



12 March 2021

Legal Affairs and Safety (LAS) Committee

By email: [lasc@parliament.qld.gov.au](mailto:lasc@parliament.qld.gov.au)

Dear LAS Committee,

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

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)*.

Jesuit Social Services is a social change organisation, working in Victoria, New South Wales, and the Northern Territory. We work with the most disadvantaged members of the community, providing services and advocacy in the areas of:

- justice and crime prevention,
- mental health and well-being,
- settlement and community building,
- education, training and employment,
- gender and ecological justice.

For over 40 years, Jesuit Social Services has worked with young people in contact with the justice system. We know that it is often young people experiencing complex disadvantage who find themselves in trouble. Evidence-based, relationship-focused interventions are most effective at supporting young people and keeping the community safe. Conversely, detention can entrench young people in a cycle of justice involvement, sending young people further down a path of offending. We firmly believe that detention should only ever be used as a last resort and that, wherever possible, young people should be supported in the community to connect with family, education and meaningful activities.

Jesuit Social Services does not support the Bill for the following reasons:

#### **1. 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. While Jesuit Social Services supports the need for accountability, we believe that the focus should be on addressing the root causes of offending behaviour, ensuring connection with family and community, and ensuring the re-engagement of young offenders with the education system.

## **2. 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.

## **3. The Bill is not compatible with the Human Rights Act**

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.

Remand into custody removes a young person from their network of support that can prevent them from reoffending. Contact with the detention system merely entrenches a young person in the justice system, making them more likely to offend again in future. Moreover, evidence



shows that GPS tracking is a costly and largely ineffective way to prevent reoffending.

Following are some examples of services and/or supports that work. Instead, we recommend:

- Prioritising addressing young people's primary needs – housing, education, health, mental health and wellbeing.
- Intensive support for young people and their families that holds young people in a web of relationships, addresses the causes of offending, and supports them to reconnect with their own support systems and desist from offending in the long term.
- Restorative approaches to justice that repair harm and build resilient, safer communities.

**Harry's story:**

*I went to the custody centre and then to MAP (Melbourne Assessment Prison) way too young. There was like people like 30, 40, 50 (years old)... it was pretty scary because I didn't know what was going to happen.*

*If you're homeless you're just going to steal shit... young people need support and housing. The friends I used to hang out with basically all of them are locked up because, probably, they didn't get the support they needed.*

*(Now) I've grown as a person, I'm going back to school. I'm doing Year 12 VCAL. Last year I finished Year 11.*

*My goals for the future are basically to live a normal life. Get a house, mortgage, full-time job, family, improve myself and prove that's not the person that I am.*

### Sticking with what works

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

Jesuit Social Services has also looked outside our borders for evidence from systems that work; we conducted study tours overseas to look at effective ways of working with young people in 2017 and 2019.

On our Justice Solutions tours to parts of the US and Europe, as well as New Zealand, we consistently found that the most effective justice systems were those where therapeutic detention was used as a true last resort for young people. The most effective systems had an emphasis on education and meaningful engagement. Removing the presumption of bail, and tracking and monitoring young people without the appropriate supports to prevent offending, goes against evidence of what works internationally.<sup>1</sup>

<sup>1</sup> [Jesuit Social Services \(2017\) #Justice Solutions Tour Expanding the Conversation Report](#); [Jesuit Social Services \(2019\) #JusticeSolutions](#)



We ask that the LAS Committee rejects the Bill.

Queensland needs an evidence-based youth justice system that supports children in trouble, keeps them safe and connected to school, family, culture and community. This Bill is counter-productive to these goals and will only further entrench marginalised children in the justice system.

This is not fair on these children, their families or the broader community.

Yours sincerely

A handwritten signature in black ink that reads 'Julie M. Edwards'.

**Julie Edwards – CEO, Jesuit Social Services**

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New Zealand Tour Report