Queensland Community Safety Bill 2024

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Committee Secretary
Community Safety and Legal Affairs Committee
Parliament House
George Street
BRISBANE QLD 4000
By Email: CSLAC@parliament.qld.gov.au

QIFVLS Submission – *Queensland Community Safety Bill 2024*

Dear Committee Secretary,

The Queensland Indigenous Family Violence Legal Service (QIFVLS) welcomes the opportunity to write in relation to the *Queensland Community Safety Bill 2024*.

Our submission is made from the standpoint of an Aboriginal and Torres Strait Islander Community Controlled Organisation (ACCO) and Family Violence Prevention Legal Service, dedicated to ensuring that families and households are safe from violence. In that regard, as a proud member of the national Coalition of Peak Aboriginal and Torres Strait Islander peak organisations (Coalition of Peaks) and the Queensland Aboriginal and Torres Strait Islander Coalition of community-controlled organisations (QATSIC), we are dedicated to achieving the priority reforms and socio-economic targets outlined in the National Agreement on Closing The Gap (the National Agreement), particularly Target 13 (ensuring families and households are safe and that domestic and family violence against Aboriginal and Torres Strait Islander women and children is reduced by at least 50% by 2031 as we progress towards 0) among the other inter-related targets, particularly Target 11 (By 2031, reduce the rate of Aboriginal and Torres Strait Islander young people in detention by 30 percent).

Given the extensive nature of the provisions in the Bill, we have sought to highlight isolated provisions in which we identify matters for the Committee to consider.

The overarching tenor of our submission is grounded in the reflection that to ensure community safety, strong measures must be supported with an emphasis on the early intervention and prevention, and rehabilitation services for children and young people.

When we consider our clients and their families, we see victim-survivors of family violence and sexual assault, including in circumstances where the persons using violence are children and young people. Yet many of the young people using violence are themselves victim-survivors who have found themselves enmeshed within the child protection system and the youth justice system as accused persons and offenders, as identified in *Hear Her Voice – Report Two*.[1]

Three months after the Productivity Commission's released *Review of the National Agreement on Closing the Gap* (the National Agreement), we believe the Committee has an opportunity to chart a path forward by which government agencies and the community can work together to

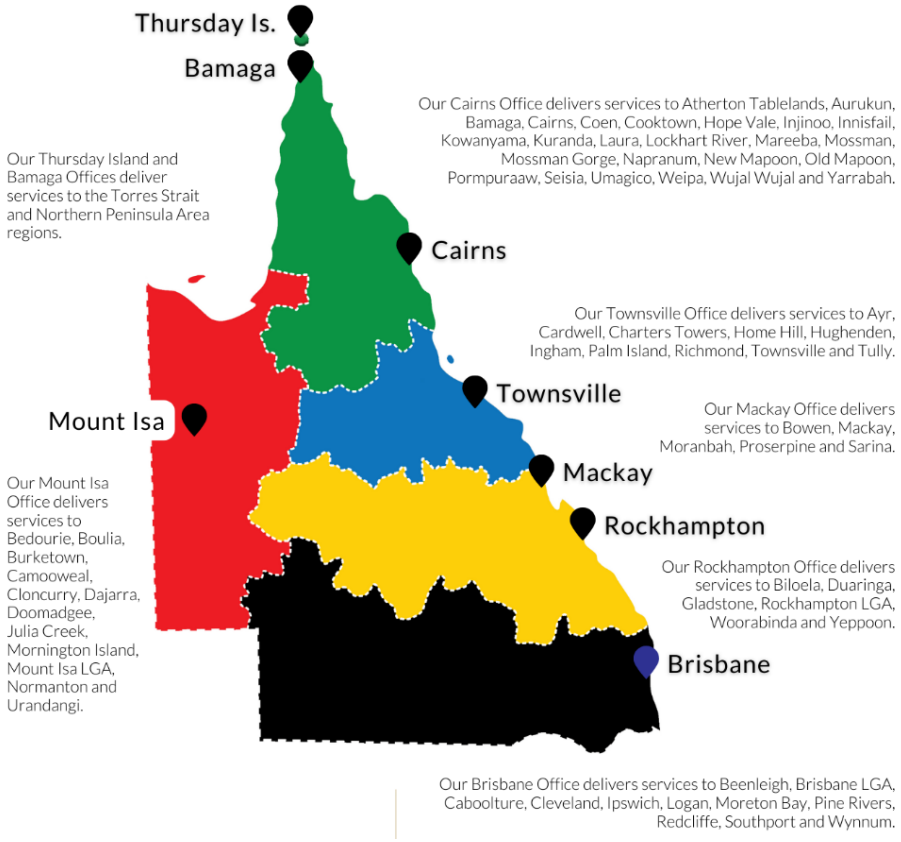
[1] Women's Safety and Justice Taskforce (2022), *Hear Her Voice Report Two*

