STATE SOCIAL COMMAND, VICTORIA
Australia Southern Territory

2 June 2017

Scrutiny of Acts and Regulations Committee
Parliament House, Spring Street
EAST MELBOURNE VIC 3002

Via email: sarc@parliament.vic.gov.au

To Whom It May Concern

Submission on the Children and Justice Legislation Amendment
(Youth Justice Reform) Bill 2017

The Salvation Army provides support to some of Victoria’s most vulnerable and marginalised people, including young people who have been caught up in the justice system. We acknowledge that incidents such as rioting in youth justice centres and violent home invasions require appropriate responses and systemic reform. However, Victoria’s crime statistics show a downward trend in the number of youth offenders, offences and offending incidents since 2011. This shows that, on the whole, our approach to youth justice has been working. While young people who offend should face appropriate consequences, we must also ensure their human rights are protected, so that they are given the opportunity to reach their full potential.

It is because of these concerns that The Salvation Army is making this brief submission to the Committee regarding the Children and Justice Legislation Amendment (Youth Justice Reform) Bill 2017 (the Bill). Some of the measures in the Bill are positive and may contribute to reform of aspects of the youth justice system that are no longer effective. However, we are concerned that the Bill has progressed without due consultation with youth sector stakeholders, and before the completion of the Inquiry into Youth Justice Centres in Victoria. As such, a number of measures in the Bill raise concerns that the rights of children in the criminal process are at risk.

Some of the measures in the Bill, including the establishment of a statutory diversion program and Youth Control Orders, are welcome. These measures realise the right of children to be treated in a way appropriate to their age, recognising that with the right support, young people have the capacity to be rehabilitated and return to mainstream community after offending. However, we believe that all young people should have the right to benefit from these measures and that the reference to “suitable” persons risks creating discrimination against particularly vulnerable or disadvantaged young people.

We are concerned that limiting the option for young people aged 18-20 years to be sentenced to youth justice facilities undermines their right to be treated in a way appropriate to their age. The Dual Track system in Victoria has been effective because it enables young offenders to avoid the age inappropriate

1/828 Sydney Rd COBURG NTH (PO Box 288 COBURG), Vic, 3058
Telephone 03 9353 5200 Fax 03 9353 5205

William Booth Founder
André Cox General
Floyd J Tidd National Commander
Graeme L Rigley Chief Secretary
consequences of imprisonment in adult detention centres. Limiting access to youth justice centres as a sentencing option will expose these young people to the criminogenic effect of custody with adult offenders, which is likely to result in further offending and to entrench disadvantage.

The Salvation Army is concerned that the Bill could undermine successful approaches to youth justice, which currently recognise the rights of children in the criminal process. Young people will get caught up in a system that does not distinguish their circumstances from those of adults. Such a system would sacrifice any chance of genuine rehabilitation and serve to further marginalise these young people from the community.

If you have any further questions or require clarification on any aspect of this submission, feel free to contact The Salvation Army Victoria Social Programme and Policy Unit (vsppu@aus.salvationarmy.org, 03 9353 5200).

Yours sincerely

Michael Coleman (Major)
Commander
State Social Command, Victoria