**Context for discussion of children and young people as a vulnerable client group.**

**Who are children and young people?**

This paper discusses the group of people in the 0-25 years age range. The term “young people” can cover a variety of ages in a variety of circumstances. For many services, it means 16-25 year olds, for others 12 -25 or 10-18. Presumably this means that the definition of “children” could be under 16 or 12 or 10.

**Demographics[[1]](#footnote-1)**

ABS data indicate that nearly half of Queensland’s population lives in the Greater Brisbane Capital City area (GBCC area) as defined by the ABS: an area that extends in a line east of Toowoomba to the NSW border but not including the Gold and Sunshine Coasts. Including these areas accounts for over 71% of people living in Queensland.

Within this area, Ipswich experienced the largest growth in the five years to June 2012 (up 43,200 people), while Moreton Bay - South had the fastest growth (18%).

The population in “the rest of Queensland” (beyond the GBCC area) increased by 221,400 people. The Gold and Sunshine Coasts accounted for 42% of this growth.

According to the last Census results (2011), children and young people aged 0-24 years accounted for a third of Queensland’s usual resident population in 2011, with 27% being 19 or under. Usual residents who identified as being of Aboriginal and/or Torres Strait Islander origin accounted for 88,077 or 6.0% of Queensland’s 0-24 year olds. Approximately 413,000 young people are in the 10-16 years age group.

|  |  |  |  |
| --- | --- | --- | --- |
| **Age** | **Queensland** | **% of population** | **% of population Australia** |
| **0-4 yrs** | 297,893 | 6.9 | 6.6 |
| **5-9 yrs** | 286,989 | 6.6 | 6.3 |
| Total under 10 | 584,882 | 13.5 | 12.9 |
| **10-14yrs** | 290,982 | 6.7 | 6.4 |
| **15-19 yrs** | 293,917 | 6.8 | 6.5 |
| Total 10-19 | 584,899 | 13.5 | 12.9 |
| **20-24yrs** | 293,845 | 6.8 | 6.8 |
| **Total no yp** | **1,463,626** | **33.8%** | **32.6%** |
| Total Qld pop | 4,332,739 |  |  |

**The child or young person as a legal client**

From a legal perspective, a person is not an independent adult who can make all of their own decisions until they reach the age of 18 with their parents or legal guardians having some authority over them until this time. Young people under 18 are expressly prohibited from some activities such as buying alcohol or cigarettes, voting, etc and have limited capacity to enter into contractual arrangements. The situation is not quite so black and white, however, as it might at first seem – for example:

**AT 10**

* a person can be charged and taken to court for breaking the law

**AT 11**

* a person can have a delivery job but cannot work before 6.00am or after 6.00pm.

**AT 12**

* parents cannot change and register a different surname for a young person without their consent.

**AT 13**

* a person can get a part-time job subject to a number of restrictions, particularly so that it does not interfere with their education

**AT 15**

* a person can have their own Medicare card
* if a person has completed year 10 and has a certificate III or IV they can get a full-time or part-time job
* a person can get Youth Allowance (if regarded as independent).

**AT 16**

* generally a person can have consensual sex with another person who is also 16 or older
* a person can get a learner driver permit

**AT 17**

* a person can get a provisional driver licence
* a person charged with an offence is subject to the adult court system and can be sent to an adult jail

**At any age**

* a person can open a bank account providing they can sign their own name
* a person can get legal advice
* a person can give evidence at court

Additionally, regard must be had for the principles developed in the English case of *Gillick* and accepted into Australian law in *Marion’s case* (“Gillick competency”) and also Australia’s obligations under the United Nations Convention on the Rights of the Child (UNCROC).

*Gillick competency*

The ***Gillick*** Case[[2]](#footnote-2)centred on the issues of contraception and abortion. Mrs Victoria Gillick, the mother of ten children five of whom were girls, lived England. She wrote to her local Health Authority requesting that no daughter of hers under 16 years of age be provided with contraception or an abortion, and that if any of her children did contact the authority that she automatically be informed. The Health Authority, acting on a Department of Health and Social Security directive, informed Mrs Gillick that, whilst they would encourage her children to discuss the matter with her, they could not give a categorical assurance that she would be informed of her children’s contact with the authority, because consultations were confidential and therefore the final decision must rely on the doctor’s judgment. Mrs Gillick sought a declaration in the court that the Department’s directive was unlawful. Justice Kirby (1984)[[3]](#footnote-3) has summarised the arguments thus:

