

**To:** Community Support and Services Committee

Queensland Parliament House

BRISBANE.

**From:** Kanat Wano (e: [REDACTED]) (m: [REDACTED])

First Nations Queensland Resident/Stafford Electorate

29 November 2021

# Submission

## Raise the Age Bill (Queensland)

### Purpose of Submission:

1. Raise the age of criminal responsibility to 14 years old.
2. Argue diverting younger cohorts to First Nations community-led interventions. Self Determination from Queensland First Nations communities to enhance safety of the community, and decrease recidivism. (Outlines / Descriptions of currently operated UNFUNDED community mobilisation examples-attached also)

### Executive Summary:

I am writing from perspectives of a colonised man. A perspective spanning 57 years, origins of my life from living in this State under the acts (1960s) of physical oppression and spiritual poverty. To the current date, today. Expressing my lived and communal shared experiences of colonised populations of this State of Queensland.

Since colonisation of traditional First Nations lands and seas of this country, Queensland. My own life experiences and true history of this State, is clearly undermined morally and ethically by exclusion of the very population group impacted the current Laws regarding our children, grandchildren and great grandchildren.

### My submission to Raise the Bill; offers a solution-based framework;

1. Including and authentically listening to locally First Nations owned and led mobilisation solutions. (Promote Safety; Respond Culturally: Breaking two centuries of First Nations Justice systems cycles)
2. **NO ADDITIONAL FUNDING REQUIRED:** Communities are resourced, **LACK OF COORDINATION** lets our families slip through the gaps. Coordination of services led by a community group (e.g. Justice Groups) leading culturally strong responses to address the interventions for the **community, family, young offender** (10-13yo). *Please note: Government approaches are significantly centred on the young offender; First Nations wholistic cultural fundamentals focus on sustainable outcomes based with community first response, family response and then the young person. We (First Nations) are communal people spiritually, physically and psychologically.*

3. Adjacent to this submission; is a submission made to the Queensland State Governments Youth Task Force(7 November 2021). Outline existing First Nations community-led and based activities proactively providing solutions to limit our children's exposure to the criminal justice punitive systems, divert to well-being systems of care, especially given the young brain still in development phase of human evolution.
4. The lack of responses from the State Government Youth Justice Task Force and from the Dept of Justice is demonstrative of the lack of authentic consultation with First Nations communities. **(We have evidenced copy of emails from the Department of Youth Justice , stating 'ignore community voices')**
5. **Utilising** existing (State Government funded and recognised) Community Justice Groups, across (53) communities - remote-rural-urban. Is a massive resource under-utilised and under resourced for the last (30plus years). Capable and willing to contribute to changing the youth justice storylines, and support our under (14yo) children.

Closure:

(233) years of Queensland State Government applications and policies have not worked, regarding the Youth Justice issues of this State. Self Determination of First Nation voices to assist in restricting recidivism, by diverting our under (14yo) young people, to well-being systems is required. This 'authentic voice' is the change required to change the ongoing status quo.

International Human Rights and International medical research articulate strongly; Queensland Government is morally and ethically acting detrimentally in the face of humanity for our First Nations young people.

Kanat Wano (Co-Chair Stop Black Deaths in Custody Committee - Brisbane)

7 November 2021

([REDACTED])

To: Department of Children, Youth Justice and Multi Cultural Affairs

# Queensland Youth Justice

## QUEENSLAND FIRST NATIONS COMMUNITIES

RESPONSES AND ACTIVITIES (EVIDENCED BASED OUTCOMES)

***(Action-based programs/research trials at Inala/SW Corridor & Caboolture/North Brisbane)***

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### PURPOSE:

*(in response to Premier and State Government of Queensland Youth Task Force, concerning the high percentages of Queensland recidivism rates of our First Nations Children 2017 2021)*

Influence Queensland State Government, and,  
Youth Justice,  
Queensland Police Service, and,  
Attorney General;

To acknowledge Queensland First Nations community; led and activated current Queensland-Wide response and mobilisation of First Nations Elders, families and communities; to keep our children safer and at home; contributing to safer communities for Queensland communities. *(in response to Premier and State Government of Queensland Youth Task Force, concerning the high percentages of Queensland recidivism rates of our First Nations Children 2017 2021 and also meeting the reports/recommendations of Aitkenson Report, Townsville Voices, Families and Childrens Commissioners recommendations Changing the Sentence)*

