

Queensland Community Safety Bill 2024

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Submission – Queensland Community Safety Bill 2024



Queensland Mental Health Commission submission

Introduction

The Queensland Mental Health Commission (the Commission) welcomes the opportunity to make a submission on the *Queensland Community Safety Bill 2024* (the Inquiry).

The Commission is an independent statutory agency established under the *Queensland Mental Health Commission Act 2013* (the Act) to drive ongoing reform towards a more integrated, evidence-based, and recovery-orientated mental health, alcohol and other drugs (AOD) and suicide prevention system in Queensland.

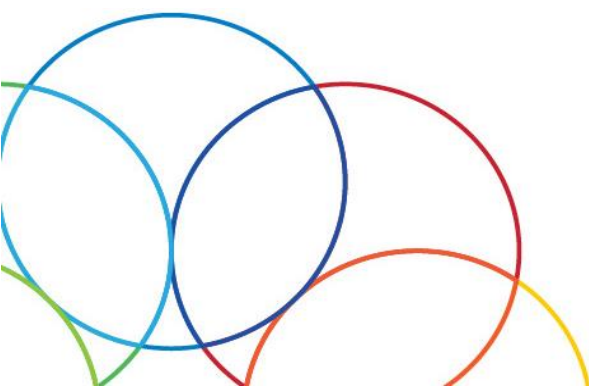
One of the Commission's primary functions is to develop a whole-of-government strategic plan to improve the mental health and wellbeing of Queenslanders, particularly people living with mental illness, problematic AOD use, and those affected by suicide. The current strategic plan is *Shifting minds: The Queensland Mental Health, Alcohol and Other Drugs, and Suicide Prevention Strategic Plan 2023-2028* (*Shifting minds*). *Shifting minds* is complemented by two sub-plans:

- *Achieving balance: The Queensland Alcohol and Other Drugs Plan 2022-2017* (*Achieving balance*)
- *Every life: The Queensland Suicide Prevention Plan 2019-2029* (*Every life*).

The amendments proposed by the Bill have numerous points of connection to strategic priorities and actions under the *Shifting minds*, *Achieving balance*, and *Every life* plans.

Every life includes a focus on strengthening supports to people disproportionately impacted by suicide, including targeted responses and supports that consider key stressors, life stages, and transition points like entering or being released from justice settings. *Shifting minds* and *Achieving balance* recognise that people with lived and living experience of mental ill-health, and/or problematic AOD use are overrepresented in the adult and youth justice systems. Therefore, key whole-of-government priorities and actions under these plans include:

- expanding diversionary approaches and increasing the availability of health responses for people experiencing problematic AOD use to channel individuals away from a criminal justice pathway
- reducing stigma and discrimination, including across law enforcement and other systems to support strengths-based, culturally-safe, and person-centred responses to people with problematic AOD use
- supporting the mental health and wellbeing of children and young people, including by promoting the optimal start in life and strengthening services and supports for children aged 5–12 years old and their families
- developing and implementing a whole-of-system trauma strategy to reduce the incidence and impact of adversity and trauma across the life course
- strengthening the social and emotional wellbeing of First Nations Queenslanders, including by actively addressing the trauma experienced by First Nations peoples through whole-of-government implementation of *Leading healing our way: Queensland Aboriginal and Torres Strait Islander Healing Strategy 2020–2040*
- enhancing coordination and access to mental health and AOD treatment and support for people in contact with the criminal justice system, including expanding rehabilitation and reintegration responses and improving responses for First Nations peoples
- supporting and informing current discussion and decision-making around raising the age of criminal responsibility, particularly with regard to youth AOD related offences.



The Commission acknowledges that community safety is an essential part of the mental health and wellbeing of all Queenslanders. We recognise the trauma, including but not limited to long-term mental health impacts, criminal offences such as knife crimes and home invasions have on the victims of crime. The Commission is focused on driving reform which promotes healing and future safety for all Queenslanders through evidence-based and proportionate responses.

