

Making Queensland Safer Bill 2024

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Making Queensland Safer Bill 2024

PeakCare's Submission to the
Justice, Integrity and Community
Safety Committee

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CONTENTS

INTRODUCTION	3
ABOUT PEAKCARE	4
PEAKCARE’S SUBMISSION.....	4
Reconsider adult time for adult crime	4
Detention as a last resort must be retained	9
Balance the needs of victims and children in the justice system	13
Do not allow stakeholders greater access to children’s courts	14
CONCLUSION.....	15

INTRODUCTION

PeakCare Queensland Incorporated (PeakCare) welcomes the opportunity to provide this submission to the Justice, Integrity and Community Safety Committee about the Making Queensland Safer Bill 2024. Due to the intersection between the child protection system and youth justice system, with common drivers resulting in over-use of both tertiary systems, youth justice is an issue of importance to PeakCare's members.

In the past 12 months, PeakCare has provided the following submissions on matters relating to children involved in the criminal justice system in Queensland: ¹

- Submission to Legal Affairs and Safety Committee in response to the Criminal Code (Serious Vilification and Hate Crimes) and Other Legislation Amendment Bill 2023
- Submissions to Youth Justice Reform Select Committee November 2023 and January 2024
- Submission in response to the Discussion Paper for A Safer Queensland: Youth Justice Strategy
- Submission to the Department of Youth Justice Draft Youth Justice Strategy June 2024
- Response to the report from the disbanded Youth Justice Reform Select Committee 2024
- Response to the Better Justice Together Queensland's Aboriginal and Torres Strait Islander Justice Strategy 2024-2031
- Response to Broadening the focus: Queensland's strategy to strengthen responses to people who use domestic and family violence 2024-28
- Submission to the Community Safety and Legal Affairs Committee Queensland Community Safety Bill 2024
- Submission to the State Development and Regional Industries Committee Summary Offences (Prevention of Knife Crime) and Other Legislation Amendment Bill 2023
- Response to the Office of the Public Guardian Independent Inspectorate's Cleveland Youth Detention Centre Inspection Report 2024 IDS CYDC Inspection report 2024 - Focus on separation
- Submission to the Legal and Constitutional Affairs References Committee on Australia's Child Justice and Incarceration System.

PeakCare has spoken directly to children in Queensland's youth detention centres about the provisions proposed in this Bill and other submissions. With their permission to use quotes and stories throughout this submission, we believe children's voices are critical to guiding any changes to the legislative framework guiding Queensland's youth justice and incarceration system.

PeakCare is committed to continuing to work with government to walk alongside them in delivering focused early interventions and preventions that address the root causes of crime. Evidence clearly shows detention in Queensland is failing and there needs to be a strong commitment to doing detention differently if we are to expect different outcomes for young people and communities.

¹ [PeakCare Submissions - PeakCare](#)

ABOUT PEAKCARE

PeakCare is a not-for-profit peak body for child and family services in Queensland, providing an independent voice representing and promoting matters of interest to the non-government sector. Across Queensland, PeakCare has almost 100 member organisations including small, medium and large, local, state-wide and national non-government organisations which provide prevention and early intervention, generic, targeted, and intensive family support to children, young people, families, and communities. Member organisations also provide child protection services, foster care, kinship care and residential care for children and young people who are at risk of entry to, or who are in the statutory child protection system and youth justice systems.

A large network of associate members and supporters also subscribe to PeakCare. This includes individuals with an interest in child protection, youth justice and related services, and who are supportive of PeakCare's policy platform around the rights and entitlements of children, young people and their families to safety, wellbeing and equitable access to life opportunities.

PEAKCARE'S SUBMISSION

Reconsider adult time for adult crime

PeakCare is concerned about the proposed legislative amendments that would impose longer sentences on children. These changes could have significant negative implications for long-term community safety and risk further breaches of human rights legislation.

