

STRENGTHENING COMMUNITY SAFETY BILL 2023

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Submitted by: Voice of Victims - Toowoomba Advocacy
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Dear Committee Secretariat,

On behalf of the Voice of Victims, I'd like to personally thank you for allowing us to make the following submission for the Strengthening Community Safety Bill 2023.

Our group, Voice of Victims: Toowoomba Advocacy Group, was formed on the 10th of January, 2023 by several deeply concerned and highly motivated community members following a period of alarming increased crime in our region. We each bring a level of personal experience after being negatively impacted by youth crime and now living with the ongoing trauma and other associated consequences.

Our main objective in establishing Voice of Victims is to advocate for Victims' rights and to achieve a safer community, where our residents are no longer living in fear.

We are a non-partisan group. We simply seek a solution, and we welcome this opportunity to contribute to this hearing.

To address some of the many complex issues, we would like to put forth the following points for your consideration toward the Strengthening Community Safety Bill 2023, which we believe would support better outcomes for victims and promote a safer and more inclusive community.

1. Victim Support

Our group would like to see clear and measurable provision for victim support in the Strengthening Community Safety Bill 2023.

Victim Information Sheet

A suggestion was recently posed by a member from Voice of Victims, Toowoomba Advocacy Group that an Information Sheet should be provided to every victim at the time of reporting their crime, to assist with addressing initial safety risks or concerns, while awaiting forensic examination or feedback on their case.

A Victim Information Sheet, which would ideally, be easily accessible in print and electronic format, has already been taken on board for consideration by the Queensland Police Service, per discussion with the Commissioner for the Queensland Police Service at our recent Community Safety Form. We believe the Government should provide an additional information sheet detailing the support services on offer to victims of youth crime & outlining the framework, similar to pamphlets that are currently available to victims of violent and sexual crime.

Counselling and Psychological Support

We propose that additional counselling and financial compensation be committed by our Queensland Government to assist future victims of all crime with their recovery. Victims of Crime Queensland, currently offer support and limited financial support to victims of violent and sexual crime. We would like to see this support extended, but not limited to include and acknowledge the impact “aggravating” factors have toward intensifying trauma and psychological injuries suffered by victims. Where a victim has sustained further financial loss, from unlawful and wilful damage by a young offender, who have their innocence and rights protected by the Youth Justice Act, including nil restitution can be sought, our Government needs to advocate better alternatives for these victims and address the financial toll recidivist offending has taken on our whole community (including Insurance Premiums rising or no longer offering particular coverage, due to high risk). Some victims have been deprived of their regular income or revenue whilst taking days off from work as direct result of crime. Some of these victims are now suffering psychological and financial hardship with returning to work or normality proving difficult given the traumatic experiences they have encountered

Currently under the Youth Justice Act, unlawful entry/house break/home invasion and robbery with “aggravating” features, not including actual or threatened violence, are deemed as non-violent offences and are unable to proceed with consideration for support from the Victims of Crime in Queensland, based on traumatic injury alone. Our group would like this changed to acknowledge the violent impact of these aggravating features, such as the carrying of machetes when entering homes unlawfully.

Recognition of the Financial Impact on Victims

There are many victims, who have suffered financial loss, even where their vehicle or home and contents are comprehensively covered by insurance. It is not unusual for a victim to wait in excess of 6 months for the recovery, repair or replacement of property that has been unlawfully possessed or received through the commission from the primary offending (ie. house break/theft motor vehicles/tools of the trade etc). Government should acknowledge the financial impact of theft on individuals and businesses and should intervene with the insurance council to expedite claims to minimise further inconvenience and expedite recovery for victims.

Discounts, Rebates or Tax Concessions for Victims

Victims are maintaining loan repayments and paying hire costs while awaiting repairs or replacement after theft of their vehicle. The current wait time for repairs is reported at 4-6 months, some vehicles are being returned for additional repairs after this time. Where an excess is paid by a victim and insurance payouts are received, they do not adequately cover replacement costs.

We would like to request that the government offer an incentive to victims in the form of a Rebate, Concession or Tax Exemption when replacing, repairing goods, or paying hire costs. Where total cost of a replacement vehicle \$56,650. Both the Federal and State Governments receive revenue of approximately \$6,650 from the replacement vehicle cost.

Communication

Victims deserve better communication. Victims don't like Police Link.