This submission is based on the Commission's work and is not intended to be a comprehensive response to the Bill. In addition, the Commission does not seek to duplicate the work or role of other agencies. This submission should, therefore, be considered alongside the below reports, which broadly align with the Commission's position on youth justice reform:

- [Our submission](#) to the Youth Justice Reform Select Committee
- Queensland Human Rights Commission (QHRC) submission to the Youth Justice Reform Select Committeeⁱ
- QHRC submission to Youth Justice and Child Wellbeing Reform across Australiaⁱⁱ
- Queensland Family and Child Commission (QFCC) submission to the Strengthening Community Safety Bill 2023.ⁱⁱⁱ
- Justice Reform Initiative paper on Alternatives to Incarceration in Queensland^{iv}

In addition, the Commission encourages that the 2018 *Report on Youth Justice* by former police Commissioner Bob Atkinson (the Atkinson Report)^v also be considered, which still holds significant relevance to youth justice issues in Queensland.

Adopting a human rights approach

The Queensland Government has committed to uphold human rights and the dignity of all people in Queensland, with whole-of-government commitments in *Shifting minds* to human rights, social justice, equity and addressing the social determinants of health inequity. The Commission is also currently developing the whole-of-government trauma strategy to focus on the prevention of trauma, improve supports provided to people who have experienced trauma and reduce the long term impact on individuals and the Queensland community. During the course of consultations for the trauma strategy, communities and key stakeholders have identified the protection of human rights as a key pillar for achieving a trauma-informed system. The Commission implores the Queensland Government to embed trauma-informed principles consistent with human rights across the justice system.

Community safety is essential for the health and wellbeing of all Queenslanders, and upholding the rights and protections for our children and young people are foundational to this. The Commission is extremely concerned about the current 'tough on crime' approach to youth justice reforms in Queensland, which appear to focus on detention and punishment rather than rehabilitation and addressing the underlying causes of youth offending. There is overwhelming evidence to suggest this approach does not work and only serves to increase the chances of children and young people reoffending and becoming entrenched in the justice system.

The United Nations *Convention on the Rights of the Child* (Convention) Article 37 (b) states:

'No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time.'

The Human Rights Act provides a framework by which the impact of a decision or policy on a person's human rights can be comprehensively assessed. Placing the needs of children, young people and their families at the centre of decision-making is likely to reduce offending and maximise rehabilitation when offending does occur. Human rights law recognises the importance of children and young people remaining with their families and the rights of children to be safe and have access to health services, education, support for disability, and a stable living environment, all of which have been identified as protective factors against offending.

Use of adult watch houses for children and young people

The Commission strongly does not support recent decisions by the Queensland Government to override the *Queensland Human Rights Act 2019* (the Human Rights Act) and the use of adult watch houses to detain children and young people awaiting bail or transfer to a youth detention centre. This not only removes human rights protections from some children and young people involved in the justice system but erodes public confidence in the protections afforded to all Queenslanders. It is also inconsistent with international standards and a contemporary and

evidence-based approach to youth justice, and will likely have a counterproductive effect by exacerbating rather than reducing the rates of reoffending by children and young people.

The United Nations *Rules for the Protection of Juveniles Deprived of their Liberty* states that:

“The detention of juveniles should only take place under conditions that take full account of their particular needs, status and special requirements according to their age, personality, sex and type of offence, as well as mental and physical health, and which ensure their protection from harmful influences and risk situations. The principal criterion for the separation of different categories of juveniles deprived of their liberty should be the provision of the type of care best suited to the particular needs of the individuals concerned and the protection of their physical, mental and moral integrity and well-being.

*In all detention facilities **juveniles should be separated from adults**, unless they are members of the same family. Under controlled conditions, juveniles may be brought together with carefully selected adults as part of a special programme that has been shown to be beneficial for the juveniles concerned.”*

The current youth justice system in Queensland fails to place juveniles in detention under conditions that take into account their needs, status and special requirements. The current system fails to uphold human rights of children and young people in Queensland and this must be addressed as a priority.

