlighted by the delivery by Life Without Barriers of MST services in locations across Australia. MST is an evidence-based model focused on partnering with young people within their communities to address the multiple factors that influence anti-social offending behaviour. In doing so, it mobilises the strengths and resources of young people and the community to support long-term sustainable change.

Our experience and interest in supporting this submission is also guided and informed by the provision of our *NEXTSTEP Aftercare Service*. Life Without Barriers is funded by the Department of Child Safety, Youth and Women (collaboratively with a number of sector partner agencies) to provide *NEXTSTEP AfterCare Services* from the locations of Brisbane, Ipswich, Toowoomba, Wide Bay, Rockhampton, Gold Coast, Townsville and Mackay.

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NEXTSTEP provides young people between the ages of 15 and 25 who have been in foster care or other out of home care arrangements, with support to build independent lives. *NEXTSTEP After Care* works towards developing the young person's family and community relationships, educational opportunities, job-ready skills, independent living skills and securing suitable accommodation.

It is within this awareness and direct engagement with children and young people across Queensland who experience contact with the legislative youth justice system in Queensland that we are delighted to confirm our support for the proposed Objectives of the *Youth Justice and Legislation Amendment Bill 2019*.

At Life Without Barriers we believe reconciliation must live in the hearts and minds of all Australians. The only way to close the gap in life expectancy, well-being and opportunity between Aboriginal and Torres Strait Islander people and the rest of the community is to work together, in partnership and as a nation.

In this context, addressing the over-representation of Aboriginal and Torres Strait Islander young people in the youth justice system, and with a focus on partnering towards reconciliation, Life Without Barriers has a Stretch Reconciliation Action Plan (Stretch RAP). This Stretch RAP details real actions that have a positive impact by achieving measurable outcomes for Aboriginal and Torres Strait Islander people and communities.

The focus of the RAP is on the delivery of client-centred community based services and inventing new ways of working with people and communities to create more opportunities. We remain committed across all levels of the organisation to furthering the depth of work with Aboriginal and Torres Strait Islander clients, families and communities through our RAP process.

Life Without Barriers incorporates an evidence based approach to care in partnering with young people in supporting them to thrive. This is central to the evidence-based Children and Residential Experiences (CARE) model providing the framework for our care, support and service delivery. Our approach to working with children, young people and families is supported by an understanding of the impacts of family dysfunction and the need for trauma informed, strength based responses and support to families.

It is confirmed the following objectives, policy directions and "*spirit*" of the Bill are a clear positive direction forward with the potential to positively pave the way for youth justice reform. More importantly, we believe the implementation of these amendments collaboratively and in partnership with government, community, Elders, and other service providers, has the potential to positively impact on young people who experience the youth justice system in Queensland.

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They have the potential to enhance community safety, improve the life chances, opportunities and experience of children, young people and their families, and provide opportunities for early intervention and the provision of support and access to evidence based effective programs in the community. This is in the context of the desired outcomes of early intervention, keeping children out of court, keeping children out of custody and reducing re-offending.

The Bill proposes the following amendments to the *Youth Justice Act 1992*, the *Bail Act 1980* and the *Police Powers and Responsibilities Act 2000* and as indicated are supported in principle by Life Without Barriers:

- reduce the period in which proceedings in the youth justice system are finalized
- remove legislative barriers to enable more young people to be granted bail
- ensure appropriate conditions are attached to grants of bail
- introduce 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
- clarify that conditions requiring the use of an electronic device cannot be imposed on a child
- authorize the use of body worn cameras and the capture of audio recordings through CCTV technology
- provide that in sentencing a young person for the manslaughter of a child under 12 years, courts must treat the defenselessness of the victim and their vulnerability as an aggravating factor
- 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 provided or funded by the Department of Youth Justice.

Within the context of this confirmation of the proposed Amendments and the Objectives of the Bill by Life Without Barriers, we provide the following contextual information in relation to objective 3 and 4 detailed above.

In relation to the objective “ensure appropriate conditions are attached to grants of bail” and “introduce 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 are continually aware of young people released on conditional bail stipulating the requirement of attendance at school.

Many of these young people experience challenges, barriers and difficulties in accessing and succeeding in the mainstream school systems, often with minimal support and assistance. This often leads to truancy and expulsion which ultimately results in suspension of bail, entrance/ return to custody and re-offending.

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Also in relation to Objectives 3 and 4 detailed above, we raise the challenging issue of a young person's right to safe and stable accommodation. There is an overwhelming and high priority need for whole of government and sector collaboration, action and response in relation to addressing and responding to this issue.

Although it is acknowledged that the existing and current reforms mean that a lack of housing cannot be a reason for the refusing of bail, we know that many young people end up engaged with the youth justice system because of a lack of stable and secure housing.

In the context of the amendments proposed it is requested that consideration is made to formalise, mandate, identify and ensure the requirement for a new information sharing regime across government and community organisations. These supporting processes and approaches will assist government and non-government organisations to assess and respond to the needs of young people in the youth justice system in communities across Queensland.

In particular focus is requested for collaborative "*buy in*", supported by mandated and articulated approaches and responses in the areas of education, housing, policing, health, employment, sentencing, and support to Aboriginal and Torres Strait Islander children, young people and their families.

As with all of the proposed amendments your ongoing collaboration and partnership with government and community (particularly children, young people and families) is requested. This will contribute to ensuring the potential and actual impacts, consequences and outcomes are actively identified in an ongoing way at the time of development, implementation, and in the ongoing monitoring/ review/evaluation of the proposed *Youth Justice and Other Legislation Amendment Bill 2019.*

Life Without Barriers would like to acknowledge and thank the Legal Affairs and Community Safety Committee for the opportunity to provide a submission on the *Youth Justice and Other Legislation Bill 2019.* We wish you well on the carriage of the Bill through the Parliamentary process.

We commend the work and commitment to the Bill and look forward to the opportunity to continuing to work in partnership with government, community organisations, Elders, Queensland communities, children, families and young people and the private sector to "*Change the story*" and improve the lives of children, young people and their families and communities.

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Please do not hesitate to contact me if you require any further information or clarification in relation to this submission. As required my contact details are as below.

Yours sincerely



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