

9 May 2016

**CONFIDENTIAL**

Research Director  
Legal Affairs and Community Safety Committee  
Parliament House  
George Street  
Brisbane Qld 4000

By post and by email: [lacsc@parliament.qld.gov.au](mailto:lacsc@parliament.qld.gov.au)

Dear Research Director

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

Thank you for the opportunity to provide comments on the Bill. Queensland Law Society appreciates being consulted on this important legislation.

This response has been compiled with the assistance of the Children's Law Committee who have substantial expertise and practice in this area.

The Society appreciates that there is some urgency around this issue, and consequently the response period has not allowed for a comprehensive review of the Bill. It is possible that there are issues relating to fundamental legislative principles or unintended drafting consequences which we have not identified.

The Society is a strong advocate of evidenced-based policy and notes that the Bill has been introduced following Report No. 55, in March 2014, from the Legal Affairs and Community Safety Committee. To that end, the Society is supportive of the general principles underpinning the Bill, subject to the comments outlined below.

We now provide our feedback on the Bill.

The Society is supportive of the Government's initiatives in relation increasing the age at which young people are transferred to corrections from 17 to 18 years of age. It is the firm view of the Society that there should be no transfer of 17 year olds to adult facilities, or in the alternative that the transfer of 17 year olds to adult facilities should be by court order under the discretionary power of the Court.

The Society respectfully contends that the conferencing provisions outlined in the Bill are unclear in how they will operate in practice and that these provisions may need clarification.

## Youth Justice and Other Legislation Amendment Bill 2016

The Society agrees with the closing of the Childrens Magistrates Court when hearing all youth justice matters under the *Childrens Court Act 1992*. However, the Society is of the view that the provisions relating to a victim's support person need revision. The Society submits that the definition of "support person" for the victim needs to be clearly defined so that it has a narrow rather than broad definition, either in the relevant legislative instruments or in a practice direction.

Though the issue of the treatment of 17 years old under the Queensland criminal justice system is not covered in the present draft of the Bill, the Society maintains that the age of criminal responsibility should be raised from 17 years of age to 18, in line with all other Australian States and Territories.

Thank you again for the opportunity to provide feedback.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Policy Solicitor, Annmaree Verderosa on 3842 5872 or [a.verderosa@qls.com.au](mailto:a.verderosa@qls.com.au).

Yours faithfully

A handwritten signature in black ink, appearing to read 'Bill Potts', with a long horizontal flourish extending to the right.

**Bill Potts**  
**President**