The Commission also notes its concerns that:

- the Bill increases maximum penalties which will only further contribute to overcrowding in Queensland’s prisons and watchhouses. It is also questionable whether these proposed increases will deter offenders.
- the Bill proposes temporary transfers of children and young people from watchhouses to youth detention centres for day programs. This is not an adequate solution for overriding of the Human Rights Act and the long-term impacts on children and young people who are detained in adult watch houses.

The Convention also protects children from arbitrary detention and requires prompt review before an independent tribunal to determine whether the individual circumstances of a child justify their detention. However, the Youth Justice Select Committee recently noted significant concerns about the continued use of police watch houses to detain children and young people, in some cases for prolonged period. In 2022-23, more than 408 children were held in police custody for 8-14 days and 146 for 15 days or more. This form of detainment is inconsistent with human rights standards and has significant impacts on children and young people’s prospects of rehabilitation.

The Commission welcomes the recent announcement of therapeutic youth detention infrastructure in Queensland that meaningfully facilitates positive outcomes for young people, their families and our communities. The therapeutic youth detention centres:

- should be consistent with the Human Rights Act, international best practice and prioritise therapeutic outcomes rather than implemented as infrastructure to reinforce a ‘tough on crime’ position. The Commission considers that therapeutic models adopted must address the social, cultural, cognitive and communication needs of the individual
- could be strengthened with investment in therapeutic models of early intervention and prevention aimed at preventing young people’s contact with the youth justice system prior to detainment in a youth detention centre.

With increased infrastructure and availability of youth detention facilities, the Commission would encourage reconsideration of the temporary override of the Human Rights Act rather than the implementation of “day trips” to youth detention centres. This is not adequate to address the serious pervasion of human rights for children and young people in Queensland.

Detention as a last resort: Principle 18 of the Youth Justice Act

The Commission does not support the amendment to Principle 18 of the Youth Justice Act. This proposed amendment is a concerning derogation from the Queensland Government’s obligations under the United Nations Convention which is the most ratified human rights treaty in the world. The Convention requires that detention should only happen as a last resort and for the shortest possible time, which recognises that detention is inherently harmful for children. The purpose of this is not to exclude detention as an option for children and young people, particularly where offenders are dangerous or have committed serious crimes.

We support the statement from the the Queensland Human Rights Commissioner Scott McDougall of 1 May 2024, that:

“The debate about youth crime often make it seems like we have to choose between keeping communities safe and protecting children’s rights. But that’s not true. We need to find solutions that do both.”

To have a youth justice system which truly addresses community safety, rehabilitation and early interventions must be prioritised. There are evidence-based, non-custodial measures that are more effective than detention and these should be exhausted where appropriate. There is limited evidence that a tough-on-crime approach has any impact on deterrence or community safety. Instead, this only serves to perpetuate further structural disadvantage and over-policing of Queensland communities (particularly low socio-economic and First Nations communities).

Human rights of children and young people are critical to community safety

The Commission acknowledges the need to enhance community safety and give a voice to victims of criminal offences in Queensland. This can be done by enhancing the human rights of children and young people, community safety is not in opposition to human rights. Responses must be proportionate, and contextualised with the evidence-base and data about offender characteristics in Queensland. The evidence demonstrates that between 2008-09 and 2018-19 the total rate of offending for those aged 14-29 **decreased** by 28/8% while the total rate of offending for those aged 30-49 **increased** by 10.3%^{vi}

The Commission is concerned that:

- the expansion of the electronic monitoring trial is not evidence-based and does not align with the human rights of children and young people
- the responses, particularly to knife-related crime and hooning, are not evidence-based and proportionate
- amendments to the Domestic and Family Violence Protection Act may have unintended consequences for children in residential care environments

Expansion of the Electronic Monitoring (EM) Trial

A key whole-of-government strategic priority in *Shifting minds* is to uphold and promote the human rights and dignity of all people by providing person-led, trauma-informed, culturally competent care guided by the expertise of people with lived experience, contemporary best practices and evidence-informed approaches focusing on quality, safety and continuous improvement. Any reform to or expansion of existing types of bail conditions for children and young people in Queensland should be evidence-based and aligned with both international and national best practice.

