

STRENGTHENING COMMUNITY SAFETY BILL 2023

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Queensland Government
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To the Economics and Governance Committee

Feedback on *Strengthening Community Safety Bill 2023*

1. Introduction

Act for Kids Limited (**Act for Kids**) welcomes the opportunity to submit feedback to the Queensland Government on the *Strengthening Community Safety Bill 2023* (the **Bill**). We are however, frustrated and disappointed at the extremely limited time provided for the public to make written submissions.

This is a significant Bill that impacts multiple pieces of legislation and the human rights of children and young people in Queensland. The Queensland *Human Rights Act 2019* requires Parliament to consider human rights when proposing new laws. The lack of public consultation and apparent focus on a political process rather than on human rights, governance and ethical oversight is extremely disappointing.

Act for Kids is committed to an evidence-based approach to delivering services to vulnerable children, young people and families. We take seriously our community responsibility to provide evidence-informed feedback and information that can assist in the development of good public policy and legislation. We believe it is critical that the voices of children, young people and the organisations which are directly working with at-risk children and youth must be heard by the Queensland Government through the Bill process.

The recent [Australian Government Productivity Commission Report on Government Services 2022](#) highlighted the poor outcomes for young people through the Queensland Government's focus on detention and criminogenic responses to young people. National and International media portray Queensland as a draconian autocratic state that treats child offenders as adults and ignores state, national and international human rights legislation and conventions. Rates of youth crime are reducing, yet we are having conversations in this state about harsher penalties rather than looking at the causes of serious offending. Rather than proposing a *Strengthening Community Safety Bill*, we should be considering a *Strengthening Community Bill*.



Given the lack of time to ensure an evidence-based response or include the voices of young people, this submission is not as detailed as is needed given the wide ranging and potential severity of the proposed changes under the Bill. We have focussed on only one of the amendments, *offence for breach of bail conditions for children*, due to insufficient time to adequately respond to the many proposed amendments.

2. About Act for Kids

Act for Kids is a for-purpose organisation that delivers evidence-led professional therapy and support services to children, young people and families who have experienced or are at risk of harm. Our purpose is to help keep kids safe, heal from trauma, and lead happy lives.

Established in 1988, its dedicated team of psychologists, speech therapists, early education specialists, counsellors, occupational therapists, and family support workers have helped thousands of children and families for over 30 years.

In the 2021 – 2022 financial year, Act for Kids helped 40,434 people, including 23,000 children and young people. Supports provided include protective behaviours education, family and youth support, residential care and intensive therapeutic interventions for children and young people who have suffered neglect, and physical, sexual, and emotional abuse.

3. Act for Kids' feedback on Offence for breach of bail conditions for children

3.1. Due to the core nature of our business being child safety and wellbeing, Act for Kids supports many children and young people who have experienced emotional, physical and/or sexual abuse from a parent or carer and who live in highly dysfunctional families. Young people whose early life has been in these families are often the subject of dual statutory orders and they often have extensive involvement with the criminal justice system.

3.2. Between 2008 and 2013, Act for Kids provided a youth program designed to reduce offending. The approach was a family systems approach based on international evidence-based programs with a high rate of success. This was a government funded trial that was discontinued with a change of political focus to more punitive interventions. The change was made despite an external independent evaluation which found that the program was good value for money, reduced re-offending by half and for those young people who did re-offend, the time to first offence was doubled and the severity of the offence reduced. The Queensland Government did not continue to fund these successful programs, or the Bail Support programs that were delivered by other community organisations. A decade on from these trials it appears little has been learned and the extensive international research has not been considered. Act for Kids feels this Bill has been rushed with little consideration for the potential negative impacts of such laws.

3.3. The proposal to omit paragraph (a) of section 29(2) of the *Bail Act* in order to make it apply equally to children and adults is incompatible with the right of children to protection in their best interests under the Queensland *Human Rights Act 2019* and is strongly opposed by Act for Kids for the following reasons:

3.3.1. Children and young people who offend often have dysfunctional families with high levels of domestic violence, are homeless or transitory and have experienced abuse and trauma. If they are remanded on bail, none of these precipitating factors are addressed in a meaningful way, therefore, it is likely that re-offending occurs.