ensure the safety of the community. For this to happen though, partnership, shared decision-making and evidence-based initiatives must be at the forefront.

About QIFVLS

The Queensland Indigenous Family Violence Legal Services Aboriginal Corporation (QIFVLS) is a Family Violence Prevention Legal Service (FVPLS) and an Aboriginal and Torres Strait Islander Community Controlled Organisation (ACCO) that fills a recognised gap in access to culturally appropriate legal and wraparound support services for Aboriginal and Torres Strait Islander victim-survivors of family and domestic violence and sexual assault.

QIFVLS is primarily an outreach service. As can be seen from the map below, we operate out of eight offices across Queensland, delivering services to over 90 communities, from the urban south-eastern corner of the state, out west to communities surrounding Mount Isa, reaching the Northern Territory border, and north to the outer islands of the Torres Strait, neighbouring Papua New Guinea. Our services extend from domestic and family violence to family law; child protection; sexual assault and Victims Assist Queensland (VAQ) applications.



Family violence as a cornerstone

Ensuring community safety is inextricably linked with our observations of our clients – victim-survivors of domestic and family violence, and sexual assault. We advocate for responses which are multi-faceted (and not siloed) – impacting across domestic and family violence, justice and policing, the child protection system, health, housing and education.

It may be startling for some to learn that 3 in 5 First Nations women have experienced physical or sexual violence[2]. This speaks to the crisis we witness as a family violence prevention legal service daily across our offices in Queensland.

Queensland Government data has revealed that at least 60% of all Aboriginal and Torres Strait Islander children in youth detention have experienced or been impacted by domestic and family violence[3]. If we consider the issue of child wellbeing, it should be noted that family violence was identified by the Australian Institute of Health and Welfare (AIHW) as the primary driver of children being placed into the child protection system, with 88% of First Nations children in care having experienced family violence[4].

This sadly informs QIFVLS' experience that family violence is the cornerstone or intersection, that links an Aboriginal and Torres Strait Islander person's connection to the child protection system, the youth justice system, adult criminal justice system, housing and/or homelessness, health and the family law system.

We find that these 'connectors' are further compounded or exacerbated for those living in regional, rural, and remote parts of Australia, where there are restrictions on the availability of actual on the ground services to assist a victim-survivor escaping a violent relationship[5] (i.e., domestic violence support services and shelters; actual police presence within a community).

In contrast to siloed government responses which have long been the standard practice, QIFVLS consistently advocates for uniform, holistic, culturally safe and consistent strategies that will improve responses in the family violence, policing and criminal justice, child protection system, housing and corrective services. This approach aligns with achieving reductions in the Justice targets (Targets 10, 11, 12 and 13) of the National Agreement on Closing the Gap as well as meeting the overarching objectives of the 4 priority reform areas.

