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22 January 2016

The Research Director
Legal Affairs and Community Safety Committee
Parliament House
Brisbane QLD 4000

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

Dear Sir / Madam

Youth Justice and Other Legislation Amendment Bill 2015

Thank you for the opportunity to comment on the Youth Justice and Other Legislation Amendment Bill 2015 (**Bill**).

The Human Rights Law Centre (**HRLC**) is a national, independent, non-profit, non-government organisation which protects and promotes human rights in Australia. We are principally concerned to ensure that Australian laws, policies and practices give effect to Australia's international legal obligations under the various United Nations human rights treaties to which Australia is a party.

In June 2013, the HRLC made a submission to the Department of Justice and Attorney General on the 'Safer Street Crime Action Plan – Youth Justice' entitled *A Human Rights Approach to Youth Justice Reform*.¹ Our submission expressed concern that many of the measures being considered at that time (and which were subsequently introduced into legislation) undermined the purported objective of reducing crime and making communities safer and were inconsistent with a number of fundamental human rights principles.

Measures such as boot camps, criminalising bail breaches, making it easier to publish the names of young offenders, automatically transferring 17 year olds to adult prisons and allowing courts to access a person's youth criminal history when sentencing them as an adult all raise concerns with a range of human rights, including:

- the obligation to ensure the best interests of the child are a primary consideration;
- specific rights relating to young people in the criminal justice system;
- freedom from arbitrary detention and the principle that detention of young people should be a measure of last resort;

¹ A copy of the submission is available at http://www.hrlc.org.au/wp-content/uploads/2013/07/HRLC_Submission_Queensland_Youth_Justice_Reforms.pdf.

- the obligation to promote a young offender's reintegration into society; and
- the right to equality and non-discrimination, giving the disproportionate impact that many of the measures having on Aboriginal and Torres Strait Islander young people.

The current Bill will remove a number of these concerning measures introduced following the enactment of the *Youth Justice (Boot Camp Orders) Amendment Act 2013* and the *Youth Justice and Other Legislation Amendment Act 2014*.

Accordingly, the HRLC welcomes the Bill's introduction and recommends that the Legal Affairs and Community Safety Committee support its passage. We support the Bill's key objectives and in particular amendments to reinstate the principle that detention be a measure of last resort and only for the shortest possible time when sentencing a child. Passage of the Bill would bring a number of aspects of Queensland's youth justice system back into compliance with Australia's human rights obligations and important children's rights standards.

While the HRLC supports the current Bill's passage, we note with concern that these amendments fail to address the very serious human rights issue of 17 year old children being treated as adults in Queensland's criminal justice system, including their incarceration in adult prisons.

Yours sincerely



Ben Schokman

Director –Advocacy

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