

## **Making Queensland Safer Bill 2024**

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**Submitted by:** Uniting Church in Australia (QUEENSLAND SYNOD)  
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3 December 2024

**Moderator**  
**Rev Bruce Moore**

Committee Secretary  
Justice, Integrity and Community Safety Committee  
Parliament House  
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Dear Committee Secretary,

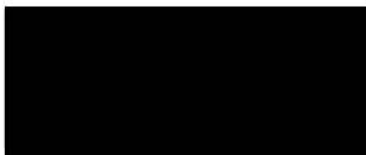
### **Inquiry into the Making Queensland Safer Bill 2024**

The Uniting Church in Australia Queensland Synod (Queensland Synod) welcomes the opportunity to provide a submission to the Justice, Integrity and Community Safety Committee for the Inquiry into the Making Queensland Safer Bill 2024. The Queensland Synod is a member of both the national #RaiseTheAge alliance and the Queensland Raise the Age Leadership Group. We are also committed to contributing to services and programs aimed at prevention and early intervention for children and young people and their families, who are experiencing vulnerability and disadvantage.

We ask that the Committee recommend that the Making Queensland Safer Bill 2024 not be passed, due to its incompatibility with Australia's obligations under international human rights law. We provide recommendations for implementing a human rights-based approach to youth justice in Queensland. Please find attached our submission.

The Queensland Synod would welcome future opportunities to discuss this submission further. Should you require any more information, I can be contacted on [REDACTED].

Yours sincerely,



Rev. Bruce Moore  
Moderator, Uniting Church in Australia Queensland Synod

## Submission on the Making Queensland Safer Bill 2024

Upon learning of the Making Queensland Safer Bill 2024 (the Bill) this past weekend, the Chair of the United Nations Committee on the Rights of the Child, Dr Skelton, encouraged the Queensland government not to depart from the “long-standing and universally accepted principle that deprivation of liberty for child offenders must be a measure of last resort and for the shortest appropriate period of time”.<sup>1</sup> The Chair stated “We do not agree that the so-called exceptional circumstances warrant what will be a flagrant disregard for children’s rights under international law. We also don’t agree that it will make the community safer”.<sup>2</sup>

### Suspension of the Human Rights Act 2019 (Qld)

The Human Rights Act 2019 (Qld) outlines a child’s right to treatment that is appropriate to the child’s age when they are convicted of an offence. In the Bill, the following provisions include subsections which provides that the Human Rights Act 2019 (Qld) does not apply:

- amended section 150 of the *Youth Justice Act 1992*, and
- new section 175A of the *Youth Justice Act 1992*.

The statement of compatibility with human rights that accompanies the Bill, provided by the Attorney-General, states that:<sup>3</sup>

*I also recognise that, according to international human rights standards, 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 in direct conflict with international law standards, set out above, which provides that sentences for a child should always be proportionate to the circumstances of both the child and the offence – mandatory sentencing prevents the application of this principle. While I acknowledge that these amendments are not compatible with human rights, these measures and the purposes to which they are directed are clearly supported by Queenslanders and are a direct response to growing community concern and outrage over crimes perpetrated by young offenders. For this reason, the amendments include an override declaration which provides that they have effect despite being incompatible with human rights, and despite anything else in the HR Act.*

This statement above acknowledges that the changes in the Bill will lead to sentences for children that are more punitive than necessary to achieve community safety, because of populism and demands from the community for retaliation and retribution, rather than addressing community safety through evidence-based best practice in addressing youth crime.

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<sup>1</sup> Kruk, C. (November 30, 2024). UN criticises Qld youth crime laws as LNP admits policies violate human rights, The Brisbane Times.

<sup>2</sup> Kruk, C. (November 30, 2024). UN criticises Qld youth crime laws as LNP admits policies violate human rights, The Brisbane Times.

<sup>3</sup> Making Queensland Safer Bill 2024 Statement of Compatibility.

