

# Convicted Upskilling and Employment Youth Act 2018

Youth Act No. 2 of 2018

A Youth Act to upskill and increase the employment opportunities of convicted youth

[Assented to 26 October 2018]



# Convicted Upskilling and Employment Youth Act 2018

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#### [s 1]

The Parliament of Queensland enacts-

# Part 1 Preliminary

#### 1 Short title

This Youth Act may be cited as the Convicted Upskilling and Employment Youth Act 2018.

#### 2 Commencement

This Youth Act commences on a day to be fixed by proclamation.

#### 3 Main purpose of Youth Act

The main purpose of this Youth Act is to upskill previously and currently detained youth and incentivise the employment of youth with prior convictions; so as to increase employment and decrease recidivism through community engagement.

#### 4 Definitions

In this Youth Act—

*community engagement* means voluntary engagement with any community-based non-governmental organization.

*false claims* means where an individual or business either knowingly presents a false or fraudulent claim for payment, knowingly makes a false record or statement material to a false or fraudulent claim

*non-violent offence* means a crime where no injury or force is used on another person.

*partnered business* means any business partnering with or participating in the WRPYD.

*training placement* means training provided at the placement, by the partnered business, as a requirement to the WRPYD.

youth means a person between the ages 16 and 25 inclusive.

# Part 2 Detention and Youth Labour Organization Network (DAYLON) Centres

### Division 1 Establishment

#### Location of DAYLON Centres

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DAYLON centres will be located in each of the seven regions of Queensland with special considerations to the following—

- (a) locations of current juvenile detention facilities; and
- (b) the rate of crime committed in regions throughout Queensland committed by youth
- (c) the socio-economic status of suburbs in each region.

#### 6 Directors of Community Centres

- (1) A director must be appointed by the board to supervise DAYLON Centres.
- (2) The director must have the following qualifications—
  - (a) a period of experience with the local area, a minimum of 7 years; and
  - (b) a degree or qualification in community service, social work and/or education; and
  - (c) more than 5 years' experience in the field of community service or social work; and
  - (d) in the cases of predominantly indigenous communities, significant experience with indigenous communities; and
  - (e) a minimum of 5 years' experience in youth services.
- (3) Directors' responsibilities within their respective WRYPD centres include—
  - (a) hiring employees as needed to provide services to the community; or
  - (b) retiring services that are no longer needed by the centres, at their discretion; or
  - (c) delegating roles to employees with suitable qualification and experience.

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#### 7 Cases of Additional Care

- (1) In cases of youth with learning disabilities or health issues, appropriate supervisory authorities must be assigned.
- (2) In cases where youth are found to have an unstable mental health, the appropriate supervisory authority such as chief psychiatrist appointed under the Mental Health Act 2016 should be assigned.
- (3) In such circumstances the youth must undergo proper re-evaluation before to determine if the youth is currently fit to participate in the program.

#### 8 Termination of Director

(1) In cases where the Board or director display inappropriate behaviour, a reopen of nomination should be announced with oversight by the external Queensland Government Youth Justice centres.

#### 9 Assurances of training and skills delivery

- (1) Directors will be ultimately overseen by the Board who have powers to—
  - (a) reassign WRYPD Centre Directors as needed without causing frequent removal of directors from centres; and
  - (b) increase or decrease funding for a particular centre; and
  - (c) assign directors to complete further training; and
  - (d) dismiss directors or employees; and
  - (e) implement new services or policies to respective centres as they see fit.

### Division 2 Access to Centres

#### 10 Eligibility to Access the WRYPT Centre

(1) WRYPD Centres are available to youth who have been accepted in the WRYPD program.

### Division 3 Training, Skills and Services

#### 11 Purpose of the Division

(1) To ensure a diverse range of needs are being met every WRYPOD centre must provide all the services contained in this division.

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(2) WRYPD Centre Directors in consultation with the Board, have discretion on how these services are to be established.

#### 12 Indigenous and Multicultural Services Within Centres

- (1) Where possible, safe spaces must be provided in DAYLON centres where Indigenous Australians and multicultural groups can access services in a culturally appropriate manner including:
  - (a) translation services; and
  - (b) services for the hearing impaired; and
  - (c) ELS (English Learning Support) teachers.
- (2) Support services must be provided to assist Indigenous groups and minority groups Australians in applying for Government assistance, scholarship, apprenticeship and traineeships.
- (3) Cultural programs must be made available through DAYLON with credit transferable to the completion of the DAYLON centres
- (4) Centres to assist in encouraging culture within the broader community.