Longer sentences do not deter young people from crime, instead they make the community less safe over time

Effective youth justice strategies must be grounded in evidence, not punitive measures that have consistently shown to be ineffective in addressing the causes of youth offending. Research clearly indicates the threat of tougher punishments and punitive approaches does not deter young people from criminal activities. Longer sentences often result in higher recidivism rates as young people are placed in environments that may reinforce and further encourage criminal behaviour, leading to institutionalisation and further detachment from positive social networks.^{2,3} There is also a lack of evidence to support the efficacy of mandatory minimum sentencing in deterring or reducing youth crime.⁴

The 'tough on crime' narrative, which underpins the Bill, is driven by fear rather than substantiated data and phrases such as 'youth crime crisis' and 'surging numbers' of youth crime is not supported by current statistics.⁵ Tough on crime approaches may have a negative impact on the self-esteem and

² <https://humanimpact.org/hipprojects/juvenile-injustice-charging-youth-as-adults-is-ineffective-biased-and-harmful/>

³ <https://nij.ojp.gov/topics/articles/five-things-about-deterrence>

⁴ <https://www.alrc.gov.au/publication/pathways-to-justice-inquiry-into-the-incarceration-rate-of-aboriginal-and-torres-strait-islander-peoples-alrc-report-133/8-mandatory-sentencing/impact-of-mandatory-sentencing/>

⁵ <https://www.abc.net.au/news/2023-09-30/queensland-youth-crime-long-term-data-downward-abs-police/102917994>

community connection of young people, which are essential for successful rehabilitation and reintegration.⁶ In direct contrast, evidence-based strategies that focus on building positive identities and supporting a sense of belonging and connectedness have been proven to be more effective in addressing the root causes of youth offending.⁷

Youth incarceration across Australia has long-term negative effects on children, their families and the community. Research shows that incarceration disrupts the development of cognitive, social, and emotional skills in children, limiting their future opportunities.⁸ Children in detention are at increased risk of reoffending, leading to entrenched criminal behaviour that often perpetuates cycles of disadvantage. We also know there are significant health and psychological consequences, such as higher rates of mental health issues, substance abuse, and self-harm among incarcerated children.

Queensland faces some of the toughest youth detention conditions in Australia. Despite a decline in youth crime rates, detention rates continue to rise. In 2021–22, approximately 470 children, some as young as 10, were held in adult watchhouses for up to 14 days. On 8 October 2024, 29 young people were in watchhouses across Queensland with the longest period being 12 continuous days.⁹ These conditions are unsuitable for children, and there is overwhelming evidence that detention increases the likelihood of reoffending.

Alarming, more than 90 per cent of children released from detention in Queensland reoffend within 12 months.¹⁰ These figures demonstrate that current approaches to youth detention is not enhancing community safety. Instead, the reliance on incarceration risks exacerbating these trends, creating an expensive and ineffective cycle that fails to address the root causes of youth crime.

PeakCare urges the Government to adopt evidence based strategies that prioritise prevention, rehabilitation and community reintegration to strengthen children’s identities and connections, resulting in safer communities. While the intent of the Bill is to enhance public safety, the proposed punitive measures will not achieve this goal. PeakCare recommends implementing evidence based, rehabilitative approaches to effectively address youth crime and create a safer community for all.

Adult sentences will further breach human rights legislation

Children have the right to special protections under international human rights standards, reflecting their vulnerability to exploitation and abuse. The United Nations Convention on the Rights of the Child (UNCRC) emphasises that in all actions concerning children, the best interests of the child must be a primary consideration. Article 37 specifically requires State Parties to ensure that:

(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age

⁶ <https://www.tandfonline.com/doi/full/10.1080/10304312.2024.2313565#d1e204>

⁷ <https://www.aic.gov.au/sites/default/files/2020-05/what-works-in-reducing-young-peoples-involvement-in-crime.pdf>

⁸ [Locking up kids has serious mental health impacts and contributes to further reoffending \(uwa.edu.au\)](https://www.uwa.edu.au/news/locking-up-kids-has-serious-mental-health-impacts-and-contributes-to-further-reoffending)

⁹ [Watch-house data | QPS \(police.qld.gov.au\)](https://www.police.qld.gov.au/news/watch-house-data)

¹⁰ Queensland Parliament (2022). Question on Notice No. 1270.

<https://documents.parliament.qld.gov.au/tableoffice/questionsanswers/2022/1270-2022.pdf>

(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time

(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances.

PeakCare is concerned about several potential breaches of these principles, including:

- The possibility of life sentences for children
- The disregard for the child's age in sentencing, through giving adult sentences without consideration of developmental appropriateness
- The possibility of children being incarcerated near or with adults in facilities designed for adults
- The placing of adult rights ahead of children's rights.