*Mrs Gillick’s Queen’s Counsel told the court that she found the circular ‘quite intolerable’. According to her it encouraged the secret provision of the Pill or other contraceptives to under-aged girls. She wanted to retain her right and duty as a mother, to the exclusion of any other person, to advise her children on sexual matters. Specifically, she wanted to retain her right to prevent other persons doing things that would encourage her children to have a sexual relationship ‘which the law forbids’.*

*Mrs Gillick asserted her ‘fundamental right’ to concern herself with the moral upbringing of her children and a ‘fundamental right’ to rebuke, and even prevent, interference. Though professional secrecy between the doctor and his patient was important, confidentiality should not be permitted to ‘cloak illegalities’. To do so would be to abandon completely the protection of the law against under age sexual relationships.*

*Mr Simon Brown, Counsel for the Department, rejected Mrs Gillick’s argument. He drew upon a competing area of the law. He said that, as long as young people knew the consequences of their decision, they could give valid consent for medical treatment. An under-aged girl who had sexual intercourse was not herself guilty of a criminal offence though the man might be guilty. Therefore, in giving the girl advice and medical treatment, the doctor could not be said to be encouraging or procuring a criminal offence. It should be borne in mind that Mrs Gillick sought the orders in relation to her five daughters - not to her five sons. Contraceptives were said to be prescribed to those under the age of 16 years for their own good, and to stop the tragedy of unwanted pregnancies. There was no reason to suppose that doctors and family planning clinics want to encourage their patients to have unlawful sexual relations. But it was their duty to give confidential advice to their patients, including young patients of sufficient maturity to understand the advice. Better that the advice be given by professional doctors than that it be gleaned behind the school shed or at the local discotheque”*

In the course of his judgment in the House of Lords, Lord Scarman made the following observations:

*Three features have emerged in today’s society which were not known to our predecessors: (1) contraception as a subject of medical advice and treatment; (2) the increasing independence of young people; and (3) the changed status of women... The law ignores these developments at its peril.......*

*The common law has never treated parental rights as sovereign or beyond review and control. Nor has our law ever treated the child as other than a person with capacities and rights recognised by law. Parental rights are derived from parental duty and exist only so long as they are needed for the protection of the person and property of the child....*

*The law relating to parent and child is concerned with the problems of the growth and maturity of the human personality. If the law should impose upon the process of ‘growing up’ fixed limits where nature knows only a continuous process, the price would be artificiality and a lack of realism in an area where the law must be sensitive to human development and social change.*

In 1992 in a case commonly known as ***Marion’s Case,* [[4]](#footnote-4)** the ***Gillick*** decision was accepted as part of Australian law. In the Australian case a majority of the High Court of Australia stated that *[a] minor is … capable of giving informed consent when he or she achieves a sufficient understanding and intelligence to enable him or her to understand fully what is proposed.*

As the Queensland Parliament has not passed any laws relating to the issue, the law decided in these two cases is the law in Queensland. Other State Governments have passed specific laws, with the result that the law is not the same throughout Australia. In Queensland….

*It is part of the everyday experience of doctors to make judgments about their patient’s capacity. Doctors are required to explain adequately to any patient the nature of proposed treatment and must be satisfied that the patient understands it. Under* ***Gillick*** *and* ***Marion’s Case*** *the practitioner’s responsibility is to inform the child in language which the child can understand, of the nature of the proposed treatment and its short and longer term medical implications including any risks. If the child demonstrates a capacity to understand the explanation and shows an appreciation of the benefits and risks, the doctor can make a Judgement as to the child’s competence* (Wilson et al, NC & YLC, 1995).

In addition, if the doctor is satisfied as to the child’s ability to make choices and decisions and agrees to provide medical assistance, the doctor is then bound by confidentiality in the same way as they would if treating an adult. This principle is not limited to doctors and applies to anyone working with children and young people.