Political posturing on youth justice has led to an increase in vigilantism in the Queensland community. Vulnerable children living in a Queensland residential care home were the subject of death threats on social media – including calls for neighbours to “storm the house” and “hang whoever is inside” – after media reports incorrectly claimed the premises was a halfway house for young criminals.<sup>4</sup> One media report included a map clearly showing the location of the home and described it incorrectly as a “halfway house” that “accommodates youth offenders”.<sup>5</sup>

In Tewantin, a suspected vigilante arson attack on a vacant house occurred after social media posts called for violence against young teenage girls who had been accused of serious crimes.<sup>6</sup> Their names and photographs appear in hundreds of live social media posts on multiple platforms, including calls for people to “bash” them or take retribution.<sup>7</sup> Information posted also includes the names of the girls’ family members, their phone numbers, addresses and workplace information.<sup>8</sup>

In Rockhampton there was an incident where a wall of police officers was present to stand between an angry crowd fuelled by social media posts and a Rockhampton house where a young offender was thought to be.<sup>9</sup> A person has already been killed in Townsville as a result of an alleged vigilante chase of a stolen car.

### Recommendations

The Queensland Synod provides the following recommendations in the body of this submission:

- 1. The Queensland Synod asks that the Committee recommend that the Bill not be passed, due to its incompatibility with Australia’s obligations under international human rights law.**
- 2. The Queensland Synod recommends that instead of passing this Bill, that the Queensland government should invest in evidence-based programs and services run by the community sector, such as early intervention and early prevention programs, diversionary programs and holistic support programs identified in the 2023 Justice Reform Initiative report on Queensland.<sup>10</sup>**
- 3. The Queensland Synod recommends that a human rights-based approach to youth justice be implemented in Queensland. This should be designed and implemented immediately, to uphold the human rights of children and young people who have contact with the criminal justice**

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<sup>4</sup> Smee, B. (1 February 2023). ‘Storm the house’: Queensland care home receives threats after being wrongly identified as halfway house. The Guardian.

<sup>5</sup> Smee, B. (1 February 2023). ‘Storm the house’: Queensland care home receives threats after being wrongly identified as halfway house. The Guardian.

<sup>6</sup> Smee, B. (28 April 2023). Queensland police release footage in bid to solve suspected vigilante attack on house of teen girls. The Guardian.

<sup>7</sup> Smee, B. (28 April 2023). Queensland police release footage in bid to solve suspected vigilante attack on house of teen girls. The Guardian.

<sup>8</sup> Smee, B. (28 April 2023). Queensland police release footage in bid to solve suspected vigilante attack on house of teen girls. The Guardian.

<sup>9</sup> Gillespie, E. (8 May 2023). ‘We’ll end up with a death’: Queensland police commissioner puts vigilantes on notice. The Guardian.

<sup>10</sup> The Justice Reform Initiative (2023). Alternatives to incarceration in Queensland.

system, particularly those that are overrepresented in the criminal justice system, First Nations children and young people and children and young people with disability.

4. The Queensland Synod recommends that the Queensland government implement the Queensland Family and Child Commission 2023 rights-based approach to youth justice in Queensland.<sup>11</sup>
5. The Queensland Synod recommends that the Queensland government raise the minimum age of criminal responsibility from 10 to 14.
6. The Queensland Synod recommends that the proposals contained in the SCAG Working Group on the Age of Criminal Responsibility 2023 report be implemented in Queensland.
7. The Queensland Synod recommends that the recommendations from the Queensland Audit Office 2024 report on serious youth crime be implemented in Queensland.<sup>12</sup>

#### Incarceration does not work to reduce offending

Queensland relies on a system of incarceration for children and adults that is harmful, expensive and ineffective.<sup>13</sup> Youth detention in Queensland costs the taxpayer \$1901 per child per day.<sup>14</sup> The over-use of detention fails to keep the community safe - around eight in 10 children released from sentenced detention in Queensland return within 12 months.<sup>15</sup> International research suggests that bringing children into the youth justice system increases the chance that they will reoffend.<sup>16</sup> The research evidence has found that children are less likely to reoffend if intervention and diversion is the main response taken to address young offenders.<sup>17</sup>

The Australian Human Rights Commission stated recently that, tragically, by not addressing children and young people's human rights early on, and instead taking a punitive approach to their offending, we are essentially criminalising some of the most vulnerable children in Australia.<sup>18</sup> Many are First Nations children dealing with intergenerational trauma and disadvantage, and children with disabilities, mental health issues, and learning problems.<sup>19</sup> Many of these children and their families are living with poverty, marginalisation, domestic violence, and systemic racism.<sup>20</sup>

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<sup>11</sup> Queensland Family and Child Commission Queensland (2023). Child rights report: Spotlight youth justice in Queensland.