In 2023, the Queensland parliament voted to override its human rights legislation to allow enable/allow children to be detained in police watch houses and adult detention facilities. This decision has raised significant concerns about the treatment of children in Queensland's watchhouses and youth detention centres, particularly regarding compliance with international human rights standards. Specific concerns include the use of solitary confinement, which is classified as cruel, inhuman, or degrading under international law, and documented instances of the use of restraints and force.

Ongoing workforce shortages in Queensland's youth detention centres further exacerbates these human rights violations. These shortages often result in children being confined to locked cells for extended periods due to insufficient staffing, effectively placing them in solitary confinement.¹¹ This practice highlights significant concerns about compliance with human rights laws.

Queensland's use of police watchhouses, which are unsuitable for long-term detention, exacerbates the problem. In 2021–22, children were detained in watchhouses for up to two weeks on nearly 150 occasions, often in solitary confinement with limited access to natural light, fresh air, and activities.¹² These environments are not only inappropriate for children, but also directly contradict UNCRC's emphasis on child-appropriate facilities and rehabilitation-focused detention.

*“The watchhouse, that’s one place I don’t want to be again...
They don’t do a good job cleaning it so I asked if they would let us boys do the cleaning, we’d do a better job, but they said no. I don’t want to be sleeping in filth. People were yelling while I was trying to sleep, adults being admitted and they’re under the influence. If I could change watchhouses I’d make them cleaner and just more respectful.”*

– child in a youth detention centre

¹¹ Preventing torture and other cruel, inhuman or degrading treatment of children in detention in Australia - Anita Mackay, 2023 (sagepub.com)

¹² Microsoft Word - NPM Network Joint Statement - Queensland law change and youth justice - FINAL (ombudsman.gov.au)

One of the main challenges, due to staffing shortages, is the frequent use of solitary confinement, particularly at Cleveland Youth Detention Centre in Townsville.¹³ The facility has faced criticism for locking children in their rooms for extended periods, which can have severe negative effects on children – particularly those with mental health conditions, cognitive impairments, and trauma histories. We are concerned that increasing penalties for youth offences, as proposed in the Bill will result in overcrowding and further human rights violations.

“On a good day in here, the boys are all good and there are no codes, we get to go to school or programs because the staff turn up, I get to go outside or do cooking. When there’s no staff we have no programs, we sit in our room all day and watch TV or movies. Just come out for one phone call. Last week I had three days in a row like that.”

– child in a youth detention centre

Queensland also overrode its human rights obligations in March 2023 when parliament passed amendments to create an offence for children who breach bail conditions, require a sentencing court to consider a child’s bail history, and enable a child to be declared a serious repeat offender.

Any further breaches to human rights legislation in Queensland in relation to children will be understandably criticised by the Australian and international community and again undermine the intention of the legislation.

PeakCare’s recommended amendments to the Making Queensland Safer Bill 2024

PeakCare holds significant concerns regarding the ‘adult crime, adult time’ amendments and we recommend the following amendments to mitigate the identified human rights concerns:

Recommendation 1: Limit the Adult Crime, Adult Time amendments to children over the age of 14

The younger children are when first incarcerated, the more likely they are to continue down the path of lifelong offending, and the more likely they are to have been a victim of crime in their childhood.¹⁴ The 10-13 year age group is even more disproportionately represented by Aboriginal and/or Torres Strait Islander children than other age groups.¹⁵ Young children learn criminal behaviours from peers in youth detention centres and become further entrenched in criminal networks. There are more effective ways of holding young children accountable that are timely and well-matched to a child’s age and stage of development that rehabilitate and re-build children’s family and community networks, reducing their future involvement in criminal behaviours.

¹³ Cleveland Youth Detention Centre inspection report: Focus on separation due to staff shortages - Queensland Ombudsman

¹⁴ Malvaso, C., Day, A., Cale, J., Hackett, L., Delfabbro, P., & Ross, S. (2022). Adverse childhood experiences and trauma among young people in the youth justice system. Trends and Issues in Crime and Criminal Justice, 651, 1–19. <https://doi.org/10.52922/ti78610>

¹⁵ <https://www.aihw.gov.au/getmedia/f80cfcb3-c058-4c1c-bda5-e37ba51fa66b/aihw-juv-129.pdf.aspx?inline=true%20Table%20S40b,%20Table%20S78b>

Recommendation 2: Exclude non-violent offences from the Adult Crime, Adult Time amendments

Incarcerating children for non-violent offences has profound developmental consequences, including increased risk of depression, suicide and self-harm, poor emotional development, disrupted education and fractured family relationships.¹⁶ These detrimental impacts must be carefully measured against the intended benefits for the community, i.e., punishment and denunciation.

