



## **Submission from the Brisbane City Group of Amnesty International to Queensland Parliament's Legal Affairs and Community Safety Committee**

### **Youth Justice and Other Legislation Amendment Bill 2016**

The Brisbane City Group of Amnesty International are active campaigners on human rights in Brisbane. Amnesty International has more than 2000 supporters in the Brisbane area.

We see particular relevance in this Bill and the 2015 Bill to the over-representation of Aboriginal and Torres Strait Islander young people in the youth justice system, particularly in detention.

This concern is one of the key focus areas of Amnesty International's *Community is Everything* campaign.

#### Objective 1 - Closed Childrens Magistrates Court hearings

The proposed changes, including allowing victims of crimes to be present in closed Childrens Court hearings, are seen as the beginning and underpinning of a restorative justice system.

#### Objective 2 – increase age of children held in adult detention from 17 to 18, including provision for a further six months after age 18

The proposed changes are supported. The Government has a human rights obligation to hold children and young people in facilities appropriate to their age, separate from adults, and with programs for their rehabilitation.

This is just a start – chronological age should not be the main determinant of whether a youthful offender is further harmed by incarceration in an ordinary adult prison. Mandatory sentencing and chronological age-defined thresholds are barriers to taking into consideration aspects such as mental impairment, immaturity, criminalisation of poverty, and cultural influences.

#### Objective 3 – restoration of youth justice conferencing (restorative justice processes)

The proposed changes are largely supported.

In particular, the amendments at Clause 15 Subsection 24A(1) are seen as well targeted as noted on page 10 of the Explanatory Notes.

With respect to Part 4, Division 2 Conferences subsection 34(3), to be equitable and avoid discrimination, the words “the convenor must consider inviting to attend the conference” should be changed to “the convenor must invite to attend the conference”.

For culturally appropriate restorative justice processes which this Bill addresses, we ask for strengthened services to targeted geographic areas of origin of offences and targeted demographic cohorts, especially those over-represented in the justice system, such as Aboriginal and Torres Strait Islander and disadvantaged youth.

Members of our group are committed to supporting the objectives of the Bill.

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