

3 February 2021

Our ref: [ChLC-BDS]

The Honourable Ms Leanne Linard MP
Minister for Children and Youth Justice and
Minister for Multicultural Affairs
PO Box 140
Nundah QLD 4012

By email: [REDACTED]

Dear Minister

Responding to youth justice matters

We write following the recent events and the focus on youth justice issues in Queensland. The Society acknowledges that youth justice has a broad impact on our community and we recognise the grief of victims and their families, as well community expectation for steps to be taken to address youth crime.

The Society has been a long standing advocate for reform in the youth justice and criminal justice systems. In our advocacy, the Society has always been mindful to balance the need to protect children in the youth justice process and to protect the community from harm.

Children occupy a very vulnerable space in our society. In recognition of their age and vulnerability, QLS has advocated for children and young people in our legal system through systems advocacy and our policy position paper on children and young people's issues.

QLS also draws attention to the over-representation of Aboriginal and Torres Strait Islander children and young people in the child protection and youth justice systems. We must be mindful that any amendment to the bail laws would have a disproportionate effect on Aboriginal and Torres Strait Island children and young people who are overrepresented in the youth justice system.¹

We write on the advice of our Children's Law Committee in regard to the current discussions regarding youth bail laws. Issues concerning youth bail have and will continue to be contentious. In this regard we note the legislative amendments that were passed to the *Youth Justice Act 1992* as part of the Community Services Industry (Portable Long Service Leave) Bill 2019 in July 2020. These amendments, passed without any consultation or Parliamentary Committee

¹Childrens Court of Queensland Annual Report 2019-2020 -
https://www.courts.qld.gov.au/data/assets/pdf_file/0020/661322/cc-ar-2019-2020.pdf

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review, mean that if a young person is judged an unacceptable risk to the safety of the community, they must be refused bail.

We note that there is a strong correlation between children in the child protection system and the cohort of recidivist offenders in the youth justice system. We note a majority of children in the youth justice system are known to the Department of Child Safety, that is, subject to notifications or are under orders.

The Society has already suggested the following reforms.

1. Review of the effectiveness of the Joint agency protocol to reduce preventable police call-outs to residential care services with a view to reducing the criminalisation of children in care.
2. Review the unimplemented recommendations of the Queensland Child Protection Commission of Inquiry and the barriers to implementation.
3. Increased Legal Aid Queensland, Aboriginal and Torres Strait Islander Legal Service and legal assistance sector funding for families responding to child protection investigations.
4. Implement a transparent and accessible complaints mechanism in the child protection system.
5. Undertake a culturally appropriate community conversation with Aboriginal and Torres Strait Islander children and young people about the issues affecting them particularly with respect to their interactions with the justice system. QLS commends the approach taken by the NSW Advocate for Children and Young People in the report 'What Aboriginal children and young people have to say'.

Additionally, we support the call of the Chair of the Youth Advocacy Centre Management Committee for:

1. strong accommodation options so that when a child's released on bail they are secure and not living on the streets
2. programs such as mental health, drug offending and traffic issues to address anti-social behaviour
3. tight supervision and guidance to divert young people away from offending behaviour.

We note that a copy of this correspondence has been sent to your colleagues the Attorney-General and Minister for Police.

We would value the opportunity to meet with you to discuss these matters further.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via policy@qls.com.au or by phone on (07) 3842 5930.

Yours faithfully



Elizabeth Shearer
President