In the Making Queensland Safer Bill 2024 Statement of Compatibility, the Honourable Deb Frecklington MP, Attorney-General and Minister for Justice and Minister for Integrity, acknowledges that, “the negative impact on the rights of children likely outweighs the legitimate aims of punishment and denunciation. The amendments will lead to sentences for children that are more punitive than necessary to achieve community safety.” This is even more unbalanced when considering non-violent offences, such as unlawful use of a motor vehicle or non-violent burglary, where punitive measures exceed what is necessary for public safety.

The alternative: be guided by evidence about what works to keep the community safe

PeakCare, alongside other organisations, gathers and presents evidence to government, parliamentary committees, the media and the public to inform youth justice reform. Notably, most of the submissions in response to the largest recent reviews into Queensland’s youth justice system¹⁷ and Australia’s youth justice system¹⁸ do provide the evidence. Submissions from academics, practitioners, peak bodies, advocates, children’s rights experts and other systemic leaders present very similar evidence, surrounding key themes, such as:

- The importance of investing in equitable access to universal services such as early childhood education and health, supporting families to reduce the need for tertiary responses later in life
- Recognising the impact of childhood maltreatment, trauma and adverse childhood experiences on young people’s likelihood of entering the youth justice system and prioritising healing and rehabilitation over punishment and exclusion
- Prioritising early assessment and alternative approaches given the intersection between cognitive impairment, neurodiversity and other disabilities and involvement in the youth justice system
- Being guided by First Nations leaders in designing and implementing services for Aboriginal and Torres Strait Islander children, young people, families and communities
- Breaking down service delivery silos and replacing them with a relationship-based system, tailored to meet the changing needs to each child as they move through life, including through key transition points such as transition from primary school to high school, out of youth detention and into adulthood.

Efforts to reform youth justice are ongoing, with a focus on reducing remand rates, improving court processing times, and promoting community-based detention models. However, long-term, systemic change is essential.

¹⁶ <https://search.informit.org/doi/abs/10.3316/agispt.20211109056541>

¹⁷ Youth Justice Reform Select Committee

¹⁸ Legal and Constitutional Affairs References Committee on Australia’s Youth Justice and Incarceration System

PeakCare advocates for a crime prevention approach grounded in equity and wellbeing. This requires partnerships across health, housing, education and employment, non-government sector, and community members to address the underlying drivers of over-representation of First Nations children in the justice system.

Detention as a last resort must be retained

PeakCare does not support the removal of detention as a last resort. The evidence clearly shows youth detention in its current form does not reduce recidivism. Instead, prevention and diversionary programs are far more effective in addressing youth crime and promoting long term community safety.

The proposed legislation, which removes detention as a last resort and places primary regard to victims in sentencing, is significantly different to other jurisdictions. No other jurisdiction in Australia prioritises victim considerations above all other sentencing factors. While the interests of the victim must be acknowledged, this approach risks undermining evidence-based principles that prioritises the rehabilitation and the best interests of children. PeakCare urges the government to reconsider this legislative change and remain guided by the evidence, which strongly supports prevention, diversion, and rehabilitation over punitive measures.

Collaborative, community-based alternatives are more effective than incarceration

Evidence clearly demonstrates prevention, early intervention and community-based alternatives to youth detention are more effective in enhancing community safety than incarceration.¹⁹ PeakCare advocates for these approaches to be trialled as primary responses before resorting to youth detention.

Successful community-based approaches consistently share these common elements:

- Intervention is provided as early as possible to address risk factors before criminal involvement
- Young people are supported to develop skills they may not have developed earlier in life. Skills that support educational and employment outcomes, as well as cognitive processing skills such as impulse control and emotional regulation skills
- Young people are encouraged to understand the consequences of their behaviour and/or offending and make amends for harm caused (restorative approaches)
- First Nations communities are resourced and empowered to design and deliver approaches that work (place-based approaches such as Justice Reinvestment)
- Young people are connected to mentors, who work alongside them to set goals and reconnect with their communities
- Service providers work with the whole family, rather than focusing on the young person in isolation. Family Wellbeing Services are an example of this type of evidence-based service delivery for Aboriginal and Torres Strait Islander families
- Traditional court processes are replaced with more meaningful ways of holding young people accountable, with a high level of ownership and tailoring of the outcomes.

