

STRENGTHENING COMMUNITY SAFETY BILL 2023

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Policy Submission

STRENGTHENING COMMUNITY SAFETY BILL 2023

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Summary

The Queensland Family and Child Commission (QFCC) is pleased to provide a submission to the Committee on the Strengthening Community Safety Bill 2023.

The QFCC is a statutory body of the Queensland Government. Its purpose is to influence change that improves the safety and wellbeing of Queensland's children and their families. The QFCC's work is underpinned by explicit commitments to Aboriginal and Torres Strait Islander children and their families and advancing the rights of children.

The QFCC shares the community's desire to reduce crime and increase community safety. The QFCC acknowledges the need to address serious recidivist youth offending. We are concerned that the changes to the youth justice system contained in the Strengthening Community Safety Bill 2023 are reactive and have the potential for adverse outcomes.

The time provided to assess and contribute to the Bill has not been sufficient to provide detailed analysis and advice. This submission therefore provides critique of the proposed changes contained in the Bill against nine evidence-based actions that we believe need to occur to provide Queensland with the youth justice system that it deserves.

These nine evidence-based actions are:

- 1) Changes to the youth justice system must be designed and implemented strategically, with clear whole-of-system outcomes and accountability
- 2) There must be greater transparency and reporting across the youth justice system to build community confidence
- 3) Evidence must dictate where youth justice investment and effort is focussed
- 4) Families and communities must be involved in the delivery of youth justice services
- 5) Young people must be held accountable in a timely way, and youth justice processes must avoid delays
- 6) Youth detention centres must be redesigned to be places of rehabilitation
- 7) The over representation of Aboriginal and Torres Strait Islander Children in our youth justice system must be addressed
- 8) We must recognise the developmental and cognitive needs of children and young people
- 9) Young people must be valued, respected, heard and feel that they belong to their community

The QFCC considers that any improvements to the youth justice system should place weight on all four pillars of the *Youth Justice Strategy 2019-2023*; intervene early, keep children out of court, keep children out of custody and reduce reoffending. If the long-term goal of reducing youth crime is to be achieved, efforts and investment should focus on:

- reducing the factors that contribute to a young person committing crime
- specialised services for the young people already in the statutory system who are committing most of the crime – and their families.

1) Changes to the youth justice system must be designed and implemented strategically, with clear whole-of-system outcomes

Creating an effective youth justice system requires us to understand the drivers of offending behaviour, the circumstances that led to offending, and the changes that are necessary in young people's lives to prevent reoffending.

Left unaddressed, significant adversity remains a precursor to youth justice exposure. In 2020–21 10 to 17-year-olds from the lowest socio-economic areas were five times more likely to be under youth justice supervision than those from the highest socio-economic areas. In 2021, a total of 1,642 young offenders were surveyed in the Youth Justice Census. Of these:

- 52 percent were disengaged from education, training or employment
- 51 percent had experienced or been impacted by domestic and family violence
- 45 percent had a least one mental health or behavioural disorder (diagnosed or suspected)
- 32 percent had been living in unstable and/or unsuitable accommodation
- 31 percent had at least one parent who spent time in adult custody
- 15 percent had a disability (assessed or suspected), including 14 percent who had a cognitive or intellectual disability
- 18 percent had an active Child Protection Order.

The best way to keep the entire community safe is to make every effort to prevent and address offending, in a way that addresses the underlying factors. Investing in school reengagement, youth employment programs, mental health services, youth centres, youth housing and parenting support will have a greater impact on youth crime than other investment.

The Strengthening Community Safety Bill 2023 seeks to introduce harsher penalties for repeat offenders and current problematic crimes and to criminalise breach of bail. The Police Minister noted that "There is an acute problem presented by a small cohort of serious repeat offenders who engage in persistent and high-risk offending". The QFCC accepts that there is a systemic failing in the Queensland response to serious repeat offending. The latest Children's Court Annual Report indicates 17 percent of all youth offenders account for 48 percent of all youth crime.¹

However, repeat offenders, by definition, have been involved with the youth justice system, in particular courts and detention centres, yet have continued to offend. The strategy of doing more of the same, without pragmatic and practical shifts in the service delivery to offenders, requires close and thoughtful consideration.

