

**AMNESTY
INTERNATIONAL**



Submission to the
Legal Affairs and Community Safety Committee
inquiry into the
Youth Justice and Other Legislation Amendment Bill 2015

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Submitted by
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About Amnesty International

Amnesty International is the world's largest independent human rights organisation, comprising more than seven million supporters in more than 160 countries and over 500,000 supporters in Australia.

Amnesty International is a worldwide movement to promote and defend all human rights enshrined in the Universal Declaration of Human Rights and other international human rights instruments. Amnesty International undertakes research focused on preventing and ending abuses of these rights.

Amnesty International is impartial and independent of any government, political persuasion or religious belief. Amnesty International Australia does not receive funding from governments or political parties.

Amnesty International Australia has a regional office located in Brisbane and approximately 78,000 supporters throughout Queensland.

Background to this submission

Amnesty International Australia has been conducting research into youth justice issues in Australia for four years, focusing on the over-representation of Indigenous children in youth detention. Our research and subsequent reports analyse the issue from an international human rights perspective.

In 2015, Amnesty International Australia released two reports:

- *A brighter tomorrow*,¹ is a national overview of Indigenous youth justice issues.
- *There is always a brighter future*,² is based on research conducted in Western Australia and specifically deals with youth justice issues in that jurisdiction.

Amnesty International Australia is currently conducting similar research focusing on Indigenous youth justice in Queensland, and will publish a report in the second half of 2016.

The most recent data shows that nationally across Australia, Indigenous children (10 to 17 years) are 24 times more likely to be in detention than non-Indigenous children.³ In Queensland, Indigenous children were 24 times more likely to be in detention than non-Indigenous children.

These statistics show quite clearly that there is a race dimension to youth justice issues in Australia, including in Queensland. Amnesty International Australia is committed to researching the causes of the over-representation of Indigenous children in the youth justice system in Queensland, and working in partnership with Indigenous peoples, communities and organisations to identify ways to reduce these rates.

¹ Amnesty International Australia, *A brighter tomorrow: Keeping Indigenous kids in the community and out of detention in Australia* (2015) <http://www.amnesty.org.au/images/uploads/aus/A_brighter_future_National_report.pdf>.

² Amnesty International Australia, *There is always a brighter future: Keeping Indigenous kids in the community and out of detention in Western Australia* (2015) <http://www.amnesty.org.au/images/uploads/aus/CIE_WA-Report_low-res.pdf>.

³ Australian Institute of Health and Welfare, *Youth Justice in Australia 2013–14* (2015), Table S77a: Children aged 10–17 in detention on an average day by sex and Indigenous status, states and territories, 2013–14 (rate).

1. Summary

- 1.1 Amnesty International welcomes the opportunity to make a submission to this inquiry into the the Youth Justice and Other Amendments Bill 2015 (Qld) ('the Bill').
- 1.2 Amnesty International is supportive of the amendments in the Bill that restore a number of international human rights principles and protections to the youth justice system in Queensland, including reinstating the principle of detention as a last resort. The Bill is an important and welcome step towards ensuring better outcomes for children in the Queensland youth justice system, and towards addressing the over-representation of Indigenous children held in detention in Queensland.
- 1.3 Indigenous children are 24 times more likely to be in detention than non-Indigenous children in Queensland. Indigenous young people make up around 7.5 per cent of all 10 to 17 year-olds in Queensland, but 65 per cent of the youth detention population.⁴ The rate at which Indigenous young people are detained in Queensland is higher than it has been at any other time over the past ten years and is increasing as a trend.⁵
- 1.4 If this Bill is passed into legislation it will go some way towards addressing these issues. In addition to the passage of this Bill, Amnesty International recommends further reforms to bring Queensland's youth justice legislation and policy into line with Australia's human rights obligations. Amnesty International looks forward to engaging with the Government of Queensland to progress these reforms.

Recommendations

- 1.5 Amnesty International recommends that the Bill be passed, with the following amendments:

In relation to the new section 305B of the Bill, Amnesty International recommends clearer independent oversight and appeal provisions are stipulated. The Bill should provide for the ability to make a complaint to an independent and impartial tribunal. The legislation should also establish a sufficient appeal procedure to an impartial and independent body. At a minimum, there should be an avenue of appeal to a court or tribunal on the merits.