<sup>12</sup> The State of Queensland (Queensland Audit Office) (2024). Reducing serious youth crime.

<sup>13</sup> The Justice Reform Initiative (2023). Alternatives to incarceration in Queensland.

<sup>14</sup> Productivity Commission (2021). Report on Government Services: Youth Justice Services.

<sup>15</sup> The Justice Reform Initiative (2023). Alternatives to incarceration in Queensland.

<sup>16</sup> Walsh, T., Beilby, J., Lim, P. & Cornwell, L (2023). Safety through support: Building safer communities by supporting vulnerable children in Queensland's youth justice system.

<sup>17</sup> Walsh, T., Beilby, J., Lim, P. & Cornwell, L (2023). Safety through support: Building safer communities by supporting vulnerable children in Queensland's youth justice system.

<sup>18</sup> Australian Human Rights Commission (2024). 'Help way earlier!': How Australia can transform child justice to improve safety and wellbeing.

<sup>19</sup> Australian Human Rights Commission (2024). 'Help way earlier!': How Australia can transform child justice to improve safety and wellbeing.

<sup>20</sup> Australian Human Rights Commission (2024). 'Help way earlier!': How Australia can transform child justice to improve safety and wellbeing.

### Prevention and early intervention

The best way to reduce children's offending is to provide intersectional therapeutic support to vulnerable children in the community and take preventative measures to prevent offending.<sup>21</sup> The solutions to both over-incarceration and community safety are also located outside the justice system.<sup>22</sup> The justice system is where children end up after they have experienced a breakdown in the systems and supports around them.<sup>23</sup> Early intervention and prevention should be occurring through other systems such as the education system, the child protection system, and diversionary approaches to policing.<sup>24</sup> The vast majority of children who commit crimes will 'age out' of offending once they reach adulthood.<sup>25</sup>

Collectively, evaluations and reviews are consistently indicating key practice areas that are having the most impact in terms of prevention and early intervention, including: after-hours support; intensive wrap-around services; early intervention and prevention; programs for highest risk and serious repeat offender that target direct predictors of offending, including attitudes, behaviours and peers; services that work with the whole family; and place-based models that integrate into and leverage the local service system.<sup>26</sup>

We **recommend** that instead of introducing this Bill, that the Queensland government should invest in evidence-based programs and services run by the community sector, such as early intervention and early prevention programs, diversionary programs (including at the point of policing and court) and holistic support programs (including on release from custody) identified in the recent Justice Reform Initiative report on Queensland.<sup>27</sup> These programs, if properly resourced including longer funding cycles and funding for evaluations, will:<sup>28</sup>

- Significantly reduce recidivism for children and adults and in turn improve community safety
- Successfully divert children and adults who are at risk of being involved in the criminal justice system

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<sup>21</sup> Walsh, T., Beilby, J., Lim, P. & Cornwell, L (2023). Safety through support: Building safer communities by supporting vulnerable children in Queensland's youth justice system.

<sup>22</sup> The Justice Reform Initiative (2023). Alternatives to incarceration in Queensland; Walsh, T., Beilby, J., Lim, P. & Cornwell, L (2023). Safety through support: Building safer communities by supporting vulnerable children in Queensland's youth justice system.

<sup>23</sup> Walsh, T., Beilby, J., Lim, P. & Cornwell, L (2023). Safety through support: Building safer communities by supporting vulnerable children in Queensland's youth justice system.

<sup>24</sup> Walsh, T., Beilby, J., Lim, P. & Cornwell, L (2023). Safety through support: Building safer communities by supporting vulnerable children in Queensland's youth justice system.