As described in the adjoining Statement of Compatibility, many of the proposed changes are incompatible with human rights and the specific rights afforded to children under the United Nations Convention on the Rights of the Child. The suspension of the *Human Rights Act 2019* (Qld) in the operation of the proposed provisions, removes critical protections from children and young people who, beyond the characterisation of being a serious repeat offender, are some of the most vulnerable children and young people in the state. This compromises not only the rights of these children but the confidence in the protections afforded to all Queenslanders under the *Human Rights Act 2019*.

¹ Childrens Court of Queensland, *Annual Report 2021-22*, <https://documents.parliament.qld.gov.au/tp/2022/5722T2094-21DD.pdf>

In all instances where children are in contact with the youth justice system, the QFCC advocates for fair and proportionate responses that take into account their trauma histories, and the extent of their vulnerabilities. These measures are particularly important for Aboriginal children and Torres Strait Islander children, and children with disability, who are over-represented in youth justice statistics. Policies, programs and practices associated with implementation of these changes must properly consider the needs and vulnerabilities experienced by many children and young people in contact with the youth justice system and promote their rights and safety.

Introducing an offence for breach of bail, will create significant new administrative burden for the police and the courts. A breach of bail occurs when a child reoffends or breaches a bail condition. A breach of bail is a failure of the youth justice system— either the decision of the person that granted bail was wrong, or the intervention provided to the young person and the consequences was not made sufficiently clear in the context of their life.

If this Bill is passed, courts and police should ensure that changes to bail decision making and breaches provide positive guidance to young people and their parents to support them to comply with bail conditions. To avoid the risk of children and young people entering custody due to breaches, bail conditions must be realistic, achievable and not conflict with their rights, such as rights to the protection of children and families and rights of Aboriginal and Torres Strait Islander peoples to identity, culture, language, kin and Country. Implementation of these changes must be supported by investment in accommodation options for children who do not have safe or sustainable housing and community-based programs and supports relevant to their needs. Further work is necessary to ensure families, communities and professionals are supported to help children comply with bail conditions and reduce their risk of entering youth detention this way.

2) There must be greater transparency and reporting across the youth justice system to build community confidence

The youth justice system is complex. It involves multiple portfolios, departments and courts, and this makes it extremely difficult to obtain timely data on the performance of the system. Performance data, such as recidivism rates for programs, requires data linkage across multiple data sources. In the absence of clear performance data, and with increasing community sentiment and social media content, the reporting of youth offending and programmatic responses can be misleading.

The QFCC is proposing to develop a youth justice performance framework that will routinely publish key youth justice performance data, however this requires the cooperation of multiple agencies. In passing this Bill the government should commit to improving the transparency and reporting across the youth justice system. Further, the QFCC considers that these changes should be independently evaluated to determine their effectiveness as a deterrent to serious repeat offending, and to inform future improvements.

3) Evidence must dictate where youth justice investment and effort is focussed

The QFCC has a legislative function to provide advice to government on the laws, policies and practices that apply to children and families. In our 2021–22 annual performance report to government, we outlined clear statistical evidence that:

- 1) The rate of youth offending in Queensland has been steadily decreasing since 2008.
- 2) There has been an increase in the use of diversionary practices in Queensland.
- 3) Over the past 5 years, there has been a decrease in the number and the rate of children and young people subject to: community-based supervision and custody, including unsentenced custody
- 4) Queensland has the second highest rate of youth justice supervision among its children and young people.

- 5) The disproportionate representation of Aboriginal and Torres Strait Islander children and young people in the Queensland youth justice system is ongoing
- 6) Queensland has one of the highest rates of unsentenced detention for children
- 7) Disproportionate representation is highest for younger Aboriginal and Torres Strait Islander defendants.
- 8) Aboriginal and Torres Strait Islander children are less likely to be diverted from the youth justice system.