Amnesty International recommends that the Queensland Government table draft regulations that would sit alongside section 305B, so that there may be scrutiny of the proposed oversight and appeals process in terms of its compliance with international standards of fairness and due process.
- 1.6 In addition to the passage of this Bill, Amnesty International recommends that the Government of Queensland progress the following further reforms without delay:
 - (1) Amend the *Youth Justice Act 1992* (Qld) and related legislation so that all children under the age of 18 are dealt with in the youth justice system.
 - (2) Raise the minimum age of criminal responsibility to at least 12 years of age in line with internationally accepted standards.
 - (3) Quantify the level of unmet legal need currently experienced by children and their families in Queensland and take immediate steps to secure funding to ensure that all children facing criminal proceedings, particularly Indigenous children, are granted full access to legal assistance.

⁴ Australian Institute of Health and Welfare 2015. *Youth justice in Australia 2013–14* AIHW Bulletin no. 127. Cat. no. AUS 188 . Canberra: AIHW, Table S77a: Young people aged 10–17 in detention on an average day by sex and Indigenous status, states and territories, 2013–14 (rate).

⁵ Australian Institute of Health and Welfare 2015. *Youth justice in Australia 2013–14* AIHW Bulletin no. 127. Cat. no. AUS 188 . Canberra: AIHW, Table S77a: Young people aged 10–17 in detention on an average day by sex and Indigenous status, states and territories, 2013–14 (rate). 32.93 per 10,000 Indigenous kids were in detention in the most recent financial year for which data is available up from 29.83 per 10,000 the previous year which itself was a record high compared to the 8 years prior.

2. International Legal Framework

- 2.1 Under international law, all fair trial and procedural rights that apply to adults apply equally to children, but additional juvenile justice protections exist under the international human rights framework in recognition that children differ from adults in their physical and psychological development.
- 2.2 The Convention on the Rights of the Child (CRC) is the primary source of these rights. Unique among the major UN human rights treaties, it explicitly recognises the particular needs of Indigenous children.⁶ With 196 States Parties, the CRC is the most widely ratified human rights treaty in history.⁷ Australia signed and ratified the CRC in 1990.⁸
- 2.3 Key human rights obligations under the CRC include that:
- the best interests of the child is a fundamental principle to be observed, including in the context of criminal justice;⁹
 - arrest and detention must be measures of last resort and for the shortest appropriate period of time;¹⁰
 - all children must have access to prompt and adequate legal representation, as well as the capacity to challenge charges brought against them;¹¹ and
 - a variety of appropriate alternatives to detention should be in place to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.¹²
- 2.4 Australia ratified the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) in 1975. ICERD prohibits any distinction on the basis of race which has either the purpose or effect of restricting the enjoyment of human rights. ICERD also recognises that there are circumstances where special and concrete measures are required in order to ensure the protection of certain groups, including Indigenous Peoples,¹³ 'for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms.'¹⁴
- 2.5 Australia endorsed the Declaration on the Rights of Indigenous Peoples (the Declaration) on 3 April 2009.¹⁵ The Declaration states that particular attention should be given to "the rights and special needs of indigenous ... youth, children and persons with disabilities."¹⁶

⁶ *Convention on the Rights of the Child*, opened for signature 20 November 1989, 1577 UNTS 3 ('Convention on the Rights of the Child'), arts 17(d), 29(d), 30.

⁷ United Nations Treaty Collection, *Status of Convention of the Rights of the Child* (24 January 2016) <https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en>.

⁸ United Nations Treaty Collection, *Status of Convention of the Rights of the Child* (24 January 2016) <https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en>.

⁹ Convention on the Rights of the Child, art 3(1).

¹⁰ Convention on the Rights of the Child, art 37.

¹¹ Convention on the Rights of the Child, art 37(d).

¹² Convention on the Rights of the Child, art 37(c).

¹³ Committee for the Elimination of Racial Discrimination, *General Recommendation XXIII on the rights of Indigenous peoples*, 51st sess, UN Doc CERD/C/GC/23 (18 August 1997) [1].

¹⁴ *International Convention on the Elimination of All Forms of Racial Discrimination*, opened for signature 21 December 1965, 660 UNTS 195 ('Convention on the Elimination of All Forms of Racial Discrimination'), art 2(2).

¹⁵ J Macklin, Minister for Families, Housing, Community Services and Indigenous Affairs, 'Statement on the United Nations Declaration on the Rights of Indigenous Peoples' (Speech delivered at Parliament House, Canberra, 3 April 2009), <www.un.org/esa/socdev/unpfii/documents/Australia_official_statement_endorsement_UNDRIP.pdf>.