¹⁹ <https://www.justicereforminitiative.org.au/reports>

These approaches focus on addressing the root causes of offending behaviour, building positive futures for children and promoting community wellbeing. Prioritising prevention and rehabilitation models ensure safer outcomes for all.

Invest in prevention for sustainable crime reduction

The drivers of youth crime are well known and intersect with factors contributing to child protection system involvement. These include early experiences of domestic and family violence, homelessness, parental mental illness and substance abuse. Early identification of these drivers and timely support for children and their families can significantly reduce Queensland’s reliance on tertiary youth justice responses.

PeakCare advocates for crime prevention as the most effective approach to improving community safety. Early intervention and better support for families and children, particularly during a child’s first 2,000 days of life (including prenatal support), are essential to reducing future criminal behaviour and promoting healthier communities.

Global examples highlight the potential of systemic change. In the United Kingdom, the number of children in youth detention decreased from 2,800 young people to 750 between 2010 to 2020.²⁰ There has also been a reduction in arrests of children every year for the past ten years, a reduction in knife crime and the lowest recidivism rates following a period in youth detention in 20 years.²¹ These successes are attributed to preventative policing, early intervention programs and non-custodial alternatives to youth detention. Queensland has the opportunity to learn/draw from these proven strategies, prioritising prevention and early intervention to achieve sustainable reductions in youth crime and build safer communities.

“It’s not like mum and dad don’t want to be good parents, they’re struggling too. The way you’ve been shown love is the way you show love.”

– child in a youth detention centre

“I’ve been in child safety most of my life. Been in and out of here since I was 11. This time I’ve been in nine months.”

– child in a youth detention centre

Parts of the world where investment and efforts have been focused on prevention and early intervention, have experienced long-term significant crime reduction over the past 20 years.²² In locations where long-term outcomes have been achieved, unwavering commitment by government was required.

²⁰ Ministry of Justice. (2021, January 28). Youth Justice Statistics. Retrieved from <https://www.gov.uk/government/collections/youth-justice-statistics>

²¹ Youth Justice Statistics: 2020 to 2021 (accessible version) - GOV.UK (www.gov.uk)

²² [Crime prevention - gov.scot \(www.gov.scot\)](http://www.gov.scot)

When used as a last resort, custodial models should be therapeutic and rehabilitative to reduce the risk of further crime

The long-term recommendations from PeakCare throughout our submissions to government and parliamentary committees include transitioning to smaller, community-based custodial settings, flipping the statistics between sentenced and unsentenced children in detention, and improving access to rehabilitative services while incarcerated and following release. We also suggest adding a focus on reintegration leaves of absence while in custody.

Evidence demonstrates that therapeutic models of youth detention such as Spain's Diagrama model, the USA's Missouri Model and Close to Home Initiative in New York City and the Danish youth detention model, can significantly reduce reoffending and encourage stronger community connections.²³ We cannot continue with the current custodial model of youth detention and expect a different outcome.²⁴

Effective reintegration after custody is crucial to preventing reoffending. Poorly executed transitions particularly in housing and support services, often leads to children returning to criminal behaviour. Research shows that a lack of stable housing significantly increases the risk of reincarceration.²⁵

"Give young people housing. A lot of kids are in there with no address, they're only in there because there's nowhere to release them to."

- young person with lived experience of youth detention

"Some kids say being in here isn't a punishment. At home they don't have their own room, there's rubbish everywhere and people coming in and out. A lot of them are homeless. Some of them offend to come in, just for food and shelter."

- staff member in a youth detention centre

Young people with lived experience of youth detention have told us what they need when released from youth detention, including mentors, role models, employment and community support systems:

"My mentor has been there for me. He helps if I'm having trouble with a job application, one-on-one support."

"My mentor has opened my mind to a lot more life experiences."

"Get us ready for work. The work environment is very different to the street, it's reality."

- young person with lived experience of youth detention

These insights from young people who have successfully reintegrated into their communities reflect the potential for positive change when children are provided with the right support and opportunities.