<sup>25</sup> Walsh, T., Beilby, J., Lim, P. & Cornwell, L (2023). Safety through support: Building safer communities by supporting vulnerable children in Queensland's youth justice system.

<sup>26</sup> Department of Youth Justice, Employment, Small Business and Training (2023). Brief to the Youth Justice Reform Select Committee.

<sup>27</sup> The Justice Reform Initiative (2023). Alternatives to incarceration in Queensland.

<sup>28</sup> The Justice Reform Initiative (2023). Alternatives to incarceration in Queensland.

- Strengthen families and communities, which are too often ‘managed’ in justice system settings rather than receiving the support, care and opportunities that improve their prospects
- Result in significant cost-savings and substantial improvements in health and wellbeing across the community, including for victims.

#### Removing the principle of detention as a last resort

Children in youth detention usually have complex needs and are likely to have suffered multiple traumas, such as childhood abuse and neglect, socioeconomic disadvantage, family violence, and educational exclusion.<sup>29</sup> The Queensland 2022 Youth Justice census confirms this – it identified the following key information about young people who are under supervision by the Queensland Department of Youth Justice, Employment, Small Business and Training (DYJESBT):<sup>30</sup>

- 53% had been impacted by domestic and family violence
- 45% were disengaged from education, employment, and training
- 30% were in unstable and/or unsuitable accommodation
- 27% have one or more mental health disorders
- 27% have one or more disabilities
- 27% have a parent that had been held in adult custody, and
- 78% used one or more substances.

The DYJESBT, in its brief to the Youth Justice Reform Select Committee Inquiry, reported that there is strong evidence to suggest that these factors are driving an increase in the seriousness of some high-risk youth offending.<sup>31</sup> The DYJESBT reported that there is a relatively small cohort of young people in Queensland who are characterised by more frequent offending.<sup>32</sup> Young offenders who are designated as serious repeat offenders, in 2023 represented 20% of distinct young people with a proven offence who committed 55% of offences.<sup>33</sup>

This relatively recent trend is characterised by young offenders who have been observed to have or demonstrated multiple or chronic risks, which are often intergenerational:<sup>34</sup>

- one or more parents in or have been in custody;
- misuse of substances including more serious drugs;

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<sup>29</sup> Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (2023). Final report.

<sup>30</sup> Department of Youth Justice, Employment, Small Business and Training (2023). Brief to the Youth Justice Reform Select Committee.

<sup>31</sup> Department of Youth Justice, Employment, Small Business and Training (2023). Brief to the Youth Justice Reform Select Committee.

<sup>32</sup> Department of Youth Justice, Employment, Small Business and Training (2023). Brief to the Youth Justice Reform Select Committee.

<sup>33</sup> Department of Youth Justice, Employment, Small Business and Training (2023). Brief to the Youth Justice Reform Select Committee.

<sup>34</sup> Department of Youth Justice, Employment, Small Business and Training (2023). Brief to the Youth Justice Reform Select Committee.

- significant violence and disadvantage in the home;
- poor parenting or lack of parenting support;
- lack of stable accommodation;
- disengagement from education;
- disability and other health issues including poor mental health.

As of 30 June 2023, nearly one in three children on Queensland's serious repeat offender index is under a child protection order, which are made when the children's court decides a young person needs to be protected from harm.<sup>35</sup> Children under the care of the State are often criminalised for behavioural issues which would not happen if they occurred in a stable family environment and that can start a path into a life of crime.<sup>36</sup>

#### Over-representation of Aboriginal and Torres Strait Islander children

The criminal justice system has a disproportionate impact upon Aboriginal and Torres Strait Islander children and their families. Of the young people who were incarcerated in the 2022-23 financial year in Queensland, over 70 per cent identified as Aboriginal and/or Torres Strait Islander. Within the 10-13 year old age group, this figure increases to over 80 per cent (Report on Government Services 2024).