¹⁶ *United Nations Declaration on the Rights of Indigenous Peoples*, GA Res 61/295, UN GAOR, 61st sess, 107th plen mtg, Supp No 49, UN Doc A/RES/61/295 (13 September 2007), art 21.

3. Proposed Amendments to the *Youth Justice Act 1992 (Qld)*

- 3.1 Amnesty International is generally supportive of the Bill, which reverses in large part the amendments introduced by the former Government through the *Youth Justice and Other Legislation Amendment Act 2014 (Qld)* and the *Youth Justice (Boot Camp Orders) and Other Legislation Amendment Bill 2012 (Qld)*.
- 3.2 Those amendments violated human rights obligations and had major implications for the involvement and detention of children in the criminal justice system, particularly Indigenous children. Amnesty International raised these concerns in a submission to the Inquiry into *Youth Justice and Other Legislation Amendment Bill 2014*.¹⁷

Reinstating the principle of detention as a last resort

- 3.3 Amnesty International supports the amendments in the Bill that reinstate the principle of detention as a last resort and for the shortest appropriate period.
- 3.4 Amnesty International considers that it is essential for Queensland's laws to align with Australia's international obligations. As stated in our National Report,¹⁸ those provisions¹⁹ are in direct contravention of the CRC, article 37(b).
- 3.5 Amnesty International recommends that these amendments are passed.

Repeal of the offence of being found guilty of a charge while on bail

- 3.6 Amnesty International supports the removal of the offence for committing an offence while on bail.²⁰
- 3.7 Amnesty International recommends that these amendments are passed.

Removal of references to boot camps

- 3.8 Amnesty International supports the proposed amendments removing all reference to boot camps in the *Youth Justice Act*.²¹
- 3.9 In 2014, the Queensland government introduced s 176B and s 206A into the *Youth Justice Act* that mandates attendance at a boot camp for three charges of motor vehicle offences in 12 months for eligible children.
- 3.10 Unlike the other kinds of orders for boot camps under the *Youth Justice Act*, courts are not required to have the consent of children to impose this sentence for repeat vehicle offences.²² Children are eligible if they are 13 years of age, live in Townsville, Cairns or parts of the Tablelands local government area²³ and meet various other requirements in s 226C(3).
- 3.11 Amnesty International is concerned that these boot camp provisions were akin to mandatory sentencing, appeared to be discriminatory towards Indigenous children in Townsville, Cairns and the Tablelands and are possibly contrary to a number of international human rights standards.²⁴

¹⁷ Amnesty International Australia, *Submission to Legal Affairs and Community Safety Inquiry on strategies to prevent and reduce criminal activity in Queensland* (18 July 2014) <<http://www.parliament.qld.gov.au/documents/tableOffice/CommSubs/2014/CrimeInquiry2014/045.pdf>>.

¹⁸ Amnesty International Australia, *A brighter tomorrow: Keeping Indigenous kids in the community and out of detention in Australia* (2015) <http://www.amnesty.org.au/images/uploads/aus/A_brighter_future_National_report.pdf>, 18.

¹⁹ *Youth Justice and Other Legislation Amendment Act 2014 (Qld)* s 9, amending ss 150(2)(e), 34 of the *Youth Justice Act 1992 (Qld)* which inserts section 9A into the *Penalties and Sentences Act 1992 (Qld)*; *Youth Justice Act 1992 (Qld)* ss 13(1)(a)(i), 150, 208, 263(5), Pt 11 Div 3, Sch 1 Principle 17; *Penalties and Sentences Act 1992 (Qld)* s 9; *Police Powers and Responsibilities Act 2000 (Qld)* s 365.

²⁰ *Youth Justice and Other Legislation Amendment Bill 2015 (Qld)*, cls 5, 8.

²¹ *Youth Justice and Other Legislation Amendment Bill 2015 (Qld)*, cls 10, 17, 18, 19 - 25, 28, 31, 33, 34-46, 48 - 50, 54, 57-59, 67, 68.

²² See *Youth Justice Act 1992 (Qld)* ss 206A, 226(3); Explanatory Notes, *Youth Justice and Other Legislation Amendment Bill 2014*, 2.