[2] Australian Human Rights Commission (2020), *Wiyi Yani U Thangani Report*, https://humanrights.gov.au/sites/default/files/document/publication/ahrc_wiyi_yani_u_thangani_report_2020.pdf, page 44

[3] https://www.cyjma.qld.gov.au/resources/dcsyw/youth-justice/reform/youth-justice-report.pdf

[4] Australian Institute of Health and Welfare (2019), *Family, domestic and sexual violence in Australia: continuing the national story, https://www.aihw.gov.au/getmedia/b0037b2d-a651-4abf-9f7b-00a85e3de528/aihw-fdv3-FDSV-in-Australia-2019.pdf.aspx?inline=true*

[5] Australian Institute of Health and Welfare (2016-17), *Alcohol and other drug use in regional; and remote Australia: consumption, harms, and access to treatment* 2016-17. Cat.no. HSE 212. Canberra.

2024 Productivity Commission's Review of the National Agreement on Closing the Gap

The Productivity Commission highlighted that there has been a wide gap between collective governments' rhetoric and their actions in closing the gap. This in large part stems from a failure by governments to fully grasp the nature and scale of the changes required to fulfil the obligations contained within the National Agreement.[6]

The Productivity Commission singled out Queensland, particularly noting that,

> *"It remains too easy to find examples of governments making decisions that contradict their commitments in the Agreement, that do not reflect Aboriginal and Torres Strait Islander people's priorities and perspectives and that exacerbate, rather than remedy, disadvantage and discrimination. Among other examples described in chapter 7: the Queensland Government made changes to bail laws that will mean more Aboriginal and Torres Strait Islander young people are incarcerated for longer periods of time. This is in the context of Queensland having one of the highest rates of Aboriginal and Torres Strait Islander young people in detention."*

We strongly advocate for government and government agencies to lean into the priority reforms to the National Agreement and partner willingly with local communities, Aboriginal and Torres Strait Islander Community-Controlled Organisations, Elders and Aboriginal and Torres Strait Islander stakeholder groups. In relation to partnering', this means equal shared decision-making and a true power balance and power sharing.

Clause 112 - Amendments to the *Children's Court Act allowing* access

We understand that Clause 112 will amend section 20 of the *Children's Court Act* such that a victim, relative of a deceased victim, victim's representative, accredited media and a person with a proper interest can be present in criminal proceedings where matter is not on indictment. we also note the safeguards contained within the proposed provisions.

We query the necessity though of having accredited media present in traditionally closed court proceedings in the absence of a corresponding media and education campaign about the deep, underlying causes of youth offending. While we understand the need for families to be informed of the nature of proceedings, we also consider that allowing access to Children's Court proceedings, particularly for accredited media raises issues of violation of privacy for young accused persons who may yet have chances of being successfully rehabilitated.

Clauses 26 to 38 - Expanding trial of hand-held scanners in public places - rrelationships between law enforcement and communities

In the process of expanding the trial of hand-held scanners in public places, we caution the need to be mindful of the historical and present climate of mistrust and fear among First

[6] Australian Productivity Commission (2024), *Review of the National Agreement on Closing the Gap,* page 79

Nations communities and police. We have reservations about the interactions between police and Aboriginal and Torres Strait Islander youth.

Should the Bill pass, we advocate and support appropriate resourcing and funding for a multi-agency co-responder model, ensuring a culturally appropriate police presence is supported by a non-law enforcement First Nations response. We want to see an avoidance of any potential escalation points between police and community members who are scanned.

Amendments to the *Domestic and Family Violence Protection Act 2012*

Clauses 106 and 106 - Relevant relationships involving children

We understand that the effect of Clauses 106 and 107 will be that police officers proceed with their responsibilities to investigate matters under the Criminal Code, the *Child Protection Act 1999* or the *Youth Justice Act 1992* where they are unable to proceed further with DFV matters that involve children as parties.