The statistical evidence for each of the above 8 points are contained in the QFCC annual report which was tabled in Parliament.²

Overall numbers of unique young offenders are declining and the majority of young people who have contact with the youth justice system do not reoffend after the first contact. However, recent events have amplified community concerns about the strength and adequacy of responses to this small cohort of serious repeat young offenders. Initiatives for responding to youth offending must be proportionate, purposeful and rehabilitative and investment should be outcome-oriented and produce measurable impact.

We recognise and appreciate that an investment package of more than \$332 million focussed on prevention, rehabilitation and support measures has been associated with this Bill. To improve our youth justice system we need to make better use of diversionary programs and responses. We understand that this significant additional investment package will ensure that programs to divert children away from crime will continue, building on the work already done over recent years and continuing to reduce the overall number of unique young offenders. We understand that more than \$88 million will be available for grants programs and programs delivered by non-government organisations, and \$66 million will be provided over two years for priority police initiatives including extreme high-visibility patrols, police online and engagement teams with intelligence capability, and a specialist youth crime rapid response squad. We also understand that the intensive case management program and the early action group and co-responder models will each be expanded. We have requested further specific details on each of these funded programs and look forward to receiving this confirmation from Government.

However, the QFCC notes the smaller proposed investment in Aboriginal and Torres Strait Islander programs, with the exception of the \$4 million allocated for the expansion of On-Country programs. To help reduce the over representation of Aboriginal and Torres Strait Islander children involved in the youth justice system, there must be genuine investment in localised, community-led solutions.

In 2022, the QFCC released the *Designing a better response to youth offending in Queensland: Raising the age of criminal responsibility* issues paper, outlining evidence supporting non-criminal responses to reducing offending.³

In 2010, an international review of 29 trials over a 35-year period, showed that criminal justice responses were more likely than diversionary programs to lead to children reoffending. A similar study in 2018 showed police-led diversion to be more effective than traditional justice responses, with a 44 percent reoffending rate compared to 50 percent. A recent study by the UK Police has also showed police diversion has been successful at reducing reoffending among young people, compared to traditional criminal justice processes. Non-criminal responses can be particularly effective with children who may be at higher risk of deeper involvement with justice systems, based on their cultural background. Across Europe, cognitive and behavioural programs for young offenders are more

² The State of Queensland (Queensland Family and Child Commission) 2022, *Annual Report 2021–22*, <https://www.qfcc.qld.gov.au/sites/default/files/2022-09/QFCC%20Annual%20Report%202021-22.pdf>

³ The State of Queensland (Queensland Family and Child Commission) 2022, *Designing a better response to youth offending in Queensland: Raising the age of criminal responsibility—issues paper*, <https://www.qfcc.qld.gov.au/sites/default/files/2022-09/Designing%20a%20better%20response%20to%20youth%20-%20Raising%20the%20age%20of%20criminal%20responsibility%20Issue%20paper%200.pdf>

common than programs based on punishment and deterrence, owing to the evidence that punitive approaches may contribute to reoffending rather than reduce it. These programs are typically mandatory for participants, delivered in community settings by social workers, educators or mental health professionals. By operating on a risk-need-responsivity model, which targets the programs in a way that responds to the needs of the young person, they have led to average reductions in reoffending by 30 percent.

Engagement in education is widely known to have a positive impact on social success. There is a negative correlation between crime and the age at which a person discontinued with education.⁴ Internationally, education is considered a key policy tool in efforts to reduce crime. Equitable access to quality, inclusive and responsive education is a fundamental pillar of an alternative response to children's offending behaviour. We suggest there is a causal link between Queensland's high rates of school disciplinary absences and youth offending that needs to be analysed, and addressed.