²³ <https://www.churchilltrust.com.au/fellow/kate-bjur-qld-2022/>

²⁴ PeakCare Election Commitments 2024 V1.0

²⁵ Queensland Family & Child Commission :: Queensland Child Rights Report 2023 :: Spotlight: Youth Justice in Queensland (qfcc.qld.gov.au)

Address First Nations over-representation in detention

Queensland's youth detention system is at breaking point, with detention centres at capacity and children as young as 10 in adult watchhouses. Aboriginal and Torres Strait Islander children are significantly over-represented, representing 65 to 72 per cent of children in detention on any given day, despite comprising only five per cent of the population aged 10–17. These children are 23 times more likely to be detained than their non-Indigenous peers.²⁶

This over-representation stems from intergenerational trauma, socio-economic disadvantage, systemic racism, and over-policing of First Nations communities. Policies such as breach of bail laws disproportionately affect First Nations children, compounding existing inequalities.

The over-incarceration of First Nations children violates fundamental human rights, including the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), but undermines progress toward reconciliation and closing of the gap in health, education, and employment outcomes.

Urgent reform is needed to address the systemic discrimination entrenched in the justice system and to adopt culturally appropriate, community-led diversionary programs that keep First Nations children out of detention.

“They didn’t offer cultural programs when I was in primary school. That started in high school. Cultural programs are good, they’re different than regular programs because they understand you more. They know how you’re feeling.”

– child in a youth detention centre

Cultural disconnection is a significant contributor to the over-representation of First Nations children in detention. Experts stress the importance of cultural knowledge as a protective factor, which can build resilience and reduce recidivism. First Nations-led programs led by Elders and community-controlled organisations are seen as key to addressing these issues, given their ability to gain trust within communities and deliver culturally relevant services.

Geographic isolation of detention centres from First Nations communities presents a further barrier to maintaining cultural ties. Addressing these barriers requires a commitment to community-led, culturally appropriate solutions that prioritise connection to culture.

“I’m just starting to learn about my culture. I got taken by child safety so young my dad didn’t get a chance to teach me anything about our culture. Last week we started mapping out my kin, it’s good.”

– child in a youth detention centre

²⁶ [Changing the sentence | Queensland Family and Child Commission \(qfcc.qld.gov.au\)](https://www.qfcc.qld.gov.au/changing-the-sentence)

Balance the needs of victims and children in the justice system

Support children in the justice system as victims of crime

Many children involved in the criminal justice system are victims themselves, with research highlighting strong links between childhood maltreatment and later involvement in the justice system. Notably, half of the victims of youth crime are other children.²⁷ In 2022-23, Queensland recorded the highest number of young people under youth justice supervisions nationally, with 72.9 per cent of these children having had previous contact with the child protection system within the past decade.

These findings highlight the prevalence of trauma among these children. Over half have been affected by domestic violence, and nearly half of all young people in Australia under youth justice supervision were the subject of a substantiated abuse notification, 45 per cent of those in community-based supervision, and 50 per cent of those children in detention.²⁸

Addressing youth crime effectively requires early intervention to break the cycle of harm. Addressing root causes, including the impacts of maltreatment and trauma, can result in better supporting children and reduce their likelihood of entering the justice system.

*“We’re victims too. I’m a victim of being shown drug use when I was little.
I’m a victim of growing up with violence.”*

– child in a youth detention centre

“I had a school friend come over and she asked, ‘why is your dad bashing your mum?’ I told her, ‘They’re just fighting’. It was normal for me, but she hadn’t seen that before.”

– child in a youth detention centre

Invest in victim-centred restorative justice processes

Victims of crime want assurance that the harm they have experienced won’t happen to others. This is why PeakCare advocates for evidence based approaches that effectively reduce crime. At a personal level, there’s nothing more powerful for a victim of crime than sitting across from a young person and hearing them recognise and understand the harm they have caused, take responsibility for their actions and offer to take steps to be held accountable and repair the harm. PeakCare advocates for restorative justice processes, with victims at the centre. Meaningful and tailored outcomes rather than court processes that separate the young person from decision making.

²⁷ Childrens Court of Queensland Annual Report 2022-23 <https://documents.parliament.qld.gov.au/tp/2023/5723T2106-255C.pdf>

²⁸ <https://www.qfcc.qld.gov.au/sites/default/files/2024-11/Crossover%20Cohort%20-%20Data%20Insights.pdf>

“I did a few restorative justice conferences but at the last one my victim came and talked about how they felt. I felt really bad for them and it made me think about what I had done. I think about that a lot.”

– child in a youth detention centre

Incarcerating children significantly increases their likelihood of adult incarceration, with younger at even greater risk of spending their adult lives in prison.²⁹ Removing children from their families and communities for rehabilitation is only addressing part of the problem. Holistic approaches that prioritise community-based solutions and family engagement are essential to breaking the cycle of offending and achieving long-term outcomes.