***A \*self funded-community driven and led activities for (modelling) treatment;***

***To reduce anti-social and offending behaviours; For our Queensland First Nations children, being the highest youth justice incarceration & recidivism rates in the World. (United Nations Indigenous Special Envoy 2021)***

## **Australia's Aboriginal peoples face "tsunami" of imprisonment, UN expert finds**

GENEVA (4 April 2017) – Australia must reduce the "astounding" rates of imprisonment for indigenous peoples and step up the fight against racism, a United Nations human rights expert has concluded, [at the end of an official visit](#).

The Special Rapporteur on the rights of indigenous people, Victoria Tauli-Corpuz, said: "It is alarming that, while the country has adopted numerous policies to address the socio-economic disadvantage of Aboriginal peoples and those from the Torres Strait Islands, it has failed to respect their rights to self-determination and to full and effective participation in society."

"The rate of incarceration of Aboriginal and Torres Strait Islander youth is alarming," Ms. Tauli-Corpuz said. "I visited Cleveland Youth Detention Centre in Townsville, Queensland, where Aboriginal and Torres Strait Islander children constitute 95% of the children detained. Many have been going from out-of-home care into detention.

"Aboriginal children are seven times more likely than non-Indigenous children to be in contact with the child protection system or to be subject to abuse or neglect, Ms. Tauli-Corpuz noted.

### First Nations Community Based activated stakeholders/contributors:

- **Stop Black Deaths in Custody Committee** (Brisbane) Lead Community Voice (non funded)
- **(53) State Government recognised State-Wide Community Justice Groups** (*operating since the late 1990's coverage; Badu Island in the North Mornington Island/Doomadgee in the West. East Palm Island Group South West to Cunnamulla and South to Coolangatta*)
- **Mayor Palm Island Council,**
- **Mayor Mornington Island Council,**
- **Clr. Mayor Badu Island.**

### Allied Supporters (research and development & Services):

**Griffith University (Schools of Criminology & Psychology)**

**Queensland University of Technology (QUT), and NDIS (National Disability Insurance Scheme)**

*(Action-based programs/research trials at Inala/SW Corridor & Caboolture/North Brisbane)*

### First Nations based activities and strategies based on the following reporting systems for Youth Justice First Nations interventions:

- **Bob Aitkenson AO APM** Report on Youth Justice (2018 2021)
- **Major General (Ret'd) Stuart Smith AO DSC** Townsville Community Champion to the Honourable Anastasia Palaszczuk (2018)
- **Cheryl Vardon Principle Commissioner - Queensland Family and Child Commission** Changing the Sentence (March 2021)
- **United Nation Humans Rights office of the High Commissioner** (2017 excerpt next page)

***UNITED NATIONS Human Rights office of the High Commissioner (2017)***

[https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID\\_21475&LangID\\_E](https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID_21475&LangID_E)

**Key Shared Words** across all referenced reports recommendations

*(utilised in our FIRST NATIONS Community Responses in our trials)*

- \*Effective Diversion (courts/detention)
- \*Early Intervention
- \*Families & Community Support
- \* Community Level Crime Prevention
- \* Innovative New Community First Nations Approaches
- \* Improved Assessment Processes for Children and their Families
- \* Evidence-Based Interventions.

**Aitkenson Report - Solution**

*“All children in detention should from first arrival, engage in programs that address their offending and personal circumstances, with such programs continuing into and after their transition back into the community.”*

*(Aitkenson 2018)*

*(Action-based programs/research trials at Inala/SW Corridor & Caboolture/North Brisbane)*

**Activities**

First Nations Community & Justice Agency Partnerships

Intervention.1. Youth Justice and Police (Inala/SW Corridor and Caboolture North Brisbane)

Intervention.2. Magistrates Richlands Courts and Pine Rivers Courts.