**United Nations Convention on the Rights of the Child (CROC)**

The Convention defines a child as a person under 18 years of age. It covers most aspects of a child’s life, confirming that they have the rights contained in the generic Covenants on Civil and Political Rights and Economic, Social and Cultural Rights but it also includes some matters specific to children and young people, particularly in relation to care and protection. The Committee on the Rights of the Child, which has the duty of overseeing the implementation of CROC, has stated that CROC should be read as a whole and that four particular Articles are “general principles” and are basic to the implementation of all the rights in CROC. These include:

*Article 3 – Best interests of the child*

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be the primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Comment [by the Committee]:

*This Article is relevant to issues such as the provision of institutions, services and facilities in the youth justice system. Indeed, decisions such as the sentencing of a child must have the best interests of the child as the primary consideration.*

*The Committee has also noted that in determining a child’s best interests, regard must also include the other three principles (non-discrimination, maximum survival and development and respect for the views of the child) as well as the short and long term considerations.*

*Article 12 – The child’s opinion*

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Comment [by the Committee]:

*The Committee sees the implementation of effective complaint procedures for children as an important part of implementing Article 12. This would include any institution, service or facility which a child might access.*

*The words views....being given weight in accordance with the age and maturity of the child are important as this means that the child’s views must be taken seriously, not just noted. This ties in with the concept of the child’s evolving capacities mentioned, for example in Article 5. That is, children with increasing maturity are able to make their own decisions.*

UNICEF has noted that the Committee’s views are that:

*Any interpretation of best interests must be consistent with the spirit of the entire CROC – and in particular with its emphasis on the child as an individual with views and feelings of his or her own and the child as the subject of civil and political rights as well as special protections.*

*... in relation to the various decision making arenas in which the child’s views could be expressed - the family, school, community, court and so on – there is an implied obligation to ensure that the child is appropriately informed about the circumstances and the options.*

These principles have led to laws/policies/expectations that children and young people will be listened to when decisions are made about them. For example, if there is a court application in relation to an adoption, and the young person understands what is being proposed, legislation provides that they must be given information and any other support they need and can provide their views about what is proposed and the court must consider those views. It also means that young people can complain if they are treated unfairly or are not being listened to in decisions made about them by government departments and their staff (police, teachers, child safety officers) or any other agencies they have contact with.

Therefore, irrespective of their lack of full capacity before the law, young people are entitled to participate and be heard where they are competent to do so. This will vary depending on their level of maturity and the decisions/issues under discussion. This adds a complexity to working with young people.

**The legal needs of young people**

We do not have a comprehensive picture of the legal needs of young people. In general, as with so many other issues, young people, particularly those under 18, do not feature highly when legal needs are considered – there seems to be an automatic assumption that the law is for adults and what would young people need legal help with? In reality, *it is that people’s vulnerability to legal problems changes as they progress through life and their activities and circumstances change. The types of legal issues generated by these activities and circumstances can also be different*.[[5]](#footnote-5)

The Legal Australia-Wide (LAW) Survey at least considered young people as those aged 15 years and above (it is unclear why this aged was chosen – perhaps because most young people would be at the end of compulsory schooling at this point).

The LAW Survey paper *Youth and the law: it’s not just about juvenile justice and child welfare*. The paper provides some useful insights. The Abstract notes:

*Young people aged 15-17 years, like their 18-24 year old counterparts are not immune to the experience of legal problems, the experience of substantial legal problems or the increased vulnerability that social and economic disadvantage can bring………while the profile of problems reported by 15-17 year olds is notably different from that of 18-24 year olds, both reveal that young people can experience a wide range of legal problems well beyond the spheres of juvenile justice and child welfare. The findings reinforce the need to appropriately address the full range of legal problems experienced by young people, while for some young people, beset by particular difficulties and disadvantages, tailored, targeted intensive assistance to address complex legal and non-legal needs may be required.*

Additionally:

* Accidents, crime, personal injury and rights problems tend to peak in the younger age groups
* Young people tend to have lower rates of taking action to address legal problems or seeking advice
* For 15-17 year olds the most frequently reported civil legal matters (as victims or perpetrators)were neighbours – noise, pets, fences, privacy and obnoxious behaviour; personal injury; motor vehicle accidents not involving injury; consumer problems (phone, internet); personal injury at work; bullying and harassment in education settings;
* 15-17 year olds (and 18-24 year olds) were particularly vulnerable in experiencing criminal problems, both as victims and offenders.
* 15-17 year old young people at risk: using the indicators of homelessness, mental illness, physical disability, Indigenous background, out of home care, parenthood, not living with either parent and not studying:
  + Young people who had had to use emergency accommodation or had been homeless in the last 12 months were particularly vulnerable to legal problems – nearly 90% of 15-17 year olds in the Survey who had been homeless reported legal problems.
  + Elevated levels of legal problems were reported by those with mental illness (nearly 80%), physical disability (60%) or who were Indigenous (55%).
  + The mean number of legal problems was considerably higher for 15-17 year olds not living with either parent, who had been homeless and were not studying.
  + At risk 15-17 year olds:
    - who had been homeless indicated relatively high level of problems with neighbours, unfair treatment by police and school bullying and harassment
    - With mental illness indicated relatively level of school bullying and harassment
    - Not living with either parent indicated neighbours and consumer problems with phone and internet services were issues
    - Generally had relatively high levels of credit/debt problems compared with 15-17 year olds overall.
    - Generally particularly high levels as being a victim of crime or offender, but particularly for those who had been homeless.

It would be reasonable to assume that people younger than 15 also face similar issues to the cohorts in the Law Survey but information seems almost non-existent. Searching the internet for information in other jurisdictions indicates that concern for young people’s legal rights, to the extent that it exists, tends to be in relation to 15/16 year olds upwards.

Legal Aid NSW undertook a small in-house study to profile clients by analysing the 50 most frequent users of legal aid services between July 2005 and June 2010. The Executive Summary notes:

* *Importantly, the study found that 80% of high users of legal aid services were children and young people who were 19 years and under, and 82% of high service users had their first contact with Legal Aid NSW by the time they were 14 years old.*
* *Drug and alcohol use was common: three quarters of high service users had used drugs and/or alcohol. Nearly half (46%) had received a mental health diagnosis, indicating a strong prevalence of mental illness amongst high service users.*
* *The study found evidence of complex and multiple needs amongst high service users of legal aid services. The co-existence of behavioural disorders (such as Oppositional Defiant Disorder or Attention Deficit Disorder) with drug and/or alcohol issues was most common as was the co-existence of mental health issues and drug and/or alcohol issues amongst high service users.*
* *There appeared to be a strong relationship between high legal aid service use and experiencing abuse or neglect at home, with 72% of high service users experiencing abuse or neglect at home or witnessing violence at home. Of high service users who had more than 101 contacts with legal aid services, 80% had experienced abuse or neglect or previously witnessed violence at home.*
* *Almost all high service users (94%) had spent time in a juvenile detention centre, more than half (58%) had experienced homelessness and nearly half (46%) had spent time in out-of-home care.*
* *Eighty two per cent had, at one time, been excluded, suspended or expelled from school. Of those high service users who had more than 101 contacts with legal aid services, 93% had been expelled or suspended from school.*
* *The number of schools attended by individuals was also an indicator of high legal aid service use: two thirds (65%) had attended four or more schools.*
* *The study found a relatively high prevalence of disadvantage in the families of high service users. One third had a primary carer with a disability and in most cases this was a psychiatric disability. Just under half (46%) had a primary carer who had experienced drug and/or alcohol issues and one third (40%) had a primary carer who had been identified as a victim of domestic violence.*
* *The study found that legal aid high service users also commonly accessed other services including drug and alcohol services, services provided by Community Services (formerly known as DoCS), mental health services, Justice Health services and homelessness services.*
* *The findings of this study indicate that these clients have complex needs. It can be difficult to meet the needs of these clients through the traditional legal service delivery model where legal and non-legal services are not joined up.*
* *The findings provide evidence to inform the development of a new, intensive legal aid service that provides targeted, specialist services to a small group of complex needs clients at the same time as brokering a package of police, mental health, education, housing and human services to support this group of clients who are amongst the most disadvantaged people in the community.*

*18-25 year olds*

The LAW Survey considered this cohort to be “young people”.