#### Over-representation of children with disability

The over-representation of children with cognitive disability in detention highlights the need for better and more robust options for diversion from the criminal justice system. The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability highlighted that:<sup>37</sup>

*Reports demonstrate traditional penal approaches, including detention, tend to be ineffective in reducing recidivism among young people, but they are also amongst the most costly means of dealing with juvenile crime due to high immediate costs and ongoing long-term costs to the juvenile justice system due to continued contact with the criminal justice system.*

The benefits of diversion include that if fewer children are arrested, and fewer children appear before the courts, more court time and resources can be dedicated to the children who remain in the system.<sup>38</sup> These children are likely to be the most vulnerable and have the most complex needs, and efforts should be directed towards their rehabilitation, not their punishment, if community safety is to be assured.<sup>39</sup>

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<sup>35</sup> Gillespie, E (2023). Nearly one in three children on Queensland's serious repeat offender list under protection order. The Guardian.

<sup>36</sup> Gillespie, E (2023). Nearly one in three children on Queensland's serious repeat offender list under protection order. The Guardian.

<sup>37</sup> Murphy, P., McGinness, A., McDermott, T. & Corriea, M. (2010). Review of effective practice in juvenile justice: Report for the Minister for Juvenile Justice NSW.

<sup>38</sup> Walsh, T., Beilby, J., Lim, P., & Cornwell, L. (2023). Safety through support: Building safer communities by supporting vulnerable children in Queensland's youth justice system.

<sup>39</sup> Walsh, T., Beilby, J., Lim, P., & Cornwell, L. (2023). Safety through support: Building safer communities by supporting vulnerable children in Queensland's youth justice system.



Diversion recognises cognitive disability can result in reduced culpability, making the application of traditional criminal law processes unfair or inappropriate.<sup>40</sup>

#### A human rights-based approach to youth justice

The recent Australian Human Rights Commission report on how Australia can transform child justice to improve safety and wellbeing, states that Australia continually fails to implement evidence-based reforms to our child justice systems which would reduce offending behaviour and make our communities safer.<sup>41</sup> In addition, the report stated that Australia needs to recognise the principles in the *Convention on the Rights of the Child* as a compass to guide policy decisions on child justice.<sup>42</sup> Many stakeholders argued that the scale of the child rights crisis in Australia requires a nationally coordinated approach to reform.<sup>43</sup>

The Queensland Family and Child Commission Queensland has outlined the elements of a child rights approach to youth justice in Queensland, below, which we **recommend** be implemented in Queensland.<sup>44</sup>

A child rights approach would:

- Urgently address the incompatibility of the Strengthening Community Safety Act 2023 with human rights principles and reinstate the protections provided by the Human Rights Act 2019.
- Raise the minimum age of criminal responsibility to 14 years.
- Address the missed compliance deadline for the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT)—specifically, establish effective oversight mechanisms to monitor and prevent human rights violations in places of detention, including those detaining children and young people.
- Continue the commitment to reduce the overrepresentation of Aboriginal and Torres Strait Islander children and young people in the Queensland youth justice system.
- Uphold the principle of self-determination, by:
  - Strengthening the Aboriginal and Torres Strait Islander community-controlled sector, including adequate resourcing to design and lead youth justice responses for children, young people and families.
  - Expanding family-led decision-making across Queensland.

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<sup>40</sup> Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (2023). Final report.

<sup>41</sup> Australian Human Rights Commission (2024). ‘Help way earlier!’: How Australia can transform child justice to improve safety and wellbeing.

<sup>42</sup> Australian Human Rights Commission (2024). ‘Help way earlier!’: How Australia can transform child justice to improve safety and wellbeing.

<sup>43</sup> Australian Human Rights Commission (2024). ‘Help way earlier!’: How Australia can transform child justice to improve safety and wellbeing.

<sup>44</sup> Queensland Family and Child Commission Queensland (2023). Child rights report: Spotlight youth justice in Queensland.

