



Queensland Association of Independent Legal Services Inc

Youth Justice and Other
Legislation Amendment Bill 2014
Submission 005

25 February 2014

Mr Brook Hastie
Research Director
Legal Affairs and Community Safety Committee
Parliament House
George Street
Brisbane Qld 4000

By email: lacsc@parliament.qld.gov.au

Dear Mr Hastie,

Youth Justice and Other Legislation Amendment Bill 2014

The Queensland Association of Independent Legal Services Inc (**QAILS**) writes in response to the introduction of the *Youth Justice and Other Legislation Amendment Bill 2014*. QAILS supports the submission of its member centre, the Youth Advocacy Centre Inc (**YAC**), particularly YAC's contention that:

There is no research or evidence to support the contention that the proposed amendments will reduce offending and make Queensland safer (noting that Queensland is not, in any event, an unsafe place to be)

About QAILS and Community Legal Centres

Queensland Association of Independent Legal Services Inc (**QAILS**) is the peak body representing the 33 funded and unfunded community legal centres across Queensland. Community legal centres are independently operating not-for-profit, community-based organisations that provide free legal services to the public, focusing on the disadvantaged and people with special needs.

1,053 of the 45,553 Queenslanders who received legal assistance from community legal centres in 2013 were aged under 18 years, and many of these sought assistance in relation to criminal matters and child protection. Indeed, there is significant overlap in these areas: with around 70% of young people in the youth justice system are known to the child protection system.

Queensland community legal centres also provide advice, assistance and support to the victims of crime, and so our views are informed by the need effectively reduce crime and increase community safety. Youth justice laws should be based on evidence of what works, and developed in consultation with experts in policing, childhood development, the law, and social welfare services.

Proposed changes to youth justice laws

The Bill contains provisions that:

- allow for the ‘naming and shaming’ of young people;
- make admissible children’s findings of guilt in adult proceedings;
- introduce an offence to commit an offence while on bail;
- allow automatic transfer of 17 year olds to adult prisons;
- remove detention as a ‘last resort’ punishment; and
- create a new offence for young people absconding from boot camps.

QAILS also understands that young people in Townsville who steal cars face mandatory boot camp orders, although the details are unclear as the Bill does not contain these provisions.

Other submissions, from expert organisations including YAC, will discuss the particulars of these proposals. However, QAILS makes the following overarching points:

- research shows that many of these initiatives fail to reduce crime;
- generally, increasing the severity of penalties is unlikely to deter offenders, particularly young people who, due to their lack of maturity and their stage of development, tend to take risks and not look forward to the potential consequences of their actions;
- the law must recognise the mental and emotional development of young people in holding them to account for their actions;
- some proposals are a clear breach of express protections of the rights of young people in international laws, which Australia has voluntarily supported and is bound to uphold;
- the proposed laws will have a disproportionate and negative impact on young Aboriginal and Torres Strait Islander peoples, who are already significantly overrepresented in the youth justice system;
- many of these proposals will make it harder for young people to reintegrate into the community, maintain meaningful participation in work and/or education, and may in fact increase recidivism and crime rates; and
- the proposals are not a commensurate response to youth offending, since the data indicate that the proportion of young people offending is reducing.

The need for a thoughtful, consultative, evidence-based approach

The development of effective criminal justice policies that improve community safety is complex. Attachment 2 to YAC’s submission to this inquiry outlines some of the complex social and legal issues that contribute to youth offending.

Given the complexity, it is vital that any policies that seek to increase community safety are thoughtful, collaborative, deliberative, consultative and evidence-based.

The Queensland Government is currently developing a blueprint for youth justice. We strongly encourage the Government to engage fully with organisations and institutions with expertise supporting young people through the youth justice system, and in other areas of need, to ensure that the laws will work to decrease crime by effectively deterring and rehabilitating young people who come into contact with the justice system.

Conclusion

QAILS supports the strengthening of programs that reduce youth offending and increase community safety by looking to the causes of crime, and welcomes the opportunity to engage in constructive discussions with the Government to achieve these outcomes. As a community, we must do something; we must take a thoughtful, consultative, evidence-based approach to the difficult and complex issues that drive youth offending. The law is a poor tool to address what are often social welfare issues over which young people have no control.

This Bill is, in our view, unlikely to make our community safer or reduce offending behaviour, so we respectfully submit that it should not be passed by the Parliament.

If you have any queries, please contact me on (07) 3392 0092 and director@qails.org.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'James Farrell', with a large circular flourish at the end.

James Farrell
QAILS Director