

12 March 2021

Legal Affairs and Safety (LAS) Committee

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

Dear LAS Committee,

Youth Justice and other Legislation Amendment Bill 2021 (Qld) ('the Bill')

Community Legal Centres Queensland ('CLCQ') is the peak body representing 34 funded and unfunded community legal centres across Queensland. Community legal centres are independently operated, not-for-profit, community-based organisations that provide free legal advice to disadvantaged and vulnerable Queenslanders who present with a range of legal issues.

Thank you for the opportunity to provide feedback on the Bill. Our submission responds to aspects of the proposed amendments to the *Youth Justice Act 1992* (Qld). We make no comment about amendments relating to knife crime and hooning offences.

CLCQ does not support the Bill for the following reasons:

The *most* vulnerable children in Queensland are targets of this law reform

The target group for this law reform proposal are 'the most serious recidivist youth offenders' – the 10% (nearly 400 children) who persistently offend in Queensland.

Research consistently shows that these children experience profound social disadvantage including extreme poverty, histories of familial offending, exposure to family violence, unstable accommodation or homelessness, alcohol and substance misuse and disrupted education.

Many are 'cross-over kids' who enter the youth justice system after first having contact with the child protection system. A disproportionate number are Indigenous. These are *the most vulnerable* of all Queensland children caught up in the juvenile justice system.

Key protected human rights have been overlooked

This Bill creates significant limitations on the human rights of Queenslanders.

The Statement of Compatibility does not identify all of the protected human rights of children engaged by the Bill.



A number of key human rights have been overlooked. These include:

1. Protection from cruel, inhuman or degrading treatment or punishment
2. Children charged with a criminal offence have the right to a procedure that takes account of their age and the desirability of promoting their rehabilitation
3. Children in the criminal process who have been convicted of an offence must be treated in a way that is age appropriate.

The Bill is not compatible with the *Human Rights Act 2019* (Qld)

To demonstrate that a limitation on human rights is justifiable, a rational connection must be made between the law or action causing the limitation and a legitimate purpose.

There is insufficient evidence that putting GPS trackers on children and removing the presumption against bail will make the community safer (the purpose of the proposed Bill).

Instead, there is evidence that investing in services to assist children when they are charged with an offence and supporting families when they need it will reduce crime and result in a safer community.

An evidence based approach to address youth offending

We draw your attention to examples of services and/or supports that work as outlined in Youth Advocacy Centre Inc's Orange Paper #2: *A ten-point evidence-based plan for investment to address youth offending*, available online: https://www.yac.net.au/wp-content/uploads/2020/10/Orange-Paper-2_Election-2020-final.pdf.

This paper outlines a plan for investment to keep children out of, or prevent them coming back into, the youth justice system, addressing both the issue of effective and responsible use of taxpayer dollars and enhancing community safety, using an evidence based approach. The ten-point plan includes:

1. Support families early, but also throughout adolescence
2. Address housing and homelessness issues for families, children and young people
3. Keep children and young people engaged in education: in particular, look for alternatives to suspension and exclusion
4. Increase provision of mental health services for children and young people with moderate to high mental health needs
5. Increase provision of detox and rehab facilities for children and young people
6. Enable access to mentors



7. Enable access to youth appropriate activities and space
8. Support local communities to develop responses to address local issues which are putting their young people at risk of breaking the law
9. Provide an intensive, individualised therapeutic response for those in detention
10. Give priority support to those most vulnerable: Aboriginal and/or Torres Strait Islander children and young people and children in the care of the State.

Sticking with what works

Youth justice is a complex field that requires integrated, sustained, well-funded, community-based services such as community legal centres providing appropriate services based on evidence. The Bill does nothing to address the root causes of youth crime in Queensland.

We ask that the LAS Committee rejects the Bill.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Monro'.

Rosslyn Monro
Director