We note that these provisions sit uneasily with QIFVLS given that they potentially conflict with the socio-economic targets in Targets 11 and 12 of the National Agreement on Closing the Gap. Target 11 requires that by 2031, we will reduce the rate of Aboriginal and Torres Strait Islander young people (10-17 years) in detention by at least 30 per cent. Target 12 requires that by 2031, we will reduce the rate of overrepresentation of Aboriginal and Torres Strait Islander children in out-of-home care by 45 per cent. We are currently witness to the increasing rates of Aboriginal and Torres Strait Islander children in out-of-home care and in the youth justice system, especially here in Queensland.

We noted above on page 3 of our submission to you that family violence is the primary driver of Aboriginal and Torres Strait Islander children being placed into out-of-home care. If family violence matters involving children as parties as pursued via child protection or criminal law avenues, it would further compound an Aboriginal and Torres Strait Islander woman's fear of reporting the violence being experienced, given that Police have a mandatory duty to report violence against children to the Department of Child Safety.

We hold deep concerns with this particular proposal and repeat our submissions made on numerous occasions but more recently at the Commonwealth's Senate Inquiry into Murdered and Missing Indigenous Women and Children on 20 February 2024:

"There is a clear nexus between the rates of family violence experienced by Aboriginal and Torres Strait Islander peoples and the rate of child removal. The key findings to be reiterated here are:

- *Family violence is the primary driver for the removal of Aboriginal and Torres Strait Islander children into out of home care*[7]*;*

[7] Commissioner for Aboriginal Children and Young People, Open Letter in response to 2015 *Report on Government Services*, 3 February 2015.

- *Aboriginal and Torres Strait Islander children represent 37.3% of the total of all children in out of home care despite comprising only 5.5% of the total population of children in Australia[8];*
- *In 2018, Aboriginal and Torres Strait Islander children were 7 times more likely to be on a permanent care order until aged 18 years and at risk of permanent separation from their families, cultures and communities. Additionally, data projection suggested that in the absence of a corrective change in trajectory, the number of Aboriginal and Torres Strait Islander children in care will more than double in the next ten (10) years[9].*
- *In 2022, Aboriginal and Torres Strait Islander children were 10 times more likely to be living in out of home care than non-Indigenous children and were less likely to be reunified with birth parents than non-Indigenous children with 79% in long term permanent care[10].*

*In order to see a reduction in the disproportionate and escalating rates of child removal driven by family violence, there must be a greater focus on front end support for Aboriginal and Torres Strait Islander people especially mothers. This is clearly highlighted in the timeline created by the QPC (**referred above**). The earlier that an Aboriginal and Torres Strait Islander woman is linked in with a specialist Aboriginal and Torres Strait Islander community-controlled organisation with family violence expertise, the better the outcomes are for her and her children. Early referral to specialist, culturally safe and preventative legal and non-legal support from an Aboriginal and Torres Strait Islander community controlled organisation with family violence expertise, such as QIFVLS, is an essential step to support Aboriginal and Torres Strait Islander mothers to take proactive action and engage early with culturally safe and specialist supports to address interrelated mental health, family violence and child protection concerns.*

QIFVLS frontline experience indicates that many Aboriginal and Torres Strait Islander families, particularly mothers experiencing or at risk of family violence, do not recognise child protection intervention as a legal issue until it is 'too late'. This is despite the fact in Queensland that there has been major legislative and policy reform in relation to Aboriginal and Torres Strait Islander peoples' interaction with the child protection system[11] aimed at:

- *Embedding Case planning to include permanency goals including transitioning to adulthood*
- *Embedding principles that recognise the right to self-determination of Aboriginal and Torres Strait Islander peoples and a requirement to consider long term effects of a decision on identity and connection to culture for an Aboriginal and Torres Strait Islander child;*
- *Incorporating the 5 elements of the Child Placement Principle in the administration of the Queensland Child Protection Act (1999);*

[8] The Family Matters Report (2019), Measuring trends to turn the tide on the over-representation of Aboriginal and Torres Strait Islander children in out-of-home care in Australia – 2019 Snapshot Data.
[9] The Family Matters Report (2019), Measuring trends to turn the tide on the over-representation of Aboriginal and Torres Strait Islander children in out-of-home care in Australia
[10] The Family Matters Report 2022, SNAICC, Data Snapshot.
[11] Through the enactment of the *Child Protection Reform Amendment Act 2017 (Qld)*, which commenced in October 2018.