- Diversion from custody for (2) children in the week beginning (1 November 2021),
- Court Districts <Pine River's and Richlands Courts

**Interventions No.1 Buddy: (exemplar)**

**(Brisbane Youth Detention Centre Discharge [REDACTED] & Pine Rivers**

**Magistrates Community Court Order for Buddy\* to be kept in the care of the NDIS registered service [REDACTED])**

- Buddy\* an (18yo) - turned 18 whilst in custody; provided interventions 4 weeks before his impending release [REDACTED]. Developed a relationship with him via Community Justice Groups (Brisbane Murri Courts and Brisbane North Elders Justice group) voluntary hours of contact and coordination. (\*assumed name) *(\*4 weeks total of 8 days intact limited time to fully engage)*

- Our Community Intervention strategies/group wanted to access his medical and/or access a cognitive assessment in the terms of suitability for NDIS funding support to fund his supports and therapies post release. The current systems did not allow such access for this community led intervention. Contradictory to **(Aitkenson Report - Solution “The best chance of reducing**



***reoffending behaviour among children is delivering evidence-based interventions that address their individual risks and needs determined by assessment, and that are delivered with the right intensity and frequency”***

- NDIS Head Office Chermside collaborated with our community-based activities from their NDIS Justice and Community Engagement team to develop a funding package to assist with his settlement back into society.

- An NDIS register collaborator-partner company [REDACTED], undertook to provide (2) weeks NDIS care (unfunded-with a view to an assessment being made that could cover costs for (2) weeks of his care. Included supervised care, accomodation and activities working with the First Nations Lead, Uncle Stephen Watson (Brisbane Murri Justice Group Court Elder), supported by Kanat Wano (Brisbane North Elders Community Justice Group) community response activation. Buddy did not want to return home to his mothers due to the high risks of illegal substances he would be exposed to. There was a high risk of homelessness if the NDIS provider, [REDACTED] did not meet him at his discharge and pick him up and provide accomodation. (This activity would normally be funded by NDIS if an assessment prior to his release was allowed, *and obviously his cognitive disability assessment would have to be identified at assessment.* Unfortunately, Buddys assessment was not forth-coming and was an institutional barrier for our community response.

- **This model of care**, will require future assessments and/or access to records for NDIS to allocate funding to care for young peoples exiting the Justice systems, to reduce the risks of recidivism rates. NDIS Chermside are able to link directly to Brisbane Youth Detention Centre for assessments and applications.

- [REDACTED] has invoiced the care of Buddy, at \$30,892.06 ( for the 2 weeks ) which includes accomodation and supervision, life skills coaching and needs attainments post release.

- This invoice would not have been issued if assessments were conducted or access to his medical records to NDIS were provided Brisbane Youth Detention Centre, prior to his release.

- Aboriginal and Torres Strait Islander Legal Services (ATSILS) and BYDC staff have identified cognitive impairments with Buddy’s presentations.

**Interventions No.2 Brady\*: (exemplar)**

**(Richlands Magistrates Community Court Order for Brady\* to be provided a Restorative Justice Community Based order)**

- Ordered sessions with his Youth Justice psychologist, due to cognitive brain impairment from substance abuse. Also supported in community with attendance at QPS funded -New Directions Project- at Inala/Darra, capitalising on his boxing interests to engage and divert behaviours, and provide community based interventions at the Yili Academy; in conjunction with QPS and Youth

Justice, the Academy delivers a service to treat and heal cognitive injuries by utilising therapeutic neurological science to repair and heal brain injuries.

- Forensic NDIS Australia, a Brisbane based First Nations (Indigenous) service will coordinate a cognitive assessment for Brady, also supporting his family, and other family members who may require assessments.

- *Meetings will be organised / scheduled with (5) sitting Magistrates identified to support these interventions in Brisbane (Pine Rivers, Brisbane Central, Richlands, Bayside Courts)*

- SUMMARY/Recommendation <1>

- A half-day workshop with Department of Children, Youth Justice and Multi Cultural Affairs to facilitate future continuing modelling/evidence of community-based responses (only summarised here) creating opportunities to incorporate community led interventions. With our First Nations stakeholders identified earlier in this document. With purpose to reduce the high (10%) First Nations children and youth recidivism (high risk) cohorts for Youth Justice.

- SUMMARY/Recommendation <2>

- Department of Children, Youth Justice and Multi Cultural Affairs pay the invoice of \$30,892.06. For costs incurred in post-release care and supervision of Buddy\* from Brisbane Youth Detention Centre and subsequent Pine Rivers Court Order for community care in Buddy's Community Based Order.