Recognising the root cause drivers of youth justice involvement highlights the need for action in our education, housing, health, child safety and justice portfolios and for this reason the QFCC supports the enshrinement of the Multi-Agency Collaborative Panels (MACPs) in legislation in a way similar to the establishment of the Suspected Child Abuse and Neglect system under the *Child Protection Act 1999* (Qld), and encourages a similar approach to be applied to prevent youth justice involvement. The Bill prescribes the MACP system's purpose, membership and the responsibilities of core members. In line with our key actions 2 and 3 listed above, the QFCC is considering a systemic review to substantiate the impact of the MACPs in 2024.

4) Families and communities must be involved in the delivery of youth justice services

The youth justice system is designed to uphold and protect community safety by responding to the behaviours in young people that are anti-social and criminal. The youth justice system spans from early intervention to detention. The *Youth Justice Act 1992* (Qld) recognises the importance of the provision of services designed to rehabilitate and reintegrate children and young people who commit offences. Young people exposed to the youth justice system are too often treated as individuals, while significant family adversity remains a precursor to youth justice exposure. In our work, we consider that families exposed to the youth justice system are critical to the success of changing the young persons behaviour.

The youth justice system must be more inclusive of the parents and families of young people. Youth justice programs must bring specific focus to parental responsibility and capacity, police and court decision making should include consideration of the home situations of young people to make effective decisions. Detention centres must be inclusive and engaging places for parents and families to interact with young people in a way that assists rehabilitation.

The QFCC supports extending community-controlled programs and the involvement of Elders and cultural authority in youth justice programs. We must capitalise on the opportunities presented within reforms such as Closing the Gap under the justice policy partnership to progress shared or delegated decision making regarding policy development, program design and delivery and shared accountability for the development and performance of local responses to localised issues.

⁴ Machin S, Marie O and Vujic S 2011, 'The Crime Reducing Effect of Education', *The Economic Journal*, vol. 121, pp.463-84.

This will help to guarantee that children are provided with responses that support their pathway out of offending behaviour – via strengthened family, health, education and employment outcomes. Children, families and communities will benefit from a renewed approach to reducing harmful behaviour that has better long-term success at delivering community safety.

5) Young people must be held accountable in a timely way, and youth justice processes must avoid delays

We see significant merit in the fast-track sentencing pilot. This response will reduce the time a child is held on remand and increase the time they serve their sentence—delivering earlier access to the rehabilitative support and treatment they need.

However, the proposed changes to bail and sentencing will increase demand across the youth justice system, including demand for legal representation, police administration, bail support services, watchhouses and detention.

Without additional resources, and a new approach, the creation of a new charge for breach of bail will dramatically increase judicial timeframes, police and court paperwork, hearing times, time spent in watchhouses and delay the penalties of a young person's behaviour.

The resulting increased demand will exacerbate existing challenges experienced across the human services sector (including detention centres) caused by workforce and skills shortages. The Child Death Review Board (hosted by the QFCC), recently made a recommendation to the Queensland Government to change the human services workforce to ensure it can meet the needs of children and families.⁵

The QFCC is concerned that capacity and workforce challenges within detention centres has the unintended consequence of over-reliance on watchhouses. A watchhouse is not an appropriate place to house a child, and they should not be used as an accommodation placement option. The QFCC has initiated a systemic review of the drivers that cause children to enter and remain in Queensland watchhouses. As this review progresses, the QFCC will continue to monitor the influence of youth justice these changes on use of watchhouses.

6) Youth detention centres must be redesigned to be places of rehabilitation

Detention by itself is not a solution. On an average night in 2020–21, there were 228.2 children in detention centres in Queensland, more than any other state or territory in Australia. During that financial year, 64 percent of these were Aboriginal and/or Torres Strait Islander children.⁶ When a young person is apprehended after offending, they must be taken to a safe place where they are provided with immediate ongoing intensive, rehabilitative support that addresses the causes of the offending.

Research cited in the QFCC's *Designing a better response to youth offending in Queensland: Raising the age of criminal responsibility* highlights the ongoing risk of offending for children exiting youth detention when the underlying causes of their behaviours are unaddressed.