- Conduct a comprehensive review of bail and remand laws to ensure fairness and proportionality for children and young people. The review should also identify any unintended consequences for specific groups, such as the use of harsh bail conditions instead of therapeutic alternatives.
- Redirect investments into evidence-based diversion programs that steer children and young people away from the criminal justice system.
- Implement rights-respecting practices throughout the youth justice system, with a focus on prioritising the wellbeing of children and young people. Prioritise non-judicial measures, such as diversion, mediation, and counselling, for children and young people accused of having committed crimes. Whenever possible, opt for non-custodial sentences like probation or community service.
- Improve access to court assessments for children and young people involved in legal proceedings and ensure continuity of health and therapeutic care for those within the system.
- Ensure that children and young people with disability are not detained unsentenced and that their detention is subject to regular judicial review. While children and young people with disability are still being detained, ensure appropriate supports and accommodations are provided during their detention period.
- Continue the progress that has been made in removing spit hoods from watchhouses, by introducing additional measures to eliminate harmful and inhumane practices that violate the human rights of detained children and young people. This includes addressing isolation and detention in adult facilities (i.e. watchhouses).
- Enhance support for children and young people during their transition out of detention, with a focus on successful reintegration into community and securing housing upon release.
- Promote children and young people's active participation in decision-making processes that affect them and provide comprehensive rehabilitation programs tailored to their needs.
- Explore the feasibility of implementing multi-agency collaborative panels earlier to prevent children and young people's interaction with the youth justice system.
- Ensure that children and young people in the youth justice system receive information about their rights and how to make complaints.
- Provide transparent information about the allocation of youth justice funding and in particular investment in prevention and early intervention funding (differentiating new and existing).
- Establish a youth justice peak body to strengthen the sector's advocacy and representation.
- Ensure public accessibility to judicial and administrative judgments and decisions regarding children and young people. This includes disclosing the criteria used to assess the best interests of the child.

### **Raising the minimum age of criminal responsibility**

State and territory governments owe children in youth detention a duty of care that includes protecting them against violence, abuse, neglect and exploitation.<sup>45</sup> Placing children in detention,

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<sup>45</sup> Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (2023). Final report.

especially children with cognitive disability, exposes them to the risk of violence, abuse and neglect, and increases the chances that they will become enmeshed in the criminal justice system.<sup>46</sup>

The most effective way of preventing very young children from experiencing the trauma of detention and becoming enmeshed in the criminal justice system at an early age, is to raise the minimum age of criminal responsibility.<sup>47</sup> The United Nations Committee on the Rights of the Child has encouraged states to increase the minimum age of criminal responsibility to at least 14.<sup>48</sup> The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability highlighted that raising the minimum age of criminal responsibility would require states and territories to fund and support families, communities and services to support children with disability in the community who would otherwise end up in detention.<sup>49</sup>

We **recommend** that the Queensland government raise the minimum age of criminal responsibility from 10 to 14.

On 12 August 2022, the Standing Council of Attorneys-General (SCAG) agreed that the SCAG Working Group on the Age of Criminal Responsibility (the Working Group), would be reconvened to continue to develop a proposal on raising the minimum age of criminal responsibility, paying particular attention to the overrepresentation of Aboriginal and Torres Strait Islander children in the criminal justice system.<sup>50</sup> The report focuses on the need for adequate supports and services for children aged below a raised minimum age of criminal responsibility who exhibit negative behaviours.<sup>51</sup> The Working Group identified a set of key concepts below that should underpin all elements of reform, including the development of legislation and policy and the practical delivery of alternative service systems:<sup>52</sup>

1. **The best interests of the child**, based upon the needs of individual children, their families, kin and carers.
2. **Community safety and the experience of victims**, recognising the right of all individuals to safety in our community.

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<sup>46</sup> Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (2023). Final report.

<sup>47</sup> Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (2023). Final report.

<sup>48</sup> United Nations Committee on the Rights of the Child (2019). General Comment No 24 on children's rights in the child justice system. UN Doc CRC/C/GC/24.

<sup>49</sup> Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (2023). Final report.

<sup>50</sup> Standing Council of Attorneys-General (2023). Age of Criminal Responsibility Working Group Report.

<sup>51</sup> Standing Council of Attorneys-General (2023). Age of Criminal Responsibility Working Group Report.

<sup>52</sup> Standing Council of Attorneys-General (2023). Age of Criminal Responsibility Working Group Report.

