



20 January 2016

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

Dear Sir/Madam

Youth Justice and Other Legislation Amendment Bill 2015

The Youth Advocacy Centre Inc (YAC) is a legal and social welfare agency for young people aged 10 to 18 years of age who are involved in, or at risk of involvement in, the youth justice and/or child protection systems and/or are homeless or at risk of homelessness. We been operating for nearly 35 years.

YAC was always of the view that the amendments to the *Youth Justice Act 1992* (the Act) in 2012 (introduction of boot camps and removal of court ordered youth justice conferencing) and the further amendments to the Act of 2014 were not evidence-based and the amendments were likely to produce results in direct contradiction to their stated intent. Removal of a fundamental tenet of the criminal law, detention as a last resort, was never justifiable in any way. The creation of an offence to commit an offence whilst on bail was ill-conceived and found by Richards DCJ to be contrary to s 16 of the Queensland Criminal Code which supports another long-established legal protection, the concept of double jeopardy, which holds that a person should not be punished twice for the same offence (*R v S; R v L* [2015] Q CHC 3).

The Committee holds YAC's submissions in relation to the 2012 and 2014 amendments and it is not considered necessary to repeat them here as the Explanatory Notes to the current Bill would indicate that the arguments put forward by YAC and many other agencies have been accepted. We also support the reinstatement of sentence review for young offenders, which provides a cost-effective measure to re-consider sentence orders, and which was removed without the opportunity for consultation.

YAC therefore fully supports the Bill currently before Parliament. In addressing youth offending, we need to be cognisant that there are two types of young offenders:

1. Those young people involved in risk-taking behaviours and poor/impulsive decision making as part of the normal process of adolescent development and who will "grow out" of offending as a result of family and community supports and the child and young person's natural and developing understanding and acceptance of their behaviour and personal responsibility.
2. The small group of recidivist young offenders – the 10% of offenders who commit nearly 50% of the offences committed by young people - who share a set of characteristics with most experiencing family, mental health, drug and alcohol issues, and disengagement from education. The data indicate that 70% of young people involved in the youth justice system are known to the child safety system.

As the most disadvantaged of the disadvantaged, Aboriginal and Torres Strait Islander children are over-represented in the youth justice system.

These understandings of “who” young offenders are must underpin all aspects of the youth justice system and its component processes, including the need for restorative and therapeutic interventions, to effectively respond to youth offending. The 2012 and 2014 amendments failed to comprehend this.

YAC supports the call by the Anglican Church Southern Queensland, the Uniting Church Queensland Synod, Queensland Churches Together for a Government-hosted cross-portfolio, cross-sectoral workshop or forum to inform the development of an appropriate and effective youth justice policy and system - by which we mean, one that addresses the reasons why young people are offending and supports their diversion into positive lives, for their own benefit and that of the community in general.

Yours sincerely



Janet Wight
Director