The State needs to mandate a feedback loop and support that by providing adequate police resources. Victims need to be appraised of the progress of investigations and of their rights in the justice process, in a sensitive and timely way. We are talking about the lives and livelihood of community members and often very personal possessions of immense sentimental value, and to hear absolutely nothing completely undermines victims' confidence in policing and justice.

Community members want clearer information about how they can legally defend themselves, their person, family and property when under threat. They deserve more clarity and provisions in our legislative framework.

2. Stronger Legislation

Our justice system exists to keep our community safe. Our legislation must reflect this.

On Monday, the Queensland Human Rights Commissioner, spoke during this public hearing, about upholding the rights of children, in this case youth offenders

Our group would like to pose the following questions in response.

What about upholding the human rights of all the innocent members of the community right now who are living in fear of becoming the next victim to these violent youth offenders. What about the rights of Emma Lovell, and her family, or the rights of Robert Brown? Or the children from the family in Toowoomba, who are now deeply traumatised, after believing that the intruders in their home were shouting to their parents, 'Give me your kids!'.

We acknowledge that as a society we must uphold the rights of children-however, when a young person-or any person- commits a crime, there should be consequences, and they should forfeit some of their rights to live freely in our civil society.

Targeting Recidivism

The approach our Government has taken with the Strengthening Community Safety Bill 2023, acknowledges the severity and traumatic impact offending accompanied by "aggravating" factors has on victims (at night, in company, with weapon or threat of weapon, face covered, to cause fear). Where charges have

been upgraded to include any of these aggravating factors, Judges or Magistrates need to give consideration toward the impact any subsequent offending by the same young person would have on the community, especially, if no conviction is recorded or the offender is prescribed conditions for bail release. Our Government's attempt to apply stronger legislation, should adequately support a Judge or Magistrate when granting bail conditions. The bail conditions should serve as an actual consequence to prevent further criminal offending. Serious repeat offenders and charges of a violent/sexual nature (per Clause 21, Section 150A), must have convictions recorded and carry those convictions through to adulthood, in order for this legislation to serve to protect members of the community and provide appropriate punitive measure.

Additionally, no recidivist criminal should be entitled to a closed court. Youth Justice Conferencing has previously allowed for young offenders to be in the same room with a victim for the purpose of restorative justice. With consent of the victim, inclusion of both an offender and victim, needs to be applied to hearings in the Children's Court of Queensland. Our group believes that Juvenile offenders should front court in person and not via video link or merely be represented by a defence lawyer. They need to experience the authority of the court and understand the consequences of their actions.

A Transparent Youth Justice System

Our group believes that the Strengthening Community Safety Bill 2023 needs to build a legal framework for victim inclusion in the youth justice system. This framework needs to be made public knowledge.

As highlighted in the Youth Justice Strategy 2019 – 2023, Youth Justice Conferencing has been a strategy previously engaged and touted by our Government as a success to increase risk of young people's participation in the justice process and prevent further reoffending. These processes allow for young offenders to be in the same room with a victim for the purpose of restorative justice. Where requested by a victim, there needs to be this same inclusion for both parties to be present at the Children's Court of Queensland. Where recidivist and violent offenders are concerned, they should not be entitled to a closed court. For cases where offenders do not have a criminal history, and the judge/magistrate deems it appropriate, the judge/magistrate may interview the victim/s prior to trial and take any submissions (impact statements) from the victim/s at that point. Following the trial, the magistrate/judge must interview the victim/s again to explain what has happened in trial and in terms of sentencing, and the reasons behind his/her decision. Where an offender has a history, they should forfeit all right to privacy.

Social Media

Our group calls for the legislation to be made to stop criminals posting and sharing their criminal behaviour online.

Filming of victims in their homes while they sleep and should be flagged by an algorithm on social media and any accounts displaying criminal activity should be restricted.

Offender Support

Drug Detox and Rehabilitation Services

Our group supports the proposal to extend cautionary practices and powers to the Queensland Police Service via Police Drug Diversion Programs (PDDP), when advocating any early intervention strategies for substance abuse or misuse in minors, both our Government and the community must focus on upholding “a duty of care”.

Particularly, legislation that focuses on the best interest of every child or adolescent covered under the Act, as they are not yet in a legal position to act on their own volition or have ability to make sound and rational judgements, especially when under the influence or affected by substance abuse or misuse.