⁵ The State of Queensland 2022 (Queensland Child Death Review Board), *Child Death Review Board Annual Report 2021–22*, <https://documents.parliament.qld.gov.au/tp/2022/5722T2070-47A3.PDF>

⁶ The State of Queensland 2022 (Queensland Family and Child Commission) 2022, *Designing a better response to youth offending in Queensland: Raising the age of criminal responsibility—issues paper*,

Around two-thirds of young people who contact the youth justice system change their behaviour and do not return. These low-frequency contacts are more regularly dealt with earlier in the justice system using cautions, diversions, and restorative justice conferencing. For the remaining one-third of children, and for most of whom experience detention, our existing system of criminal penalties does not lead to a reduction in crime.⁷ Recent Queensland statistical reports suggest that 80 to 90 percent of children who exit detention reoffend within 12 months. For too many children, an experience with the youth justice system increases the likelihood of reoffending throughout adolescence and into adulthood. For these children we have designed and continue to operate a system that is achieving the opposite of its intent.

Periods of detention in early adolescence are linked to lower educational attainment and increases the likelihood of contact with the adult criminal justice system.⁸ A body of research has emerged showing that following time in detention, young people have difficulty finding housing and employment, participating in social groups, and maintaining interpersonal and family relationships. A recent Australian study showed a majority of young offenders in detention, particularly from Aboriginal and Torres Strait Islander backgrounds, have come to identify crime as their 'way of life', leading to further involvement with the criminal justice system.⁹

The Royal Commission into the Detention and Protection of Children in the Northern Territory produced evidence showing children left detention more, not less, likely to commit crime. Youth detention centres, in their current design and operation, have proven to be ineffective in addressing the root cause of offending, evidenced by the high rates of repeat offending. Youth detention centres are highly expensive to operate and maintain, and persistent workforce pressures can contribute to sub-optimal outcomes for children. However, should the decision be made to progress with building new facilities, the QFCC seeks to contribute to the development or review of the design principles and standards that will apply to the new Queensland facilities.

The QFCC advocates for a youth justice response that effectively rehabilitates children who offend and maintains community safety. These goals are not mutually exclusive nor in competition. Children who are a risk to community safety need to be taken to a safe place where they can receive a response that effectively addresses the root cause of their offending and adequately prepares them for a sustainable transition back to school, family and community.

Other Australian jurisdictions have developed and implemented clear models of care that underpin the treatment provided to a young person to support their effective rehabilitation, while maintaining community safety and confidence in the system. We recommend Queensland develop a similar model, for application to all existing and future youth justice facilities. In line with successes observed elsewhere, key features of a model for Queensland could include:

- articulating a clear youth justice philosophy with principles that directly shape the organisational design and service model features, including infrastructure design
- clearly placing detention within a broader continuum of youth justice service delivery, with an emphasis on family-focussed intervention and through care, where services do not cease or pass to another

⁷ The State of Queensland 2022 (Queensland Family and Child Commission) 2022, *Designing a better response to youth offending in Queensland: Raising the age of criminal responsibility—issues paper*,

⁸ Aizer A and Doyle JJ 2013, 'Juvenile incarceration, human capital and future crime: evidence from randomly-assigned judges', *National Bureau of Economic Research, Working Paper 19102*, <http://www.nber.org/papers/w19102>

⁹ Payne JL and Roffey N 2020, 'Youth crime as a "way of life"? Prevalence and criminal career correlates among a sample of juvenile detainees in Australia', *Journal of Criminology*, vol. 53, no. 4, pp. 460-476.

organisation when a detention order ends, and where a child's family and peer group is treated as highly relevant to their behaviour

- establishing clear and measurable service standards, particularly around the standard day for detainees linked to a published evaluation and monitoring framework that provides transparency and accountability to all parties involved in the operation of youth detention centres
- placing a strong and dedicated emphasis on the people that operate within the facilities (their skills, capabilities and motivations, including explicit 'personal attributes' as a standard for all staffing decisions) and a cross-disciplinary approach recognising the numerous skill sets and capabilities that are required to work with young people in pro-social ways
- developing clear expectations on detention centres to have partnerships that make them part of the community service delivery landscape (enabling young people to maintain contact with support services that are best placed to ensure and maintain long-term behaviour change)
- generating an understanding of the importance of relational and procedural security, as well as positive behaviour support, in the context of physical and dynamic security
- place strong emphasis on the importance of children being connected to opportunity and connected to culture, family and community while in the facility
- anchoring the principles of the system in actions that are measurable and directly linked to service model features and service standards.