#### 13 Indigenous Services

- (1) DAYLON Centres must provide basic health services including-
  - (a) bulk-billed psychiatrist services on site; and
  - (b) bulk-billed post-natal check-ups; and
  - (c) bulk-billed general check-ups.

#### 14 External Services

- (1) DAYLON Centres must provide basic health services including-
  - (a) bulk-billed psychiatrist services on site; and
  - (b) bulk-billed post-natal check-ups; and
  - (c) bulk- billed general check-ups; and
- (2) Centres must have provision and resources available for participants to request external services including but not limited to dietary and dental services.

#### 15 Job Skills

- (1) DAYLON Centres must include the following training programs free of charge—
  - (a) First Aid training; and

- (b) appropriate and relevant Certificate training in the relevant industry the youth will be entering (up to a Certificate III level); and
- (c) written and oral English classes.

#### 16 Life Skills Workshops

- (1) It will be recommended to all youth within the program to attend monthly Intelligent Investor (II) or Next Generation Networking (NGN) workshops
- (2) Intelligent Investor Workshops primary aim will be to:
  - (a) Provide advice on how to invest and create finances; and
  - (b) Where to seek advice and how to use internet services; and
  - (c) How to manage a bank account; and
  - (d) Provide smart saving strategies including the option to join saving programs such as Commonwealth Bank of Australia Dollarmites
- (3) Next Generation Networking Workshops primary aim must be to:
  - (a) Provide networking strategies and tips on how to appropriately communicate with external parties; and
  - (b) Provide a directory on how to seek opportunity; and
  - (c) Hold monthly "speed dating" sessions amongst youth detainees to develop closer friendships and practice such skills.

#### 17 Support Services

- (1) Each Centre must also have the following free services on site free of charge—
  - (a) financial counselling; and
  - (b) legal aid; and
  - (c) housing support; and
  - (d) liaison officers; and
  - (e) Career advisors.

#### 18 Emergency Assistance

- (1) Where deemed appropriate, WRYPD Centres may provide emergency support to youth who apply. This assistance includes but is not limited to—
  - (a) provision of food assistance;
  - (b) provision of emergency shelter;

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### Part 3

# Detention and Youth Labour Organization Network (DAYLON)

## Division 1 Requirement for Youth

#### 19 Requirements

- (1) In order to enter into the DAYLON, an individual must-
  - (a) be sentenced for a non-violent offence; and
  - (b) have been or are currently on a custodial sentence; or
  - (c) be between 15-17 when they committed offences or crimes and have been released on parole; or
  - (d) be between 15-18 and has been released on parole or is recommended by Youth Justice; and
  - (e) Has underwent necessary rehabilitation prior to entering the program if the nature of the crimes or offences prevent the individual to fully participate in the Program.

Financial Counselling;

- (2) Before placement, the detainee must take part in—
  - (a) a psychometric and skills entrance test including-
    - (i) basic Communication; and
    - (ii) personal Characteristics; and
    - (iii) basic teamwork abilities; and
    - (iv) basic Numeracy and Literacy Skills.
- (3) To be accepted into the program, the detainee must demonstrate—
  - (a) basic Communication skills as outlined by the skills test; and
  - (b) the lack of personality disorders, mental incapability and any other psychological/ behavioural conditions deemed unsuitable by psychologists and specialists; and
  - (c) a sound standard of teamwork abilities; and
  - (d) a sound level achievement i.e. a minimum score of 50% on the Numeracy and Literacy Skills criteria of the entrance test.
- (4) In order for the young person to participate in the DAYLON, they must—
  - (a) have completed 38 hours (or one full working week) of training placement in a training environment; and

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- (b) report no misdemeanours while in placement; and
- (c) successfully complete the basic training specific to the job, in the first 12 month of placement; and
- (d) show willingness to engage with their community by taking part in the community engagement sessions offered in the Program.

### Division 2 Requirement for Partnered Business

#### 20 Requirements

- (1) Offer a contract, of at least one year, for part time or full-time employment following the youth completes their period of placement.
- (2) Pay the legal standard with regards to the industry and the age of the Youth.
- (3) Offer 15-30 hours for part-time; or
- (4) Offer standard 38-hour full time working week

### Division 3 Requirement for Liaison Officer

#### 21 Job requirements

- (1) Ensuring that the Liaison Officer has a valid Blue Card while working with the detainee; and
- (2) Ensuing that the Youth is compliant with the Bill as pursuant to Part 3, Division 1 of this Bill.
- (3) While the detainees are completing their placement, the liaison officer must visit detainees monthly for the first 12 months of the placement.
- (4) Visits from the Liaison Officer will include—
  - (a) overview of the work environment; and
  - (b) meeting with youth; and
  - (c) meeting with business owner; and
  - (d) detainee writing a review of the week, including problems; and
  - (e) business owner writing a review of the detainee weekly, including problems; and
  - (f) check up on their training and skills.