* For 18-25 year olds, the most frequently reported civil matters were accidents, neighbours and goods
* 18-24 year olds were also particularly vulnerable in experiencing criminal problems, both as victims and offenders.
* Young people at risk: using the indicators of homelessness, mental illness, physical disability, Indigenous background, out of home care, parenthood, not living with either parent and not studying:
  + 80% of 18-25 year olds in the Survey who had been homeless reported legal problems.
  + Elevated levels of legal problems were also reported by those in this age group with mental illness (77%), physical disability (79%), who were Indigenous (55), who had been in out of home care (74%) or who were parents (58%)

The UK **justrights** campaign for fair access to legal services for children and young people has undertaken research in relation to 16-25 year olds which indicates that addressing civil law issues, important to do in itself, has additional positive outcomes:

*Disadvantaged young people’s unresolved civil justice problems* [housing, homelessness, welfare benefits, debt, employment rights, education rights, immigration and asylum, social services and discrimination] *frequently lead to them coming into danger from crime and anti-social behaviour, with significant numbers reporting fear, property damage, assault and harassment.*

*Young offenders and young victims of crime are far more likely than other young people to experience common civil justice problems relating to housing, debt and welfare benefits – such problems if left unresolved are known to increase the risk of offending, but young people in trouble with the law are even less likely to obtain advice than other young people.*

*Advice services have an important contribution to make to crime reduction programs…. resolving these problems through the provision of good quality advice can prevent crime and avoid substantial knock-on costs associated with youth offending. Having stable accommodation reduces the risk of re-offending by a fifth.*

*Many young people who do get advice for their civil justice problems report improvements in their behaviour and in how safe they feel as well as in the broader conditions that are likely to give rise to offending behaviour.*

For both 15-17 year olds and 18-25 year olds the Australian LAW Survey concludes:

* Appropriately addressing the full range of legal problems young people face, particularly intervening early to encourage better strategies may help all young people to grow up safe, healthy, happy and resilient.
* For some young people with particular difficulties and disadvantages, tailored, targeted, intensive assistance to address complex legal and non-legal needs may be required.
* Aspects of disadvantage and social exclusion (illness, unemployment, family breakdown) are documented as associated with higher levels of vulnerability to legal problems and this vulnerability can increase the experience of further legal problems. The experience of one legal problem can increase the likelihood of experiencing further problems.

*Youth justice and child protection*

Whilst acknowledging that young people have a range of legal issues, youth justice and child protection proceedings are significant in terms of young people’s interaction with the law. The Childrens Court is a specialist jurisdiction, both in terms of the law and its client group.

The data and research tell us that most young people who come into contact with the police before 18 will not go on to be “career criminals” – their contact will be shortly lived and relatively minor and they will “grow out” of offending from late adolescence.[4] Many will never come to court, their offending being addressed by a police. A significant proportion of those brought to court will appear once, maybe twice.

Offending behaviour in relation to young people must be considered in the context of child and youth development. Early adolescence through to early adulthood is a peak period for brain development and consequently a period of increased risk. As such, young offenders should be dealt with differently to adult offenders. (It is also worthy of note that the neuroscience research indicates that the brain does not fully mature until the age of 25).

The small group of repeat offenders tends to have low socioeconomic status, low educational attainment, significant physical and mental health needs, substance abuse and a history of childhood abuse and neglect.[11] Young people in detention in Queensland have reported experiencing multiple social and health problems during the previous year. Most often these problems related to school (69%), peers (62%), family (50%), and drugs or alcohol (43%).[12]

The government’s own figures indicate that over 60% of young people in the youth justice system are known to Child Safety Services.

Young people who have matters in the Childrens Court for alleged offending can be as young as 10 years of age. For those who are the subject of a care and protection matter, this can be any time from birth. In either case, young people have legal rights and protections which need appropriately trained lawyers to support.

Interestingly, while there is no concern that a ten year old can instruct a solicitor if they are alleged to have broken the law, people seem to be much less sure this is possible in child protection and other civil matters! Ensuring that adults – lawyers and other stakeholders – understand the Gillick principle and young people’s rights under CROC is a constant task.

**Legal Services for children and young people in Queensland**

*Legal Aid Queensland*

* Defines “children and youth” as **under 18** in line with CROC
* **Youth Legal Aid** is a specialist team **based in our Brisbane office that deals with criminal matters** for young people. Legal Aid is only available for indictable offences (????)
* **The Child Protection Unit** has lawyers in our **Brisbane and Woodridge offices** who appear for children and young people in **child protection matters** in the Children's Court or Children Services Tribunal as either separate representatives or direct representatives.
* The **Independent Children's Lawyers Unit** has lawyers in **our Brisbane office** who specialise in representing **children in family law matters**. These lawyers are **appointed by the court**.