The QFCC is well positioned to lead the development of best-practice advice on this model for Government consideration.

7) The over representation of Aboriginal and Torres Strait Islander Children in our youth justice system must be addressed

Changes to the youth justice system is particularly important for Aboriginal and Torres Strait Islander children. Aboriginal and Torres Strait Islander children are significantly over-represented at all points in the justice system—the younger the child, the greater the over representation. Despite comprising around only 8 percent of all children aged 10-17 years in Queensland, in 2020–21, Aboriginal and Torres Strait Islander children accounted for 46 percent of all child defendants who had a charge finalised in a Queensland court.¹⁰ Aboriginal and Torres Strait Islander child defendants in the younger ages are substantially over-represented. In 2020-21, 87 percent of 10-year-olds, 85 percent of 11-year-olds, 76 percent of 12-year-olds and 60 percent of 13-year-old defendants were Aboriginal and Torres Strait Islander.¹¹

Queensland is a party to the National Agreement to Closing the Gap, which includes a target to reduce the rate of Aboriginal and Torres Strait Islander young people in detention by at least 30 percent by 2031. As of 2020–21, Queensland was on track to achieving this target.¹² The changes introduced through the Bill are incongruent with existing commitments and may compromise the ability to achieve this target. Further consideration and work may

¹⁰ Childrens Court of Queensland 2021, *Annual Report 2020–21*, <https://documents.parliament.qld.gov.au/tableoffice/tabledpapers/2021/5721T2116.pdf>

¹¹ Childrens Court of Queensland 2021, *Annual Report 2020–21*, <https://documents.parliament.qld.gov.au/tableoffice/tabledpapers/2021/5721T2116.pdf>

¹² Queensland Government 2022, *Queensland Closing the Gap Annual Report 2022*, <https://www.dsdsatsip.qld.gov.au/resources/dsdsatsip/work/atsip/reform-tracks-treaty/closing-gap/ctg-annual-report-2022.pdf>

be necessary to ensure that Queensland remains committed to and capable of reducing the over representation of Aboriginal and Torres Strait Islander children and young people in detention.

In 2018, an evaluation of restorative justice in Queensland found Aboriginal and Torres Strait Islander children were more likely than other young people to receive court-based referrals at later stages of the criminal justice process, including court diversion referrals (33% versus 24%) and sentence-based restorative justice orders. Of children who spent time in detention, Aboriginal and Torres Strait Islander children spent more time in detention than their non-indigenous children.¹³

The QFCC's *Changing the Sentence* report identifies a lack of specialist support services in remote communities, intergenerational trauma and conscious or unconscious implicit bias of government and non-government employees against the Aboriginal and Torres Strait Islander peoples as contributing factors to their documented over representation.¹⁴

Solutions to address disproportionate detention rates cannot be isolated to the youth justice system. Community-designed and led practices and diversionary supports should be properly considered in implementing this Bill to avoid disproportionately incarcerating Aboriginal and Torres Strait Islander children.

Experiences of Aboriginal and Torres Strait Islander children and young people

Over a six-month period, the QFCC spoke with more than 100 children and young people aged between 8 and 25 who were at risk of coming into contact with the youth justice system or had current or past experience, with the majority identifying as First Nations. Children and young people spoke about their experiences in the child protection system, periods of detention, and their interactions with court processes and police, and described how these experiences affected their wellbeing and their likelihood to reoffend. Aboriginal and Torres Strait Islander children and young people described disconnection from kin, community, and culture; disengagement from education during and after detention; and experiences of discrimination as key drivers of youth crime and the greatest inhibitors of their wellbeing.¹⁵

8) We must recognise the developmental and cognitive needs of children and young people

The Police Minister noted that the breach of bail offence "currently works" for adults and would be extended to kids. The QFCC considers that the youth justice systems should be designed with the distinct developmental characteristics of young people front and centre.