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# Part 4 Employment Retention Incentives

#### 22 Establishment of the DAYLON Insurance Fund

(1) The Department of Communities in conjunction with the Department of Employment, Small Business and Training will establish and maintain the DAYLON Insurance fund.

#### 23 Criteria for Payments from the QRYPD Insurance Fund

- (1) Business eligible for the DAYLON Insurance Fund must;
  - (a) be registered with the DAYLON program; and
  - (b) have completed a workplace health and safety check within the last 12 months; and
  - (c) have at least 5% of the employees made up of youth; and
  - (d) agree to audits by the fair treatment of workers and clarity of its financial status.

#### 24 Amount and Coverage

- (1) Partnered Businesses will be able to claim up to \$30,000 per youth they employ. This will cover—
  - (a) public liability; and
  - (b) the business's building and contents; and
  - (c) legal fees.

#### 25 False Claims

- (1) Any claims after assessment found to be false may lead to
  - (a) a fine of up to \$10000000 for the business; and
  - (b) a fine of up to \$200000 for the individual; and
  - (c) imprisonment up to 14 years as per section 408C of the *Criminal Code Act (Qld) 1899.*

## Part 4 Establishment of the DAYLON Assessment Board

#### 26 Formation

(1) This act will establish an Assessment Board that will-

- (a) oversee compliance to the act; and
- (b) apply appropriate measures to ensure that the overarching goals are achieved; and
- (c) Ensure the program is operating in an efficient and just manner for all participants.

#### 27 Board Members

- (1) The Board must have members including—
  - (a) a Chief Commissioner, selected by the Minister for Communities
  - (b) education experts; and
  - (c) psychologists; and
  - (d) youth detention experts.
- (2) Members of the board will be appointed for 4-years, only being able to serve for a maximum of two consecutive terms
- (3) Members of the board will gather data from experts of their specialised field from the seven regions defined by the Queensland Government Trade and Investment including:
  - (a) South-East Queensland;
  - (b) Southern Downs;
  - (c) Wide Bay-Burnett;
  - (d) Central Queensland;
  - (e) Whitsundays;
  - (f) Northern Queensland;
  - (g) Far North Queensland.
- (4) The Chief Commissioner is to be appointed for a single 8-year is responsible for—
  - (a) the running of the board; and
  - (b) determining the workload and is responsible for the board members; and
  - (c) advising the Minister, in consultation with the commission, on community services funding priorities; and
  - (d) making public statements on behalf of the commission; and
  - (e) making public statements on behalf of the commission; and
  - (f) advising the minister on whether the members of the commission should be removed.

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28	Minister's role in appointing Board Members
	(1) When appointing members of the Board the Minister must take into account the following—
	<ul><li>(a) members must have at least 5 years' experience in the fields of education, psychology and/or youth detention; and</li></ul>
	(b) members must be willing and available to travel to regions any region of Queensland for extended periods of time should this be necessary
	(c) board members must have obtained a certificate IV in Youth Justice or a Diploma of Youth Justice
	(d) board members must have obtained appropriate First Aid Certificate
	(e) members must also be willing to contact caregivers or family members of the convicted youth and allow organised reunions, to ensure the continued relationship with close relatives.
	(2) The Minister, in consultation with the Chief Commissioner reserves the right to—
	(a) set the level of remuneration for members of the Board; and
	(b) remove any member of the Commission, excluding the Chief Commissioner, at any time; and
	<ul><li>(c) decisions of the minister under clause 5 are capable of appeal to the Queensland Civil Administrative Tribunal (QCAT)</li></ul>
29	Appointment of Liaison Officers
	(1) Liaison officers will be appointed by the board for each Youth
	(a) this will be done through an application process consisting of:
	(i) a written application; and
	(ii) an interview with member of the board; and
	(iii) completion of a National Police Check
	(2) Liaison officers must have previous experience of at least 3 years within a role such as, but not limited to—

- (a) corrective services; or
- (b) counsellor; or
- (c) social worker.
- (3) Liaison officers must have worked within youth detention previously.
- (4) Liaison officers are responsible for the holistic coordination of the DAYLON program for each region.