The Commission does not support the expansion of eligibility for the EM trial via amendment to section 52AA of the Youth Justice Act. It is widely acknowledged that EM, particularly of children and young people can have a number of negative impacts including further criminalisation, greater penalties for young people on bail, impact on family and social connection and the identification of people wearing an EM device in public.^{vii}

EM has been trialled in Queensland already and the Commission is not aware of any evidence of its effectiveness in Queensland. Given that there is no actual evidence of efficacy in Queensland nor that EM has reduced recidivism, there are no clear benefits to community safety by expanding the EM trial other than community perception that a child or young person on bail is being “surveilled”.

The intention to expand the eligibility does not appear to be based on evidence that individuals who are charged with the types of offences now captured as a ‘prescribed offence’ would benefit from the EM trial. Instead, there is a focus on gaining a sufficient sample for evaluation to be carried out. This is not person-centred, nor does it place therapeutic outcomes of an individual as a key component of judicial decision-making. Young people should not have EM imposed as a bail condition for the purpose of obtaining sample evaluation data where there is no other evidence indicating eligibility for the EM trial would be relevant or achieve therapeutic outcomes.

There is limited data, both in Australia and internationally, to indicate the effectiveness of EM as a bail condition to reduce recidivism. The EM Trial Evaluation undertaken for Queensland in 2022 found that there was insufficient data to demonstrate the efficacy of EM and that^{viii}:

- accompanying interventions provide the best opportunities for behavioural changes, rather than the EM *itself*. EM is not effective as a single solution for bail management. In the absence of adequate support services,

the EM merely acts as a form of surveillance rather than achieving desired rehabilitative or therapeutic outcomes. This suggests that investment and expansion should be targeted at the accompanying support services.

- while the evaluation found that there was not yet any bias in imposing EM on bail, in the limited Queensland sample young people subject to an EM device were equally First Nations and non-Aboriginal and Torres Strait Islander. This is concerning given that 5.2% of Queensland's total population is First Nations, whilst 50% of the EM trial group were First Nations.^{ix}

Bail support programs have demonstrated a significant reduction in reoffending (by 33%) and increase in compliance with bail conditions (by 95%), while improving a range of social and health wellbeing measures relevant to the drivers of criminal justice system contact. These support programs have demonstrated positive outcomes and have a strong evidence-base. The Commission recommends that approaches which have a strong evidence-base, like bail support programs, and address the social determinants that drive criminal justice system contact should be subject to further investment and expansion in Queensland. This approach will prioritise approaches for people on bail that have a strong evidence-base to reduce reoffending and which will ultimately enhance community safety.

The need for proportionate and evidence-based responses

The Commission is concerned that the expansion and/or introduction of the following offences will have a disproportionate impact on children, young people and minority groups (including the risk of further embedding structural bias and discrimination):

A. Expansion of “Jack’s law” and an increase to the maximum penalties for a knife in a public place or school.

The Commission understands the significant impact that knife-related crime has on the Queensland community and acknowledges victims of knife-related crime, their families and communities. The Commission is supportive of measures which are evidence-based, responsive to Queensland communities, equitable and which prioritise therapeutic intervention. However, the Commission is concerned that the expansion of “Jack’s law” will result in unintended impacts for children, young people and minority groups. It should be noted that across Queensland offences involving a crime have increased by 40% in the last 5 years while offences involving a young person under 18 and a knife comparably increased by only 22% in the same period.^x

Based on prior evaluations of wandering for weapons in Queensland, there are a higher number of young people and young men subject to checks, and there is evidence of some inappropriate use of stereotypes and cultural assumptions by police officers in performing these searches.^{xi} As police have significant power and discretion in determining who to search (with no reasonable suspicion required), this increases the likelihood that personal and structural bias will impact decision-making.