Any amendment by our Queensland Government to the Youth Justice Act 1992, especially in terms of Strengthening Community Safety Bill 2023 around decriminalising drug and other substance abuse in minors, needs to commit focus on providing immediate support, injunctions or interventions.

Safe and Supported: the National Framework for protecting Australia’s Children 2021 – 2031, highlights that protecting Australia’s children is everyone’s business. The Youth Justice Strategy 2019 – 2023 presented statistics from Queensland in 2018 where 33% of young people who had entered detention facilities, were known to have used ice or other amphetamines. These statistics should guide the Queensland Government’s regulation of substance abuse, misuse and addiction in children or adolescents under the age of 18 years.

By the time these children reach a detention facility, they are not only an imminent risk to themselves, any escalation in drug use and/or offending, affects our whole community. There is also a necessity for early intervention detox strategies to be addressed prior to any young person ending up in a detention facility. As highlighted by the Youth Justice Strategy 2019 – 2023, it was a priority for our Queensland Government to facilitate funding of further resources to reduce drug use and misuse, that do not act necessarily to serve as punishment for young people, however provide for practical, therapeutic and wellness-driven solutions.

The alternatives that need to be considered toward the Strengthening Community Safety Bill 2023 and proposing future Youth Justice strategies for 2023, is whether drug diversion and inpatient detox programs for youth need to be via mandate or Court Imposed Order.

Our Government needs to remain focused on acting via legislative means, where practicable, to keep all young people safe from harm's way, at all times and where this is not a realistic goal, have safeguards in place that can provide notifications for immediate interventionist and rehabilitation support to that child and target harm minimisation strategies.

Intervention and rehabilitation strategies need to include, but not be limited to, inpatient detox from substance abuse and misuse, access to mental health services, clinical diagnosis and pharmacological treatment, individual and family counselling, as well as addressing maladaptive and anti-social behaviours by nurturing these children and their future development with psychosocial, interpersonal, educational, basic life and trade skills.

After a young person leaves any inpatient wellness facility or detention, continuity of care must be maintained, in terms of extending psychological and clinical support. Telehealth Services may be best engaged to support this model, as they assist to overcome barriers with attendance/or relying on family members for transport.

Programs that cater to inpatient or in-home care of complex needs, therapeutic and wellness-driven solutions for the purpose of detoxification and drug rehabilitation of children and adolescents, are currently lacking in our Toowoomba region. There was an example of a trial with an out-of-home care residential facility in Brisbane that catered to providing intensive support for youth, in Queensland Health's Action of Ice plan 2018, where \$6.3 million was being invested over 3 years to address mental health and substance use. With the safety and wellbeing of all young people in mind, we need to see an extension of these initiatives and multi-agency engagement by Youth Justice, Child Safety and Queensland Health, to see much needed detox and wellness support offered across our state.

It would also be in the best interest of our Government to consider proposals, structure and resources already engaged by Queensland Health. An effective example of resources and structure may be cited by the Toowoomba Base Hospital's "Yunnanda Unit", which is a purpose built, 8 bed, inpatient facility, that caters to providing mental health and therapeutic intervention services to children and adolescents. Queensland Health have also addressed issues relating to staff shortages and retention of fully qualified workers, by engaging NG2s, or 3rd year Nursing students. This practice could also be utilised to address skill shortages for providing inpatient or residential care services catering to young people with drug dependency, mental health and other complex issues, by engaging 3rd or 4th year Social Work and Psychology students. Additional positive benefits would be that these staff receive on the job training and field experience.

Multi-Agency Approach

Research shows disengaged youth greatly benefit from ongoing multi-agency support.

Our group supports the adoption of a multi-agency approach, to support a complete assessment of any young person who is deemed at risk of reoffending or has previously been diagnosed with a disruptive behaviour disorder. We support safe houses, smaller and “in community” detention facilities and community intervention strategies to promote and facilitate re-engagement. If children are suspended, our schools need to have a place that a suspended child can go, on-site. This may mean having a guidance counsellor or truancy officer running alternative programs or requesting assistance from Youth Justice or the Queensland Police Service, instead of the child being sent to home detention, where the detention may not be managed effectively.

Once again, we would like to thank our Honourable Premier, Annastacia Palaszczuk MP, for her apology to victims, meeting our group and allowing us to make this submission. We look forward to the outcome of report on March 10.

Kind Regards,

**Founding Members for the Voices of Victims, Toowoomba
Advocacy Group**