Also help with some civil law problems:

* bank accounts
* debts and contracts
* government services
* mobile phone contracts
* problems when renting
* unfair treatment at school or work.

*Logan Youth Legal Service*

YFS provides legal advice, support and representation for young people **under 25 within the Logan City** and immediate surrounding areas. The centre represents young people **under 18 in criminal law and child protection** matters.

*South West Brisbane Community Legal Centre*

The Youth Lawyers at South West Brisbane Community Legal Centre provide advice, advocacy, representation and education about legal rights to young persons **under the age of 18 in the Inala/Woodridge** area focusing on **the following areas**:

* Youth Justice
  + attending police interviews, cautions and youth justice conferences
  + bail applications
  + sentences
  + summary trials
  + committal hearings
  + trials
  + making or defending applications for transfer to adult prisons from juvenile detention
  + witnesses and complainants
* Child protection
  + direct representation in child protection matters
  + representation at family group meetings and in case planning discussions
* School issues
* Domestic violence
* General advice on legal rights for young people
* Community Legal Education

*Youth Advocacy Centre Inc*

The Youth Advocacy Centre Inc (YAC) is a legal and social welfare agency for young people generally **aged 10 years to 18 years (inclusive),** **particularly those who are involved in, or at risk of involvement in, the youth justice and/ or child protection systems, and who live in or around the greater Brisbane area (an area covering Caboolture to Beenleigh, Ipswich to the Bay)**.

It provides more limited support to those under 10 and over 18 and to young people outside of Brisbane.

YAC can assist young people with:

* legal hassles – including being charged with breaking the law or child protection issues.
* problems at home or school
* lack of accommodation and/or income
* being the victim of a crime (including abuse)
* discrimination issues
* general hassles

All services offered are voluntary and confidential. This means that YAC only works with a young person if they want to work with YAC staff and no contact is made with anyone (eg families, teachers, police, other adults) without the young person’s permission (unless there is a risk of serious, immediate harm to the young person or someone else). YAC also tries to link young people up with other services in the community that can assist them.

* LEGAL SERVICES
* legal advice on a range of matters
* court representation for young people – Children’s Court and sometimes higher courts in relation to child protection or offending cases
* visit young people in detention
* assist young people in relation to suspension or exclusion from school
* YOUTH SUPPORT SERVICES
* FAMILY SUPPORT SERVICES
* LEGAL EDUCATION SERVICES
* YOUTH BAIL ACCOMMODATION SUPPORT SERVICE (YBASS) PROGRAM

**DOES QAILS/DO INDIVIDUAL MEMBERS HAVE INFORMATION ON CENTRES WHO DO ANY WORK WITH PEOPLE EITHER UNDER 18 OR UNDER 25??**

**QUESTIONS FOR CONSIDERATION –some thoughts**

**The gaps**

* WHAT ABOUT THE 18-25s?? Should they be recognised as a separate group?
* Most service delivery for this group is happening in the Greater Brisbane area. Need to look at the profiles from the research and look to provide services beyond this in the South East corner as well as across the state to more isolated young people – need to be accessible, provide a holistic response, take young people seriously as clients.

1. **What are the major challenges in working with this client group?**

*The aim of this question is to share knowledge between specialist and generalist centres and identify common experiences across the sector, setting the scene for an appropriate joint response.*

* They do not recognise they have a legal problem
* They do not try to resolve legal problems
* They do not seek advice for legal problems
* Short time focus
* Level of comprehension of legal process and system – Gillick competency
* Level of support by relevant adults – including actual opposition
* Communication individually and generally
* After hours services not appropriate but often unable to engage during the day
* Negative views of young people, particularly those in the yj system
* Preferable not to have young people waiting alongside adults
* Often have social welfare needs which may also be driving their legal issues
* Advice is often not sufficient for yp – need to be able to do advocacy/court rep

1. **What actions can be taken to build CLC capacity in working with this client group?**

*The intention of this question is to prompt services to explore ways in which to work together for both strategic and client focussed outcomes.*

Should generalist centres do more youth centred CLE with specialist centres providing the necessary resources?

Specialist services to provide training on working with yp but also the areas of law

Generalist centres auspice a worker who would be connected to a specialist centre

How do specialist centres work together eg yp who is a migrant with a Centrelink issue – Youth CLC, WR or RAILS?