3.3.2. Bail support programs and successful approaches to reducing recidivism, show that young people who are remanded on bail need extensive supports to ensure they can meet bail conditions. This may include accommodation, food, therapeutic supports, medical treatment for substance misuse and interventions that assist them to take responsibility for their behaviour and make amends to victims.

3.3.3. Making breach of bail an offence will not change the offending behaviour due to these unmet needs. It will fill watch houses and detention centres with young people who are unsafe, homeless and marginalised. Queensland already has the highest rate of detention and over-representation of Aboriginal and Torres Strait Islander young people in detention in the country (Productivity Commission Report 2022). Recent media attention has been on the numbers of children in adult watch houses for extended periods of time. This is unlikely to be improved through this amendment and the time frame for children who are kept on remand will increase.

3.3.4. Young people, particularly those living in highly marginalised, unsafe, violent conditions often welcome a period in detention. When Act for Kids delivered the youth justice support program, many young people told us that they committed crimes before the Christmas period because they wanted to spend Christmas in detention, as that was the only time they had ever experienced Christmas. Therefore, rather than being a deterrent, for some homeless, extremely disadvantaged young people, detention represents safety, a bed, regular meals and people who actually care about their wellbeing.

4. Conclusion

Act for Kids believes the short timeframe for feedback will severely limit public discussion about the Queensland Government's decisions to disregard the human rights impacts for children and young people arising from the proposed amendments to legislation through the *Strengthening Community Safety Bill 2023*. We are fearful of the negative impacts this Bill will have on children and young people if the Queensland Government does not allow for further public consultation.

Act for Kids was a signatory to an Open Letter to the Government, coordinated by PeakCare Queensland and recently published in The Courier Mail. We are committed to the wellbeing of Queensland children and young people and will continue to advocate strongly for their human rights. In the absence of time to prepare a fully evidenced submission, the Open Letter is appended to this submission. Signatories to this letter have grown since publication. A full list can be found on the PeakCare Queensland website [here](#).

If you require further information on the feedback provided by our organisation, please contact Doctor Katrina Lines on [REDACTED]. Otherwise, we will watch, with concern, the progress of this Bill.

Yours sincerely

[REDACTED]

Dr Katrina Lines
Chief Executive Officer
Act for Kids Limited

Consent for submission to be published

We, Act for Kids, consent for our submission to be published under the organisation's name.

Signed on behalf of Act for Kids Limited:

[REDACTED]

Dr Katrina Lines
Chief Executive Officer
Act for Kids Limited

[REDACTED]

[REDACTED]

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Appendix – Open Letter from Community Organisations to the Queensland Government



Text of the open letter to the Queensland Parliament published as an advertorial in the Courier Mail on 28th January 2023

Our open letter to the Queensland Parliament

STOP YOUTH CRIME – GET **SMARTER NOT TOUGHER**

We are organisations and individuals concerned about preventing youth crime, reducing re-offending and achieving community safety. As you deliberate about youth crime, we respectfully urge you to consider the following:

Stop politicising youth crime

Queensland communities deserve evidence-based solutions to youth crime that actually work. They do not deserve political point-scoring about who is the toughest on crime.

A bi-partisan approach based on getting smarter, not tougher, will produce better outcomes for everyone in keeping communities safe.

Take notice of the facts

Queensland already has some of the toughest laws and the highest number of children imprisoned in Australia. Despite decreasing youth crime rates, the number of children held in Queensland detention centres continues to increase.

In 2021-22, with detention centres overflowing, around 470 Queensland children – some as young as 10 – were held in adult watchhouses for periods of up to 14 days. A watchhouse is not a fit place for a child.

Locking children up does not free communities from crime. There is overwhelming evidence that youth detention does not work to deter crime, rehabilitate, or make communities safer. In fact, the experience of being incarcerated *increases* the likelihood of children offending. Almost all children who are imprisoned in youth detention in Queensland reoffend within 12 months of their release.