- *Removes recognised entities and introduces the Independent Entity to support child/ family decision making. This role is particularly important in the family participation program and family led decision making. The family participation program provides for an independent Aboriginal and Torres Strait Islander facilitator to support a family in family led decision making;*
- *Family led decision making, allowing parties to have a say in the case plan/ family plan; strategies to keep children connected to culture and country or plans to return children to parents or other family members.*

In relation to Aboriginal and Torres Strait Islander family led decision making, this was first trialled in Queensland in 2016-2017, with the Queensland Government, as part of its child protection reform agenda, rolling out the Family Participation Program (FPP) across Queensland, commencing in 2018. Additionally, the Queensland Government also provided funding to 15 Aboriginal and Torres Strait Islander Community Controlled Organisations to support family led decision making. The legislative reform agenda also provided, similarly to Victoria, for the statutory basis for the delegation of statutory powers to Aboriginal and Torres Strait Islander community controlled organisations for Aboriginal and Torres Strait Islander children.

According to the Queensland Report of Government Services covering the period 2018-2019, the rates of Aboriginal and Torres Strait Islander children in out of home care was below the national average of 54.2 per 1000 children, equating to 37 per 1000 children.

Despite the above, it is still early in relation to tracking the overall effectiveness of the child protection reforms in Queensland. QIFVLS' initial experience has been that although the policy reform and legislative reform embedding the Child Placement Principle and encouraging family led decision making and the use of the independent entity are welcome steps within the legislative and policy frameworks, we are not seeing this translate on the ground with uniform application by staff of the Department of Child Safety. QIFVLS experience has been that we are advised by our clients, usually at the latter stage of a notification and intervention by the Court, that the client was either discouraged from or never advised by child safety workers that they should seek independent legal advice in the first place.

A Child Protection Notification and Referral Scheme

QIFVLS, as a member of the NFVPLS Forum repeats and adopts the submissions first made by our sister FVPLS, Djirra, in relation to the creation of a child protection notification and referral scheme[12], namely:

- *To avoid or minimise the escalation of child protection matters and keep Aboriginal and Torres Strait Islander children in Queensland safe and strong in their families, communities and culture, an Aboriginal and Torres Strait Islander and Child Protection Notification and Referral Scheme (similar to the existing Custody Notification Service)*

[12] Djirra's Submission to the Parliamentary Inquiry into Family, Domestic and Sexual Violence, July 2020, p.15

should be established. This would require child protection workers to provide warm referrals to QIFVLS or another Aboriginal and Torres Strait Islander community controlled organisation with relevant expertise for all Aboriginal and Torres Strait Islander parents and carers in contact with the child protection system to independent, culturally safe, specialist and preventative legal advice and ongoing culturally safe wraparound support at the earliest possible opportunity, especially where family violence is a factor in potential child removal. The referrals should be made at the earliest possible stage, as soon as the family comes to the attention of the child protection system.

- *Many Aboriginal and Torres Strait Islander mothers have a realistic fear that disclosing and seeking help for family violence will lead to their children being forcibly taken from their care. This is a common thread, not only with QIFVLS clients, but also with the communities that QIFVLS provides services to in rural and remote Queensland. This fear is quite real when one examines the findings of the Australian Institute of Health and Welfare, Child Protection in Australia, 2017-18 Report which found that:*

  - *Indigenous children were 8 times more likely as non-indigenous children to have received child protection services;*

  - *Children from very remote areas were 4 times more likely as those from Major cities to be the subject of a child protection substantiation.*

The system would provide a nationally consistent mandatory notification and referral system (akin to the Custody Notification System) to refer Aboriginal and Torres Strait Islander families in contact with the child protection system to culturally appropriate supports and services, including independent legal advice, at the earliest possible opportunity. Note: An effective referral system relies on the availability of resourced, quality and culturally appropriate services to refer families to, and cannot be successful independent of other recommendations, particularly our recommendations.