Do not allow stakeholders greater access to children’s courts

PeakCare does not support the proposed amendments to the *Childrens Court Act 1992*, which would ensure that victims, victims’ representatives, victims’ relatives, and accredited media cannot be subject to exclusionary orders. While we recognise the importance of supporting victims and their families, these amendments fail to balance their needs with the rights and best interests of children involved in the justice system. We are particularly concerned with the opening of Children’s Courts to the media, because of the potential impacts on young people’s rehabilitation and subsequent risks to community safety.

Balance the rights of victims and children in children’s court proceedings

Victims and their families rightfully seek accountability and transparency within the justice system. However, unrestricted access to children’s court proceedings risks breaching the privacy of young people involved in the criminal justice system and undermining the rehabilitative intent of the youth justice system. Public scrutiny and exposure can lead to stigmatisation, social isolation, and long-term harm to young people, making it harder for them to reintegrate into their communities.³⁰

This is not about prioritising one group’s rights over another; it is about recognising the distinct needs of both victims and youth offenders. Protecting the privacy of children in the justice system does not diminish the support and respect owed to victims and their families but reflects Queensland’s broader commitment to rehabilitation and community safety.

²⁹ Gomes, S., Carvalho, M. J. L. de, & Duarte, V. (Eds.). (2021). *Incarceration and generation. Volume I, Multiple faces of confinement*. Palgrave Macmillan. <https://doi.org/10.1007/978-3-030-82265-1>

³⁰ https://rmo.nt.gov.au/__data/assets/pdf_file/0014/731012/Royal-Commission-NT-Final-Report-Volume-1.pdf

Privacy is essential for rehabilitation

The youth justice system needs to prioritise rehabilitation over retribution, and protecting the privacy of young people must remain central to this goal. Exposing young offenders to public scrutiny risks labelling them as irredeemable and reinforcing the very behaviours the system seeks to address. As seen in the findings of the Royal Commission into the Protection and Detention of Children in the Northern Territory, public exposure can make young people feel like “a lost cause,” severely undermining their chances for rehabilitation and reintegration.³¹ The more distant young people feel from their communities, the less productive members of society they will become.

Consider the impacts on community safety

Opening the courts to victims, their representatives and accredited media is unlikely to enhance community safety. Instead, such access risks perpetuating fear and stigma around youth crime, particularly through sensationalised media reporting. Effective community safety comes from addressing the root causes of youth offending and tackling social problems such as poverty, trauma, and lack of access to support services, rather than exposing vulnerable young people to punitive narratives.

PeakCare calls on the government to reconsider the proposed amendments to the *Childrens Court Act 1992*. While it is vital to support victims and their families, these changes would undermine the privacy, dignity, and rehabilitative opportunities for children in the justice system. Queensland must remain committed to a youth justice system that protects the rights of all parties and promotes long-term community safety.

“I worry about the victim’s family finding out my family’s identity and then coming after them for what I did. It’s not fair on my family if they are punished or get a bad reputation because of a bad choice I made.”

– young person with lived experience of the youth justice system

CONCLUSION

To effectively address youth crime, PeakCare stresses the need for early intervention, better support for families, and comprehensive reintegration programs. Crime prevention efforts should focus on addressing the root causes of criminal behaviour, such as childhood trauma and educational disengagement. Ensuring that children have access to role models, employment, and pro-social activities will contribute to reducing recidivism and building stronger, safer communities.

We know the drivers putting young people on a collision course with the youth justice system significantly overlaps with risk factors for involvement with the child protection system and the number of children and families involved with both the child safety and youth justice systems reflects an ongoing

³¹ https://rmo.nt.gov.au/data/assets/pdf_file/0014/731012/Royal-Commission-NT-Final-Report-Volume-1.pdf

failure to address the real systemic causes. Until there is a clear long-term strategy for addressing these, Queensland's children, young people, families and communities will continue to be the victims.

Locking up children for longer will not make the community safer. It will, in fact, have the opposite effect. It is time to rehabilitate children already in the system, while putting most of our efforts into preventing crime before it occurs by supporting children and families when they need help the most.

Thank you for the opportunity to provide input into this important Bill. We hope the resulting changes to the system will have positive impacts on children, young people, families and communities.

Yours sincerely,



Mr Thomas Allsop
Chief Executive Officer
PeakCare Queensland Incorporated

3 December 2024