¹³ Department of Child Safety, Youth and Women 2018, *Restorative Justice Project 12-Month Program Evaluation*, <https://www.cyjma.qld.gov.au/resources/dcsyw/about-us/performance-evaluation/program-eval/restorative-justice-evaluation-report.pdf>

¹⁴ The State of Queensland (Queensland Family and Child Commission) 2021, *Changing the sentence: Overseeing Queensland's youth justice reforms*, <https://www.qfcc.qld.gov.au/sites/default/files/2022-06/QFCC%20Changing%20the%20Sentence%20lo%20res%20spreads.pdf>

¹⁵ The State of Queensland (Queensland Family and Child Commission) 2022, *Yarning for change: Listen to my voice—Conversations with Aboriginal and Torres Strait Islander peoples*, <https://www.qfcc.qld.gov.au/sites/default/files/2022-11/Yarning%20for%20Change.pdf>

The current justice system, from arrest to detention, seeks to rehabilitate young offenders and promote community safety. For some children, the threat of criminal penalties can serve as a precaution and encourage children to change their behaviour. However, this is often not at the forefront of a young mind when offending.

The ability to plan and foresee the consequences of one's actions is vastly less developed in a 10-year-old than an adult. A review of neuro-imaging research from children and young people at different ages indicates that the frontal lobes—the part of the brain responsible for cognitive functions such as impulse control, future planning, empathy and social interactions— is not fully developed until around 25 years of age. The underdevelopment of the frontal lobes can have notable effects on adolescent behaviours. It is not unusual for adolescents to experience:

- difficulty holding back or controlling emotions
- a preference for physical activity
- a preference for high excitement and low effort activities (video games, sex, drugs)
- poor planning and judgement (rarely thinking of negative consequences)
- more risky, impulsive behaviours, including experimenting with drugs and alcohol.¹⁶

Further, children and young people in youth detention have a very different neurodevelopmental and mental health profile compared to others who are not in custody. A multidisciplinary assessment of 99 children in youth detention in Western Australia's youth detention centre found 89 percent had at least one severe neurodevelopmental or mental health disorder.¹⁷ These disorders included Fetal Alcohol Spectrum Disorder (FASD), intellectual disability, Attention Deficit Hyperactivity Disorder (ADHD), trauma/attachment disorders, depression, anxiety, learning difficulties, and speech and language disorders.

Research shows alternatives to criminal penalties, such as programs aimed to address the causes of children's behaviour, can lead to significantly better outcomes for children, and reduced offending in their communities. While criminal penalties may help some children to overcome offending, for many children exposure to the criminal justice system is linked to ongoing offending and poor outcomes in health and education.

9) Young people must be valued, respected, heard and feel that they belong to their community

Ultimately Queensland youth make wonderful, positive and beneficial contributions to their society. Young people who feel good, do good, and a community that demonises and isolates young people will find that addressing anti-social behaviour becomes increasingly difficult. Queensland's investment in youth services, and pro-social youth engagement is fundamental to our future.

In the specific context of youth justice, we must teach and show young people how they form part of, and have responsibility to contribute to, a positive, vibrant and safe Queensland community. Their views must be incorporated into developing solutions for improving the youth justice system.

¹⁶ The State of Queensland 2022 (Queensland Family and Child Commission) 2022, *Designing a better response to youth offending in Queensland: Raising the age of criminal responsibility—issues paper*

¹⁷ Bower C, Watkins RE, Mutch RC, et al, 2018, Fetal alcohol spectrum disorder and youth justice: a prevalence study among young people sentenced to detention in Western Australia, *BMJ Open* 2018, <http://bmjopen.bmj.com/content/8/2/e019605>