It is the Commission’s view that:

- there must be mechanisms in place to ensure accountability and transparency in police decision-making, including the right of the individual to request information on the reasons that a search has been conducted. This will embed protections for the vulnerable groups in Queensland to ensure that minority groups are not subject to stigma, discrimination and/or bias in police decision-making.
- penalties imposed for a concealed knife in a public place or school must be proportionate and focus on therapeutic diversion and education. There is a risk that the increases to the maximum penalties only further entrench the young person within the youth justice and criminal justice systems. Evidence demonstrates that the biggest risk factor for ongoing criminality *is* engagement with the justice system—if diversion efforts can provide positive outcomes, this should be prioritised over increasing penalties.
- any legislation and/or governmental policy relating to knife crime must be contextualised by the evidence-base. For example, research shows that knife offenders are more likely to be of low socio-economic status and have an ongoing experience of homelessness.^{xii} Understanding and addressing the social determinants are key to a trauma-informed system.

B. Expansion of hooning offences which will include a person who merely spectates a hooning group activity, with no positive action required.

The Commission is concerned with the broad definition of ‘spectating’ hooning and the implications for children and young people in Queensland. The evidence establishes that people who participate in hooning are predominantly young males between the age range of 16 to 25 who “grow out of it after a couple of years.”^{xiii}

While we acknowledge that hooning is a problem for communities in Queensland, responses must be proportionate to the conduct particularly in the absence of any actual harm caused by hooning.

Consequences of amendments to the Domestic and Family Violence Protection Act

A key whole-of-government strategic priority in *Shifting minds* is to embed early mental health and alcohol and other drug supports for infants, children, young people and families in contact with or at risk of contact with the child protection and/or youth justice systems.

The Commission is concerned that the amendment to section 22 of the Domestic and Family Violence Protection Act will have the consequence of harsher enforcement against children in residential care services rather than enhancing trauma-informed health responses.

It is well established that young people in out-of-home care often have complex needs and for many this manifests in challenges with emotional regulation, interpersonal skills, behaviours and relationships.^{xiv} The complex history of children living in out-of-home care means they are more likely to have contact with police or have a criminal record than those in other types of care.^{xv} This does not mean that all children living in out-of-home care are destined to act out criminally, but rather that the systems designed to protect them are more likely to expose the child to criminalisation.^{xvi}

Children and young people report being unnecessarily exposed to police while living in out-of-home care environments, particularly when living in residential care.^{xvii} The QFCC found that children, residential care services, government agencies and non-governmental organisations identified children are being criminalised by police being called to residential care services at times when other responses may be more appropriate.^{xviii}

The Commission is concerned that stigmatisation and criminalisation of children in out-of-home care will be embedded by the amendments proposed as it will require youth and criminal justice avenues to be explored by police attending call-outs at out-of-care home environments. The consequences of this are that police will be required to investigate the acts of young people in care, which is not supportive of a therapeutic intervention and/or responses.

Prioritise evidence-based prevention, early intervention, and diversion from the justice system

While the Commission acknowledges that there is a need to optimise community safety in Queensland, our view is that this should be achieved through evidence-based prevention, early intervention and diversion from the justice system.

The Queensland Government has whole-of-government commitments in *Shifting minds* to expand early intervention capacity and tailored responses to individuals disproportionately impacted by adversity and trauma.

The evidence demonstrates that early intervention and prevention programs reduce crime at a population by between 5 and 31% and reduce offending amongst at risk populations by 50%, and significantly improve other health and wellbeing outcomes in children and families’ lives.^{xix} A recent report from the Justice Reform Initiative stated:

“Queensland relies on a system of incarceration for children and adults that is harmful, expensive, and ineffective. Prison does not work to reduce crime; it does not work to build safer communities; and it does not work to address the social drivers of contact with the criminal justice system.”^{xx}

To address the social drivers and build safer communities there must be a pivot in youth justice responses to prioritise evidence-based prevention, early intervention and diversion.