²³ These prescribed areas were inserted in to the *Youth Justice Regulations 2003* in April and October of 2014 but were omitted when notification of the *Youth Justice and Another Regulation Amendment Regulation (No 1) 2015 (Qld)* occurred on 18 September 2015.

²⁴ See Convention on the Rights of the Child, arts 2, 37, 40(3); *International Covenant on Civil and Political Rights*, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976), arts 9(1), 14(5). *International Convention on the Elimination of All Forms of Racial Discrimination*, opened for signature 21 December 1965, 660 UNTS 195 (entered into force 4 January 1969), arts 2(1), 5; *Convention*

- 3.12 The President of the Children's Court has described the mandatory measure as discriminatory and asked for it to be reconsidered.²⁵
- 3.13 Amnesty International recommends that these amendments are passed.

Reviews of sentence orders by magistrates

- 3.14 Amnesty International welcomes the proposed amendments to reinstate sentence review powers to Children's Court judges from Magistrates' decisions.²⁶
- 3.15 Article 40(2)(v) of the CRC requires that any measures imposed as a consequence of being found guilty are able to be reviewed by a higher competent, independent and impartial authority or judicial body according to law.
- 3.16 The President of the Children's Court has raised concerns that the s 222 review process is not being used, as it is more procedurally demanding, and that "there may well be inappropriate sentences imposed by magistrates which have not been appealed".²⁷
- 3.17 The current review process may conflict with Australia's obligations under article 40(2)(v) of CRC.
- 3.18 Amnesty International also welcomes the expansion of the Children's Court judges' review powers to include breaches of community based orders.
- 3.19 Amnesty International recommends that these amendments are passed.

Reinstating the prohibition of publishing identifying information about young offenders

- 3.20 Amnesty International supports the amendments in the Bill which reinstate the principle that courts should refrain from publishing identifying information except for the reasons mentioned in s 234(2),²⁸ for the purposes of promoting reintegration into society and reducing recidivism.
- 3.21 Article 40(1) of the CRC sets out the right of children to have their privacy respected at all stages of the justice process.²⁹
- 3.22 The CRC also upholds the right of children to be treated in a manner which promotes their rehabilitation into society.³⁰ Amnesty International considers that the publishing of identifying information conflicts with this process.
- 3.23 Amnesty International recommends that these amendments are passed.

Admissibility of childhood guilt

- 3.24 Amnesty International supports the proposed amendment to repeal the admissibility of childhood findings of guilt for adult offenders.³¹
- 3.25 The Committee on the Rights of the Child recommends that States automatically remove childhood criminal offences from an offender's record upon becoming an adult.³² This is important to promote the rehabilitation of the child and to uphold the presumption of innocence.
- 3.26 Amnesty International recommends that this amendment is passed.

against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, opened for signature 10 December 1984, 1465 UNTS 85 (entered into force 26 June 1987), arts 2, 11, 16.

²⁵ Childrens Court of Queensland, *Annual Report 2013-2014* (2014), 7.

²⁶ Youth Justice and Other Legislation Amendment Bill 2015 (Qld), cls 7, 12, 13, 14, 16, 27, 29, 30, 40(5), 41(3), 47, 48.

²⁷ Childrens Court of Queensland, *Annual Report 2014-2015* (2015), 18.

²⁸ Youth Justice and Other Legislation Amendment Bill 2015 (Qld), cls 11, 32, 51 – 53.

²⁹ Committee on the Rights of the Child, *General Comment No 10: Children's Rights in Juvenile Justice*, 42nd sess, UN Doc CRC/C/GC/10 (25 April 2007) [64].

³⁰ Convention on the Rights of the Child, art 40(1).

³¹ Youth Justice and Other Legislation Amendment Bill 2015 (Qld), cl 15.

³² Committee on the Rights of the Child, *General Comment No 10: Children's Rights in Juvenile Justice*, 42nd sess, UN Doc CRC/C/GC/10 (25 April 2007) [67].

Section 305A Ongoing obligation to report harm to children in former boot camp centres

- 3.27 Amnesty International welcomes the introduction of the obligation upon boot camp centre workers to report suspected harm to children who were detained in former boot camps.
- 3.28 Under article 19 of the CRC, the State has an obligation to take measures to protect children from all forms of physical and mental violence, injury, abuse, neglect or maltreatment. This includes an international legal obligation to establish forms of reporting, investigation and treatment where maltreatment has occurred, as demonstrated in General Comment No. 13 of the Committee on the Rights of the Child.³³
- 3.29 This new section will provide a mechanism to give effect to these obligations for children who have experienced abuse or maltreatment whilst in the boot camp.
- 3.30 Amnesty International supports this provision.
- 3.31 Amnesty International considers that in addition to these provisions, if the Queensland Government has information or reason to believe that harm has occurred to participants in the boot camps, the Queensland Government should conduct a thorough investigation into the matter and report publicly on the findings.

