

- prompt many young people to impulsively attempt to ‘fool’, ‘test out’ and/or remove the device which may result in physical or psychological harm and unnecessarily escalate their engagement in the youth justice system through perceptions being formed about their ‘non-compliance’
- embarrass and humiliate young people with the visibility of the device further criminalising and estranging them from their communities, thereby counteracting efforts that should be in place to promote their positive connection or re-connection with their families, communities and culture, or
- elicit responses often born out of youthful bravado which superficially (but erroneously) suggest that young people are wearing the device as a ‘badge of attainment’ that earns the respect of peers, thereby further criminalising them and making their constructive engagement in pro-social behaviours, activities and networks more difficult

Authorising the use of body worn cameras and CCTV

PeakCare defers to other agencies with more specialist knowledge in relation to this topic, but as a general concept, PeakCare supports the use of cameras and CCTV to improve the safety of staff and young people in detention centres, with appropriate safeguards in place to preserve young people’s rights.

In sentencing a young person for the manslaughter of a child under 12 years, the defencelessness and vulnerability of the victim must be treated as an aggravating factor

Again, PeakCare does not have the specific expertise to provide advice in this area and will defer to other agencies. However, it is noted that this proposal to remove discretion in sentencing would appear to be in contradiction to previous proposed amendments which emphasise the recognition of the special needs and individual circumstances of young people in contact with the youth justice system, particularly for those under the age of 14 years.

The requirements in the *Criminal Code and Other Legislation Amendment Act 2019*, which resulted in amendments to the *Penalties and Sentences Act 1992*, specifically refer to adult offenders and the *Penalties and Sentences Act 1992* does not apply to children, so it is unclear why this proposal seeks to align young people’s sentencing in the *Youth Justice Act 1992* with adult sentencing when all the previous amendments have been based on the approach that children who have committed offences must be responded to differently than adults who offend. On the face of it, this proposal does not seem consistent with the other amendments and does not appear to be appropriate.

Allow the Office of Public Guardian's community visitor program for children to visit young people in accommodation services provided or funded by youth justice

PeakCare supports the community visitor program visiting young people in accommodation services provided or funded by youth justice, as another safeguard in protecting the rights and interests of young people who, due to their circumstances, may be regarded as vulnerable.

Thank you for the opportunity to provide submissions on aspects of the *Youth Justice and Other Legislation Amendment Bill 2019*.

Yours sincerely



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Reference

Australian Institute of Health and Welfare 2019. Youth Justice in Australia 2017–18. Cat. no. JUV 129. Canberra: AIHW.