We call for the establishment and implementation in Queensland of an Aboriginal and Torres Strait Islander child protection notification and referral system. We would further advocate for a national Aboriginal and Torres Strait Islander child protection notification and referral system. We believe this scheme would harmonize with the recent announcement of the Commonwealth's commitment to establishing a National Aboriginal and Torres Strait Islander Commissioner[13].

Clause 108 - Enable police to nominate first mention date where a PPN has been issued

[13] https://humanrights.gov.au/about/news/media-releases/ahrc-welcomes-announcement-national-aboriginal-and-torres-strait-islander

While we understand the intent behind clause 108 and its amendment of section 105 of the *Domestic and Family Violence Protection Act 2012*, we hold concerns around timeframes and safety for victim-survivors in the course of police nominating a mention date where a PPN has been issued. In some areas such as the Cape York region, the court sits once a month. This is similar for Thursday Island and Bamaga and for remote outer islands, where the court sits every three (3) months. However, this can change if an outer island circuit is cancelled due to bad weather or sorry business. In such circumstances, how do we ensure primacy of response for victim-survivors?

While section 105(1)(l) of the *Domestic and Family Violence Protection Act 2012* provides some protection by ensuring the timeframe for a mention date is no longer than 28 days, we would like to see some form of uniformity in response such that a victim-survivor's location doesn't hinder their ability to receive justice and an expeditious hearing of their application for protection.

Amendments to Corrective Services Act

Allowing Corrective Service Officers to serve documents on persons held in correctional centres on behalf of police officers under proposed s348B of the *Corrective Services Act 2006*

We don't object to an amendment enabling the chief executive of Queensland Corrective Services to serve documents on a prisoner in a corrective services facility, in circumstances where service must ordinarily be effected by a police officer.

Our preference however would be for a specified timeframe in which the document is served on a prisoner. While we understand that operational circumstances may impact the timely service, of documents, we are mindful that Aboriginal and Torres Strait Islander women are the fastest growing prison population, and furthermore, with many coming from disadvantaged and vulnerable backgrounds, late service impacts their ability to obtain legal advice about their matter whilst in custody. This in turn affects the operation of court proceedings, be it through a requirement to adjourn matters or the prisoner/defendant feeling they need to enter a plea prematurely to dispose of the matter.

On our reading of the Bill, there is no specified timeframe.

Modernise document authentication and service requirements

Clause 85 - Electronic service of documents (Section 789E of the *Police Powers and Responsibilities Act 2000)*

We would not have as big a concern about the electronic service of documents on Aboriginal and Torres Strait Islander witnesses and/or defendants in urban areas. Our concerns rise when

we factor in the unreliability of technology in remote and rural communities. Given the geographical expanse of Queensland and the location of our clients and their families, we would prefer there to be personal service as the default course of action for the reasons outlined by the Women's Safety and Justice Taskforce in the *Hear Her Voice Report* – that personal service plays an important part of procedural fairness and ensures the respondent understands the document, including any conditions they must follow and consequences of breaching conditions.

In exceptional circumstances, we would acknowledge a place for electronic service although we believe that police training should be highly cognizant of instances of gratuitous concurrence among Aboriginal and Torres Strait Islander respondents.

We note that under the proposed s789E(1), police will have a requirement to reasonably believe that the electronic communication would be readily accessible by the person so as to make the document usable by subsequent reference. Additionally, that it is appropriate to do so given the circumstance. This is relevant and may mean that reliance on hard copy documentation is still required, depending on the circumstance. Such a situation will also require police who are well supported in terms of adequate training as well as community-specific knowledge/prior community-specific induction.