3. **Aboriginal and Torres Strait Islander self-determination**, with consideration of the need for resourcing of Aboriginal Community Controlled Organisations to deliver service responses and build community capacity, and representation in governance mechanisms.
4. **A holistic, trauma-informed, therapeutic approach**, incorporating comprehensive assessment, case management and therapeutic responses that respond to the complex needs of children, providing multidisciplinary support as early as possible, and incorporating kin-, family- and child-centred practice.
5. **Responsiveness to diversity and inclusion**, having regard to the diverse, complex and intersecting needs of children and their families, through appropriately skilled workforces which engender cultural safety, strengths-based practice and person-centred, trauma-informed and healing-informed services and care, disability awareness and inclusivity.
6. **Locally tailored responses**, including (where appropriate) place-based responses that build upon the strengths and capacity of communities to prevent and respond to the drivers of offending. Particular regard is to be had to the characteristics and availability of services in regional, rural and remote areas, and the need for resourcing to deliver service responses.
7. **Evidence based and data driven policy**, with design, delivery and decision-making informed by data and a robust evidence base, and consideration of the right of Aboriginal and Torres Strait Islander communities to access and interpret information about their communities.

We **recommend** that the proposals contained in the Working Group's (2023) report above be implemented in Queensland.

The Queensland Audit Office recently released a report which assessed whether youth justice strategies and programs are effective in reducing crime by serious repeat offenders and improving community safety.<sup>53</sup> It found the following concerns:<sup>54</sup>

- System leadership needs to be more effective. Constant government restructures (5 over the past 7 years), legislative changes, and instability in leadership positions within entities have hindered efforts to reduce crime by serious repeat offenders. The government has improved oversight and coordination by establishing system-wide governance committees. However, their effectiveness is diminished by a high proxy attendance and, at times, a lack of action to address key challenges across the system, some of which are long standing. These challenges include the lack of capacity in detention centres and the over-representation of First Nations youth in the system. There is a need to define who has overall responsibility and accountability for the youth justice system. The Department of Youth Justice does not have authority to make decisions across the system.
- Better system-wide analysis is required to inform investment. The government has invested heavily in a range of rehabilitation, support, and community-based programs to address crime by young offenders. This investment would be strengthened by implementing stronger planning and analysis at both the system and entity levels. These services may include community, health,

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<sup>53</sup> The State of Queensland (Queensland Audit Office) (2024). Reducing serious youth crime.

<sup>54</sup> The State of Queensland (Queensland Audit Office) (2024). Reducing serious youth crime.

housing, education, and others. Similarly, the Department of Youth Justice needs to strengthen its analysis to ensure it is investing in the right programs, at the right locations. The Department of Youth Justice could not demonstrate that it was regularly testing the market. This increases the risk that its investments do not achieve value for money or meet the needs of young offenders. Contract management practices also need to be strengthened to support better outcomes for young offenders. The governance committees responsible for leading the system do not undertake system-wide investment analysis to inform funding decisions, nor does the Department of Youth Justice. The Department of the Premier and Cabinet intends to do this investment analysis as part of its new system evaluation responsibilities.

- Entities need to better implement their new youth justice strategy. The Department of Youth Justice has drafted its new youth justice strategy and the Queensland Police Service needs to finalise its own youth justice strategy and ensure it aligns with the state's strategy. Greater system-wide evaluation is needed to determine if the government's actions are reducing crime by serious repeat offenders and improving community safety. The Department of the Premier and Cabinet's new system evaluation responsibilities aim to address this gap.
- More can be done to monitor and rehabilitate serious repeat offenders. The Queensland Police Service can strengthen its processes for checking that young offenders comply with their bail conditions. QPS and the Department of Youth Justice do not have a consistent way of identifying those young offenders with the highest risk of reoffending. These different approaches are resulting in entities identifying different cohorts. This increases the risk that some high-risk offenders may miss out on getting the rehabilitation or case management they need to address their offending behaviour. 18% (9) of the 50 serious repeat offender files the Queensland Audit Office sampled had no records of any rehabilitation programs being delivered to them to stop their re-offending.
- The Department of Youth Justice needs to better manage a young offender's transition from detention to the community. More can be done to support young offenders leaving detention, as leaving detention is a particularly susceptible time for serious repeat offenders. While the department provides case management support to young offenders before and after they leave detention, its primary approach to managing their transition from detention back into the community is its 72-hour plans. These plans are not based on evidence and the Department of Youth Justice could not explain the rationale for only planning for the first 72 hours after a young offender's release. The Queensland Audit Office found 72 hours may not be sufficient, and a transition plan covering a longer period is needed. The Department of Youth Justice did not always prepare a 72-hour plan for serious repeat offenders leaving detention, and the quality and consistency of them varied significantly.