Prevention and early intervention

In 2015, the Australian Research Alliance for Children and Youth conducted a review of the literature on early intervention and prevention. Notably, the review found:

‘Effective prevention and early intervention is possibly the most promising strategy for changing the trajectories of children. There is clear evidence that children’s life chances are influenced by their families and communities and that they are able to be changed for the better. Improving the wellbeing of children, young people and families at population-level requires flexible and

responsive systems that are equipped to deliver preventive interventions and respond effectively early to emerging issues and challenges.^{xxxi}

Prevention commences with ensuring children and young people receive the optimal start in life and that they are raised in loving, supportive environments where their physical, emotional, and social needs are met.^{xxii} A child's social and physical environment, including before conception, are key determinants of mental health and wellbeing throughout life.^{xxiii} In particular, the first 2000 days of a child's life provide a critical window of opportunity to positively influence their developmental trajectory and build foundations for the future.^{xxiv} To enable and empower children and young people to reach their full potential, they require access to quality health care and nutrition, protection from risk and harm, a sense of security and attachment, positive and nurturing family environments, responsive caregiving, and opportunities for early learning.^{xxv}

Research consistently shows that the earlier a child comes into contact with the justice system, the more prolonged their involvement is likely to be.^{xxvi} The most effective way to prevent this is to raise the age of criminal responsibility to 14, in line with internationally accepted standards. Early childhood and family support systems should also be in place to meet the diverse needs of various groups and communities, underpinned by a skilled and adequately resourced workforce to provide developmentally appropriate, trauma-informed, and culturally responsive support, care, and treatment for children and young people.

Most children and young people involved in the youth justice system have experienced homelessness, poverty, neglect, and/or domestic and family violence, with there being significant crossover between children and young people involved in Queensland's child protection and youth justice systems.^{xxvii} This suggests current child protection interventions are not working effectively, and highlights the need for systems and services to intervene as soon as possible when risk factors associated with antisocial or offending behaviour are present. Holistic, integrated, and coordinated responses to children, young people and their families are also required to reduce social and economic disadvantage and mitigate risk factors for offending. Early intervention responses for children and young people that maintain and support engagement in education, training, and employment can also positively impact on a young person's trajectory.

Children and young people involved in the justice system have significantly higher rates of mental ill-health and cognitive disability when compared to general youth populations and are also more likely to experience co-morbidity, as well as problematic AOD use.^{xxviii} In particular, children and young people in youth detention present with complex needs and are more likely to have experienced childhood adversity and trauma.^{xxix} Research suggests around 80 per cent of young people in Australian youth justice settings have experienced multiple traumas.^{xxx}

Diversion from the justice system

In 2019, the (former) Queensland Productivity Commission *Inquiry into Imprisonment and Recidivism* found imprisonment rates in Queensland were increasing despite declining crime rates.^{xxxi} The Queensland Government's response to the Productivity Commission report included a commitment to increase the range of options available for drug use offences, including expanding treatment services for people who would otherwise go through criminal justice processes and increasing access to health responses. A 'health response' is a term encompassing a range of health-focused interventions, including therapeutic and psychosocial supports, information and assessment, and triage and referral.

There are opportunities to enact a health response at all system touchpoints, particularly when children and young people offend or come into contact with police. Trajectories of criminal offending can be interrupted by offering diversion to health responses to ensure children and young people receive appropriate education, support, and treatment to address risk factors or the underlying causes of their antisocial and/or offending behaviour.

In 2021-22, there were 1465 children and young people aged 10-17 years in Queensland whose principle offence was an illicit drug offence.^{xxxii} The current approach of arresting, charging, detaining, and processing children and young people through the justice system for the use and/or possession of illicit substances and utensils provides an example of how the current system response fails to address the root causes of youth offending and demonstrates a missed opportunity for diversionary responses.

While the Commission is pleased to note the Queensland Government has recently committed to expanding its drug diversion program (a key priority under *Shifting minds*), more needs to be done to divert children and young people away from the justice system. For example, the QFCC's recent review into children and young people housed in adult watch houses found most young people released from detention return to custody within 12 months.^{xxxiii} This demonstrates the current failure of custodial options to address youth offending and reoffending.