Section 305B Complaint about boot camp programs

- 3.32 Amnesty International welcomes the introduction of a complaints system regarding the treatment and welfare of children who were detained in former boot camps.
- 3.33 States have an obligation to provide remedies and reparation for victims of human rights violations, under article 2(3) of the ICCPR, article 14 of CAT, article 2 of CEDAW and article 6 of CERD.
- 3.34 Under article 19 of the CRC, the State has an obligation to establish forms of reporting, investigation and treatment where maltreatment has occurred.
- 3.35 Under this new s 305B, children or guardians of children who participated in a boot camp program may make a complaint against the boot camp programs in regards to harm that has affected the child.
- 3.36 When the boot camps were operational, the complaints procedure allowed children to submit complaints to the independent statutory body, the Public Guardian. There was also an avenue for appeal through the State Ombudsman.
- 3.37 Under the proposed amendments, children can complain to the Chief Executive or directly to a child advocacy officer. The process proposed in s 305B for submitting complaints is to be set out by the chief executive.
- 3.38 Amnesty International is concerned that under the proposed process, complaints are directed to the chief executive at first instance and not an independent, impartial tribunal. Amnesty International is further concerned that there is no avenue of appeal specified in the proposed section.
- 3.39 In accordance with article 12 of CRC, children and their parents or guardians must have an opportunity to be heard in any judicial and administrative proceedings affecting them, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.
- 3.40 Amnesty International recommends that the new s 305B include the ability to refer a complaint to those independent and impartial tribunals available under the previous complaints process. The legislation should also establish a sufficient appeal procedure to an impartial and independent body. At a minimum, there should be an avenue of appeal to a court or tribunal on the merits.
- 3.41 Amnesty International recommends that the Queensland Government table draft regulations that would sit alongside this provision, so that there may be scrutiny of the proposed oversight and appeals process in terms of its compliance with international standards of fairness and due process.

³³ Committee on the Rights of the Child, *General comment No 13: The right of the child to freedom from all forms of violence*, UN Doc CRC/C/GC/13 (18 April 2011), [49], [51], [52].

4. Further human rights concerns with the Queensland youth justice system that warrant legislative change

- 4.1 In addition to the passage of this Bill, Amnesty International recommends the Queensland Government take further steps to address other human rights issues relating to youth justice.
- 4.2 Amnesty International welcomes the commitment by the Queensland Government to introduce in early 2016 legislation to reverse the amendments relating to open proceedings of the Children's Court; the automatic transfer to adult correctional facilities of 17 year-olds who have at least six months left to serve in detention; and the reinstatement of court referred youth justice conferencing.³⁴
- 4.3 Amnesty International would be pleased to assist in further consultations for these forthcoming amendments.

Children continue to be treated as adults in the criminal justice system

- 4.4 Currently, the Queensland youth justice system treats 17 year-olds as adults in its criminal justice system.³⁵
- 4.5 These laws are contrary to the CRC which defines a child as any person below the age of eighteen.
- 4.6 In 2012 the Committee on the Rights of the Child reiterated its recommendation, first made in 2005, that Australia remove children who are 17 years old from the adult justice system in Queensland.³⁶
- 4.7 Amnesty International recommends that the Queensland Government amend the *Youth Justice Act 1992* (Qld) and related legislation so that all children under the age of 18 are dealt with in the youth justice system.

Age of criminal responsibility

- 4.8 In its interpretation of article 40(3) of CRC, the Committee on the Rights of the Child has concluded that 12 is the lowest internationally acceptable minimum age of criminal responsibility.³⁷ In its Concluding Observations in 2005 the Committee on the Rights of the Child said that the age of criminal responsibility in Australia is 'too low',³⁸ and recommended raising it to 12.³⁹ This recommendation was reiterated in 2012.⁴⁰
- 4.9 In Queensland, the minimum age of criminal responsibility is 10, in conflict with article 40(3) of CRC.⁴¹
- 4.10 In 2013-2014, on an average day, there were 12 Indigenous children under the age of 12 under supervision orders, compared with one non-Indigenous child, and one Indigenous child under the age of 12 in detention, compared with zero non-Indigenous children.⁴² These statistics show that Indigenous children in this age bracket are disproportionately affected.
- 4.11 Amnesty International recommends that the Queensland Government raise the minimum age of criminal responsibility to 12 years of age in line with internationally accepted standards.