Actions will preferably fit the format below.

|  |  |  |  |
| --- | --- | --- | --- |
| **Action** | **Time frame** | **Responsibility** | **Resources** |
|  |  |  |  |

1. **What sort of resourcing would make the biggest difference in working with this client group?**

*This questions aims to encourage workers to think as a sector about what resourcing would improve outcomes for clients.*

Places where they can be referred to for non-legal issues and advocacy

**APPENDIX**

**2011 Census - demographics**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Region** | **Population** | **0-14yrs**  **% No.** | | **15-24yrs**  **% No.** | |
| Australia | 22 323 933 | 18.9 | 4 219 223 | 13.7 | 3 058 379 |
|  |  |  |  |  |  |
| Queensland | 4 177 089 | 19.8 | 827 064 | 14.0 | 584 792 |
| NSW | 7 211 468 | 18.9 | 1 362 967 | 13.3 | 959 125 |
| Victoria | 5 534 526 | 18.2 | 1 007 284 | 13.9 | 769 299 |
| SA | 1 638 232 | 17.7 | 289 967 | 13.5 | 221 161 |
| WA | 2 352 215 | 19.2 | 451 625 | 14.1 | 331 662 |
| Tasmania | 511 195 | 18.7 | 95 593 | 13.0 | 66 455 |
| NT | 231 331 | 22.6 | 52 281 | 15.4 | 35 625 |
| ACT | 367 752 | 18.1 | 66 564 | 15.9 | 58 473 |
|  |  |  |  |  |  |
| Greater Brisbane City | 2 146 577 | 19.6 | 420 729 | 14.9 | 319 840 |
| Rest of Qld | 2 327 521 | 20.1 | 467 832 | 13.1 | 304 905 |
|  |  |  |  |  |  |
| Brisbane Inner City | 236 571 | 13.6 | 32 174 | 17.0 | 40 217 |
| Brisbane East | 219 101 | 20.1 | 44 039 | 13.1 | 28 702 |
| Brisbane North | 198 547 | 17.7 | 35 143 | 13.5 | 26 804 |
| Brisbane South | 328 815 | 17.6 | 57 871 | 16.1 | 52 939 |
| Brisbane West | 178 025 | 18.3 | 32 578 | 17.7 | 31 510 |
|  |  |  |  |  |  |
| Cairns | 233 565 | 21.1 | 49 282 | 12.5 | 29 196 |
| Darling Downs and Maranoa | 125 093 | 21.9 | 27 395 | 11.7 | 14 636 |
| Fitzroy | 217 161 | 21.8 | 47 341 | 13.7 | 29 751 |
| Gold Coast | 527 490 | 18.1 | 95 476 | 13.7 | 72 266 |
| Ipswich | 290 667 | 22.7 | 65 981 | 14.5 | 42 147 |
| Logan-Beaudesert | 300 259 | 22.7 | 68 159 | 15.1 | 45 339 |
| Mackay | 171 297 | 20.9 | 35 801 | 13.4 | 22 954 |
| Moreton Bay North | 222 024 | 20.5 | 45 515 | 13.1 | 29 085 |
| Moreton Bay South | 172 568 | 22.8 | 39 345 | 13.7 | 23 642 |
| Outback | 87 853 | 24.1 | 21 173 | 14.1 | 12 387 |
| Sunshine Coast | 316 858 | 18.5 | 58 619 | 11.5 | 36 439 |
| Toowoomba | 143 866 | 21.1 | 30 356 | 14.6 | 21 004 |
| Townsville | 225 137 | 20.7 | 46 603 | 15.6 | 35 121 |
| Wide Bay | 279 201 | 19.6 | 54 723 | 11.0 | 30 712 |
|  |  |  |  |  |  |

1. See also Appendix to this paper [↑](#footnote-ref-1)
2. *Gillick* v. West Norfolk & Wisbech Area Health Authority (1985) 3AU ER 402 [↑](#footnote-ref-2)
3. Kirby, M (1984) ‘Law and Family Planning’ Medical Journal of Australia March 17, p 358. [↑](#footnote-ref-3)
4. Secretary, Department of Health and Community Services v JWB and SMB (1992) CLR 218 [↑](#footnote-ref-4)
5. LAW Survey Updating Justice December 2013 – *Youth and the law: it’s not just about juvenile justice and child welfare* [↑](#footnote-ref-5)