Prioritising investment in prevention, early intervention, and diversion

Effective early intervention, prevention, and diversion requires a combination of cross-sectoral short, medium, and long-term approaches. Improving public safety and addressing the complex causes of youth offending also requires a consistent and concerted effort to change over a long period of time.^{xxxiv}

The current system is largely crisis orientated and geared toward late intervention. Community -based services are often funded with short--term contracts and inadequate investment which impedes the delivery of tailored and quality services. There is a need to invest in and fund initiatives over a sufficient period to ensure they are appropriately designed, implemented, improved, and outcomes are effectively evaluated. This requires well planned and coordinated investment, long-term commitments over successive governments, and managing public expectations about the length of time required to see meaningful outcomes.

The return on investment for prevention and early intervention is likely to be significantly greater than current reactionary and crisis-based responses, which are both more challenging and expensive to resolve. Getting it right in the early years reduces downstream expenditure on mental ill-health, problematic AOD use, remedial education, welfare reciprocity,^{xxxv} and the risks of children and young people becoming enmeshed in the criminal justice system. Expenditure on late intervention and crisis responses are not sustainable and result in poorer outcomes for children, young people, their families, and the community.^{xxxvi}

First Nations children and young people involved in the justice system

The Queensland Government has several whole-of-government commitments in *Shifting minds* and *Leading healing our way: Queensland Aboriginal and Torres Strait Islander Healing Strategy 2020-2040*, including to:

- enhance coordination and access to mental health, alcohol and other drug treatment and support for people in contact with the criminal justice system. This includes expanding rehabilitation and reintegration responses, and improving responses for First Nations people.
- integrate approaches across different tiers of government to address stigma and discrimination at individual, system and community levels, particularly for First Nations people
- define and embed best practice and co-design into planning, design and delivery of policies, programs and services
- co-design the tools to inform planning, design and the implementation of trauma aware, healing informed models centred on culture with First Nations communities and experts, including a risk assessment in all government decision-making processes to mitigate against trauma and re-traumatisation

The Commission is concerned that the proposed amendments will disproportionately impact Aboriginal and Torres Strait Islander children and young people. Aboriginal and Torres Strait Islander peoples are disproportionately represented across adult and youth justice systems. Aboriginal and Torres Strait Islander children and young people are significantly overrepresented in Queensland's justice system because of ongoing systemic racism, discrimination and failures that disadvantage First Nations peoples. The QFCC's submission to the Strengthening Community Safety Bill 2023 identified this as one of nine action areas which must be addressed.

For example, the justice system has contact with Aboriginal and Torres Strait Islander children and young people an average of 5.5 years earlier than non-Indigenous children and young people,^{xxxvii} largely due to First Nations peoples being more likely to experience institutional and systemic disadvantage in the context of ongoing racism and disconnection from community, language, culture, land, sea, and country.

The Commission considers consultation and co-design with local First Nations communities and peoples as a vital component to the success and impact of future policy, initiatives, and planning with respect to youth justice reform. Culturally appropriate early intervention initiatives and programs should be developed to support families and young people who are at risk and to reduce the likelihood of First Nations children and young people entering the justice system. Such initiatives and programs should build on existing strengths in Aboriginal and Torres Strait Islander communities and be grounded in strong connection to community, family, culture, and country.

Future supports and services for First Nations peoples and communities should also include principles of self-determination, early intervention and cultural safety and should be developed to respond to intergenerational trauma and the impacts of colonisation. These should be consistent with obligations under *Closing the Gap*. Solutions to reduce the rates of First Nations children and young people within the youth justice system requires a broader systems response, which incorporates social and emotional wellbeing as a framework to achieve holistic wellness in families and communities. First Nations people including elders, people with a lived experience, and children and

young people play a vital role is achieving this goal and should be included in all aspects of the discussion and design of any response to ensure its success.

For Aboriginal and Torres Strait Islander children and young people held in youth detention, there must be fair and equitable access to services, activities, and facilities, including services specifically related to cultural identity, consistent with the *Inspection standards for Queensland youth detention centres*.^{xxxviii}

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