We **recommend** that the recommendations below from the Queensland Audit Office be implemented in Queensland.<sup>55</sup>

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<sup>55</sup> The State of Queensland (Queensland Audit Office) (2024). Reducing serious youth crime.

### Managing Queensland's youth justice system

We recommend that the Department of the Premier and Cabinet continues to work with key system stakeholders to:

1. ensure more effective coordination, integration, and delivery of youth justice-related initiatives, including facilitating whole-of-government investment and implementation where appropriate.

We recommend that the Department of Youth Justice and the Queensland Police Service, in collaboration with other relevant stakeholders:

2. strengthen their leadership and governance of the youth justice system (the system). This should include

- ensuring relevant leadership committees, including the youth justice taskforce, are attended by appropriate entity delegates with appropriate decision-making authority
- identifying and prioritising key challenges across the system and implementing appropriate strategies and actions
- improving cross-entity collaboration to ensure entities share relevant information in a timely manner, including making the multi-agency collaborative panel data dashboard available to relevant entities.

We recommend that the Department of Youth Justice, in collaboration with relevant stakeholders:

3. reviews, updates, and implements its new youth justice strategy. The strategy should

- include indicators of success to measure performance across the system
- include clear system-wide actions aimed at reducing the over-representation of First Nations young offenders in the system
- clearly define roles and responsibilities across the system to inform entity-level strategies and plans.

We recommend that the Queensland Police Service:

4. finalises its youth justice strategy, ensuring it includes measurable objectives and aligns to the state strategy.

We recommend that the Department of the Premier and Cabinet, in collaboration with the Department of Youth Justice:

5. finalises its system-wide monitoring and evaluation framework and commences evaluation of 2023 youth justice reforms. This should include

- developing a plan for ongoing evaluation across the system
- reporting outcomes of monitoring and evaluation regularly and transparently to the Department of Youth Justice, the Queensland Police Service and other relevant entities, and to the public, as required, to help inform whether the Queensland Government's actions are reducing youth crime.

We recommend that the Department of Youth Justice:

6. formalises and executes a plan for measuring the effectiveness of programs using its outcomes framework.

### Investment in youth justice services

We recommend that the Department of Youth Justice:

7. strengthens its investment and procurement practices to ensure that all investment decisions are based on sound market analysis, with the rationale for decisions clearly documented in line with evidence. This should include

- regularly mapping its investment against youth crime trends across Queensland
- ensuring its contracts contain sufficient performance measures and targets that assess outputs and outcomes
- developing a framework to build capability in the sector.

Rehabilitation and community safety

We recommend that the Department of Youth Justice and the Queensland Police Service, in collaboration with relevant stakeholders and governance committees:

8. agree on a uniform, evidence-based approach to identifying those young offenders with the highest risk of reoffending and ensure this information is shared with relevant stakeholders across the system.

We recommend that the Queensland Police Service:

9. monitors bail checks for serious repeat offenders to ensure timely and appropriate action.

We recommend that the Department of Youth Justice:

10. improves and standardises its processes and systems for collecting and recording data about its core rehabilitation programs and support services. This should include providing appropriate training and guidance to staff to ensure data is collected as required.

We recommend that the Department of Youth Justice:

11. continues to implement plans to address staff shortages at detention centres, including considering alternative methods to rehabilitate young offenders while centres are in lockdown.

We recommend that the Department of Youth Justice:

12. ensures there is effective and sustained support to young offenders transitioning from detention into the community. This should include

- evaluating the length of time a young offender requires support
- implementing a more structured process for planning a young offender's release
- communicating in a timely way with relevant stakeholders about the young offender's risk, needs, and transition plan
- providing appropriate support to meet the young offender's social and cultural needs.