Target 17 in the National Agreement on Closing the Gap

Additionally, we note that Target 17 of the National Agreement on Closing the Gap requires that by 2026, Aboriginal and Torres Strait Islander peoples have equal levels of digital inclusion. Currently, Aboriginal and Torres Strait Islander peoples, particularly in rural and remote communities do not have the same access to information and services to a level that enable participation and informed decision-making about their own lives. This includes access to digital technology alongside reliable internet coverage.

Accordingly, we are concerned about Aboriginal and Torres Strait Islander peoples being disadvantaged by these proposed amendments.

In this regard, we would advocate for consideration to be given to Recommendation 60 of *Hear Her Voice – Report One:*

> **Rec 60 -** The Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence immediately progress amendments to the Domestic and Family Violence Protection Act 2012 and to the associated Domestic and Family Violence Protection Rules 2014 to enable documents required to be served by a police officer to also be served by a police liaison officer. When documents are served by a police liaison officer, there should be a requirement for the police liaison officer to give the document or a copy to the person, tell them what the document is and explain it to them.
>
> The amendments will also enable a court in limited circumstances to order substituted service for documents ordinarily required to be served by a police officer. Those limited circumstances are where the substituted service would provide better protection to the victim and:
> - police have made reasonable attempts to serve the document personally and
> - the police have reasonably reliable electronic or other contacts details for the respondent and

- the respondent agrees to be served by the alternative mechanism.

When substituted service is ordered, the responsible police officer will be required to provide a copy of the document to the respondent unless that is not reasonably possible in al the circumstances, tell them what the document is, and explain it to them.

As noted, Recommendation 60 would allow documents required to be served by a police officer to also be served by a police liaison officer.

Amendments to the *Youth Justice Act 1992*

Our submissions has noted the concerns we have for the children of our clients. Victim-survivors themselves who in varying circumstances may find themselves under the state's care in the child protection system, and as accused persons and offenders in the youth justice system.

Some of the provisions in the Bill regarding the proposed amendments to the *Youth Justice Act* raise deep concerns for our organisation. We would have liked to have seen a corresponding emphasis on the level of support to be provided to children and young people, especially in terms of rehabilitation and early intervention measures.

Clause123 and 132 – Removal of detention as a sentence of last resort and the rewording of youth justice principle 18

We are alarmed at the support both major parties have provided to removing the principle that detention is a sentence option of last resort. This is particularly so given that no evidence base has been volunteered to demonstrate how removing detention as a sentence of last resort will reduce youth offending, contribute to higher rates of offender accountability, divert the offender and like-minded offenders from further criminal activity and ultimately, make the community safer.

What we are not seeing in the Bill itself is a strong emphasis on rehabilitation services and on early intervention and prevention measures. We also don't see measures that go towards education for the general community about the deeply entrenched causes that lead to dysfunctional families and kids committing offences. We have not heard the pivotal question - asking *why* children from broken homes and families are breaking into strangers' homes. We cannot incarcerate our way out of these issues.

This consequential amendment also runs counter to Queensland's obligations as a signatory to the National Agreement on Closing the Gap, especially Target 11. Accordingly, this provision reflects the approach which was referred to in the Productivity Commission's Review of the National Agreement on Closing the Gap.

International law obligations

Article 37 of the *United Nations Convention on the Rights of a Child* enshrine the principle that detention should be a sentence of last resort.[14]

We understand that the Premier has made pronouncements that legal advice from Crown Law and the Solicitor-General has provided that removing detention as a sentence of last resort will not breach international law or Queensland's human rights obligations. In the interests of transparency and open government, we request that the Premier release the legal advice from the Crown to the effect that these proposed provisions will not violate international and human rights law.