³⁴ Queensland Parliament, *Parliamentary debates*, Legislative Assembly, 1 December 2015, 2970-2972 (Yvette D'Ath, Attorney-General).

³⁵ See *Youth Justice Act 1992* (Qld), sch 4.

³⁶ Committee on the Rights of the Child, *Concluding Observations: Australia*, 60th sess, UN Doc CRC/C/AUS/CO/4 (28 August 2012) [84.d].

³⁷ Committee on the Rights of the Child, *General Comment No 10: Children's Rights in Juvenile Justice*, 42nd sess, UN Doc CRC/C/GC/10 (25 April 2007) [32].

³⁸ Committee on the Rights of the Child, *Concluding Observations – Australia*, 40th sess, UN Doc CRC/C/15/Add.268 (20 October 2005) [73].

³⁹ Committee on the Rights of the Child, *Concluding Observations – Australia*, 40th sess, UN Doc CRC/C/15/Add.268 (20 October 2005) [73], [74].

⁴⁰ Committee on the Rights of the Child, *Concluding Observations: Australia*, 60th sess, UN Doc CRC/C/AUS/CO/4 (28 August 2012) [84].

⁴¹ Committee on the Rights of the Child, *General Comment No 10: Children's Rights in Juvenile Justice*, 42nd sess, UN Doc CRC/C/GC/10 (25 April 2007) [32] - [37].

⁴² Australian Institute of Health and Welfare, *Youth Justice in Australia 2013–14* (2015), Table 132c.

Lack of access to legal services

- 4.12 Amnesty International welcomes the recent provision of additional \$2.704m funding to various free legal services across Queensland.⁴³ However, Amnesty is concerned that given the increasing numbers of Indigenous children in detention, that there will still be a level of unmet need for culturally appropriate and available legal services.
- 4.13 Amnesty notes that once charged or deprived of their liberty, children must have access to prompt legal or other appropriate assistance under articles 37(d) and 40(2)(b)(ii) of CRC.⁴⁴ Children also have a right to legal aid under article 14(3)(d) of the ICCPR.
- 4.14 There are also obligations under CERD to provide legal assistance (articles 5 and 6). In their concluding observations on Australia in 2010, the CERD Committee recommended that Australia:
- increase funding for Aboriginal legal aid in real terms, as a reflection of its recognition of the essential role that professional and culturally appropriate Indigenous legal and interpretive services play within the criminal justice system.*⁴⁵
- 4.15 Amnesty International recommends that the Queensland Government urgently work to quantify the level of unmet legal need currently experienced by children and their families in Queensland, particularly Indigenous children.
- 4.16 Amnesty is also concerned about funding shortfalls after June 2017 and recommends that the Queensland and Federal Governments work together to ensure that funding for legal services is adequate and ongoing.

5. Conclusion

- 5.1 Amnesty International Australia supports the passage of the Bill and commends the Queensland Government for progressing its election commitment to restore international human rights principles to the youth justice system in Queensland.
- 5.2 However, further reform of the youth justice system is needed to bring Queensland's youth justice legislation into line with Australia's human rights obligations, and to end the over-representation of Indigenous children in the justice system.
- 5.3 Amnesty hopes our research and expertise may assist the Queensland Government to achieve its youth justice reform agenda and looks forward to further consultation in 2016.

⁴³ Attorney-General Yvette D'Ath, 'Additional services for vulnerable Queenslanders' (Media statement, 12 January 2016) <<http://statements.qld.gov.au/Statement/2016/1/12/additional-services-for-vulnerable-queenslanders>>.

⁴⁴ Committee on the Rights of the Child, *General Comment No 10: Children's Rights in Juvenile Justice*, 42nd sess, UN Doc CRC/C/GC/10 (25 April 2007) [49], [82].

⁴⁵ Committee on the Elimination of Racial Discrimination, *Concluding Observations: Australia*, 77th sess, UN Doc CERD/C/AUS/CO/15-17 (27 August 2010) [19].