We can never imprison our way to a safer community, but there is plenty of evidence about how we *can* reduce crime.

Protect our children – more than any other age group, they are the victims of crime

While we are all concerned about children who break the law, please remain aware that children, more than any other age group, constitute the majority of crime victims. Many of the children who find themselves on the wrong side of the law have been the victims of crimes far more serious than any offences they have committed.

Many have grown up learning that adults are not to be trusted. Is it any wonder that they have little respect or trust in authority figures and the justice system? It takes time, persistence and skills to regain the trust of these children.

Let First Nations Leaders lead

The gross over-representation of Aboriginal and Torres Strait Islander children in detention - over 70% - continues to draw shame on the world stage. When First Nations leaders and organisations have been able to design and manage responses to youth crime within their communities, the results have been impressive.

Governments need to get out of the way and let First Nations leaders lead. This means making a genuine commitment to self-determination by First Nations peoples and resourcing of their communities to deliver local responses that they, more than anyone else, know will work best.

Properly resource our teachers and schools

By the time children enter detention, over 50% have not been attending school. It is within the classroom that anti-social behaviours usually begin to emerge. Non-attendance at schools and high rates of suspensions and exclusions are frequent precursors to children's involvement with the youth justice system.

Better resourcing of teachers and schools with the programs and supports they need to keep children engaged in schooling will help stop problems before they start.

Take account of children's disabilities and mental health concerns

Many children in the youth justice system have severe disabilities, including fetal alcohol spectrum disorder. There are no systematic screening or assessment processes in place to identify disabilities of children involved with Queensland's youth justice system, meaning we are currently detaining children with undiagnosed disabilities and providing no appropriate supports when children leave detention – a recipe for reoffending. Failure to consider neurodisabilities and mental health concerns of children encountering the youth justice system means all current solutions are doomed to fail.

Tackle our social problems

Research by the Queensland Family and Child Commission and others has found that most children in detention have experienced violence within their homes, poverty, homelessness or the absence of a safe place to call home, and/or exposure to alcohol and other substance misuse.

We must address these issues by tackling child poverty, collectively ending youth homelessness, addressing the impact of family violence on children, and increasing the number and range of specialised youth mental health services, alcohol and drug treatment services, child protection, family support, early education and mentoring programs.

Ban social media outlets from posting both children's illegal exploits and 'hate messages' from vigilante groups – both are inciting children to commit offences.

Get tougher on the causes of youth crime - it will represent a far better, less costly and more effective investment of taxpayers' dollars in achieving community safety.

Hold children accountable for their behaviours in ways that work

Threats of harsher punishments do not deter children from offending. The incarceration of children is the single biggest predictor of children entering into a lifetime of crime.

Why is it that there has been a significant reduction in the use of restorative justice approaches in recent times? In many instances, restorative justice very effectively brings children and the victims together face-to-face to help children understand and take responsibility for their behaviour and work out the ways they can repair the harm. It is just one example of getting smarter, rather than tougher, in using solutions that work. There are many more.

Divert children under the age of 14 from the criminal justice system

The younger children are when they first have contact with the justice system, the more likely they are to go on to re-offend. Effective responses involve children quickly discovering the consequences of bad behaviour, whilst also providing guidance to not repeat their mistakes. Children, especially very young children, do not understand or benefit from fronting courts and waiting months while the wheels of justice slowly turn. There are much more effective ways of holding children to account in ways that are timely and well-matched to a child's age and stage of development.

Any evidence-based policy to keep the community safe should include significant investment in strategies that work to divert children, especially those younger than 14, from the criminal justice system.

Collectively, we remain firmly committed to working with members of the Queensland Parliament on strategies to reduce youth crime. We are especially committed to working on strategies that are smarter, not tougher, in protecting Queensland communities and keeping them safe.

The figures referred to within this letter have been drawn from the Children's Court of Queensland Annual Report 2021-22.

Please refer to the ['Orange Paper #2 – a ten-point evidence-based plan for investment to address youth offending'](#) first published by the Youth Advocacy Centre in 2020 – it provides a good starting point for getting smarter, not tougher.