Clause126 - Streamlining processes for transfer of detainees over 18 to adult custody

We have some concerns about the services and programs available to vulnerable 18-year-olds who are transitioned to adult correctional centres. Not all 18-year-olds have the same level of intellectual and emotional maturity, and we are concerned about the supports and programs and educational services they would receive when transitioned over into adult correctional centres.

We would also like to know what measures are in place to ensure the safety of young offenders being transferred in light of reports we hear of overcrowding in adult prisons.

Clause 120 - Enabling temporary transfers from watchhouses to youth detention centres to facilitate participation in programs and physical exercises (proposed new section 56A)

We are worried about the way the proposed section 56A(4) is drafted:

> *(4) In deciding whether to take the child into the chief executive's temporary custody under subsection (2), the chief executive must have regard to—*
> *(a) the matters mentioned in section 56(4); and*
> *(b) the practicality of transporting the child between the watch-house where the child is held in custody and the specified detention centre, including, for example, the distance between the watch-house and the detention centre and the availability of suitable transportation.*

We are concerned about a potential scenario where:

a) a child is situated in a remote location where the watchhouse or other facility is at significant distance from the youth detention centre; or
b) there are logistical or transportation issues impinging on the smooth process of travel to a youth detention centre.

We believe the child could be placed at a disadvantage. We are worried that children in custody in regional or remote locations may be disproportionately impacted, especially if they cannot access rehabilitative programs and services whilst on remand.

[14] https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child

Noting the wording in the following section 56A(5), we reiterate our calls for departments to work in coordination and not siloes, to ensure a smooth transition, should this provision pass.

> (5) If the chief executive takes the child into the chief executive's temporary custody under subsection (2), the chief executive may ask the chief executive of another department prescribed by regulation to assist with the transportation of the child between the watch-house and the specified detention centre.

Community education and public confidence in the youth justice system

We believe the manner and impact of news coverage greatly affects the public's confidence in institutions. We share the legitimate concerns of community members around crime, family violence and safety.

Concurrently, it is also the case that sensationalist reporting can stigmatise a community. Although the exact figures may not be known by the wider Queensland community, there is an acknowledgment that the majority of children in the youth justice system identify as Aboriginal and/or Torres Strait Islander children and young people. We have noticed negative sentiment towards Aboriginal and Torres Strait Islander children in general on social media and in the community. This has extended to innocent, law abiding children being targeted or profiled by vigilantes simply based on their appearance.

News reporting by commercial and social media is lacking in highlighting the underlying social causes and the lack of protective risk factors leading to youth offending. Thus, we observe a cycle where reporting leads to outrage which leads politicians to adopt tough-on-crime responses, despite available evidence demonstrating that tougher and more punitive approaches do not lead to reductions in youth offending.

In his 2022 *Youth Justice Reform Review*, former QPS Commissioner Bob Atkinson recommended engaging with the Queensland community to build balanced public awareness of the drivers behind youth offending and evidence-based prevention and response actions.[15]

We are mindful that there are professionals with expertise in communications but nevertheless, we suggest emphasis can be placed on the ways in which evidence-based alternative approaches will be more effective than punitive tough-on-crime approaches.

Balanced reporting and awareness also facilitate mature discussion about the exorbitant taxpayer costs associated with detaining children and young people in comparison to advocating for increased funding for investment into early intervention and prevention measures.

Conclusion

[15] https://www.dcssds.qld.gov.au/resources/dcsyw/about-us/reviews-inquiries/youth-justice-reforms-review-march-2022.pdf

We take this opportunity to thank you for considering our feedback. We trust that you appreciate our viewpoint as both an Aboriginal and Torres Strait Islander Community Controlled Organisation and Family Violence Prevention Legal Service.

If you would like to discuss our response further, please don't hesitate to contact me at [redacted].

Yours faithfully

Queensland Indigenous Family Violence Legal Service

[redacted]
Thelma Schwartz

Principal Legal Officer