

A key change to the *Youth Justice and Related Legislation Amendment Bill 2019* includes improving the application of bail for young people and decriminalising breach of bail conditions as an offence – thereby cutting red tape and putting the focus on tackling criminal behaviour.

The following examples explain the change in practice.

CASE STUDY 1

Currently: A young person was charged with burglary and released on bail with conditions to reside at a certain address with a curfew from 8pm to 7am. Police observe the young person out at night in breach of his curfew condition by 15 minutes, returning from football training. Police formally charges the young person for breaching his condition.

With the proposed change: Police retain the discretion whether or not to arrest the young person and hold them in custody to be brought before Court to reconsider bail. Court would be able to decide whether to revoke bail or change the conditions.

CASE STUDY 2

Currently: A young person charged with assault and possession of cannabis is on bail for 4 weeks. During that time her bail conditions require to reside at her mother's house. Police attend the young girl's house at night to do curfew checks and find that she hasn't been there for a week. Police locate the young girl sleeping in a playground. She told police she has fears for her safety at her mother's house with people coming and going and drinking a lot, when her conditions also require her not to consume any alcohol or other drugs. Police formally charges the young person for breaching her conditions.

With the proposed change: Police retain the discretion whether or not to arrest the young person and bring her before court. In this case it would be appropriate to provide positive supports to the young person to change her conditions, rather than set her up to fail or leave her in an unsafe environment.