

Making Queensland Safer Bill 2024

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The **EMU** Files

SUBMISSION TO THE MAKING QUEENSLAND SAFER BILL 2024

Over the last nine years I have been researching innovative practices for young people with a history of developmental adversity. My doctorate was endorsed in June 2024. This makes me one of the few people in Queensland who has recently researched effective practice with the young people impacted by this bill. I now conduct an organisational endorsement business, and publish academic articles pertinent to the group of young people at whom this bill is aimed. I am also a board member of the International Society for the Study and Treatment of Trauma and Dissociation. That body is the world's leading expert team for the group that this bill seeks to address. Further, I was a full time Army officer for ten years and understand the impact of coercive and forceful discipline intimately. This puts me in a position to provide advice on contemporary effective innovations for this group of young people. Below, you will find my advice to be both for and against the bill.

I have Covid and am feeling very unwell today. Please forgive any sloppy style.

Reasons FOR

The youth justice system seems to be already reducing incarceration rates generally, and steadily over the last 15 years or so, but not for the young people with few high violence and high volume crimes. Innovative approaches seem warranted as current systems are not working for this group of young people. The bill seeks to re-orient current detention policy toward something new, which the LNP government discussed in the election lead-up. This discussion forms the background to the bill, as there are many assumptions about what will happen as a consequence of the bill being passed.

Most of these high violence/high volume young people seem to be Aboriginal or Torres Strait Islanders and interventions on country would seem essential. Again, this is not contained in the bill, yet is in media statements by the LNP, and might be included in legislation. Certainly, the impact of the bill will be felt mostly by Aboriginal and Torres Strait Islander children, and communities. It seems strange that this is not addressed in the bill as the Rights of Indigenous Peoples are involved, and is assumed context from the election media. The bill might clarify this matter, however I agree that a change is needed for this small but high impact group of young people.

Statistics, (<https://doi.org/10.1177/00048674241271916>), show that people in detention have extraordinarily high rates of mental health challenges. This makes any detention only solution, more harmful overall. The mental health needs must be seen as a driver of behaviour and innovative approaches, as suggested in the media about the bill, can be effective in this space.

Reasons AGAINST

The young people of concern have minds that are not capable of adult cognition on two points; (1) they are not adult, and (2) they have complex trauma which prevents cognition (rational decision making) when under any amount of stress. Stress is not always a negative, but a heightened psycho-physiological state, and these young people are likely to be permanently in this state much the same as many returned servicemen, but without a stable childhood experience to lean upon. Simply put, these young people cannot think objectively about the threat of lengthy detention when committing crimes. *Adult Crime, Child Minds* might be more accurate as a solution, although I offer this as a tongue-in-cheek and stark comparison to the current bill, and not as a legislation or policy name. There are such solutions, that would be prevented by the bill, which requires longer sentences, higher rates of incarceration, and public shaming. Solutions might be similar to my research at Griffith university (<https://doi.org/10.31235/osf.io/2pygx>), and as demonstrated by virtually zero youth detention rates in Scotland and some USA states.

Human Rights are the starting point for mental health improvement. All mental health interventions that are coercive are susceptible to abuses over time. These programs can be deeply harmful as shown in my thesis (<http://dx.doi.org/10.13140/RG.2.2.34510.68162>) and this pre-print article (<https://doi.org/10.31235/osf.io/qta5p>). Further, such programs bring the program management to the attention of law enforcement and legal action, as seen in the USA currently (<https://researchoutput.csu.edu.au/en/publications/9e328505-bad8-4e74-9f4e-f9dcaf203ad7>). This has the potential to tread the path of various Commissions of Inquiry and Royal Commissions. Human Rights cannot be set aside because they are inconvenient. The medium and long term hazards of the bill regarding increased rates of detention and length of detention are extraordinary.

There are many evidenced and non or least coercive programs in Australia and internationally that are successful in reducing youth crime. These demonstrate effectiveness with minimal risk. The government might recall that the residential boot camp in far north Queensland had a young person escape with a knife within days of opening. The harms perpetrated by organisations providing child safety interventions are well documented, and although often historical, offences continue to be committed wherever adults can get away with them. Many crimes of abuse are by adolescents upon adolescents. Any intervention would need to be individualised and tightly case managed by a complex care team, which already exist and work very well. Instead, the

bill resembles in its wording some of the most egregious abuses of the so-called Troubled Teen Industry in the USA, with coercive practices that killed a boy in Feb this year. The wording in the bill is uncomfortably evocative of these wilderness therapy programs, which I have compared unfavourably to trauma-informed and human rights-based practices here (<https://doi.org/10.31235/osf.io/5evkx>). We already have access to safe and effective programs, the features and practice principles of which must be included in the bill and in subsequent commissioning.

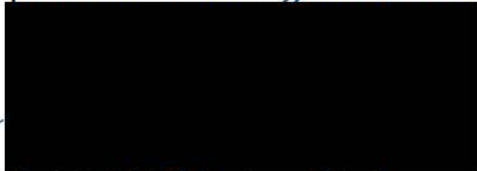
In my final concern against the bill, I return to the mental health of the young people of concern, their families and communities. Any effective interventions with these young people must be complex trauma-informed, as this is the background of probably 100% of cases. Complex trauma is known but is not in the diagnostic systems. There are no adequately assessed programs because the mental health community cannot settle on a definition. This may not be obvious when engaging with mainstream services, which in my experience remain quite unaware of the complexity of complex trauma, some of which is indicated by a recent NSW legal case (<https://www.abc.net.au/news/2024-12-02/multiple-personality-diagnosis-not-unbelievable-jury-told/104673434>). The bill must address the emerging field of complex trauma-informed practice and prioritise research and evidenced practices, rather than simply importing these from the USA. These USA processes, with training provided by large organisations in NSW, Vic and SA, are somewhat old, and lack depth and nuance. Mental health, derived conceptually from complex trauma, must be addressed by the bill in a way that enables best practice to be developed and continually improved. Crime and mental health are indivisible. The government is in a position here, to create world leading interventions, that would harken back to the Carmody Inquiry, which the previous LNP government endorsed fully. Using lessons and impetus from this, and in accordance with the Queensland Mental Health Commissions *Shifting Minds* mental health strategy and *Queensland Trauma Strategy* would position this government as an innovator, yet the current bill seems silent on an effective and innovative mental health agenda, as if there is no link between crime and mental health.

Conclusion

While there are several models people suggest may be effective as interventions, the government might look to verify them as most are not evidenced and can be strongly related to various prior interventions for adults, with the *12 Steps* being one example. While they may seem to be getting results, I suggest the government not tie itself too fully to these programs, leaving room for evidenced improvements. They may be a helpful starting place, and a basis for continual improvement. While this is not mentioned in the bill, I feel it should be to ensure the government has legislation to support innovations that mainstream services for young people are proven unable to deliver. Like the bill in its current form, these interventions are based on cognitive solutions to

non-cognitive problems. The embarrassingly high drop out rate of headspace, and lack of progress through the primary treatments available at Child and Youth Mental Health Services, evidence the hazard of not legislating for innovation and modern definitions of complex trauma.

On the whole I am against this bill proceeding in its current form. The bill should address a research and practice agenda, as well as the link between crime and mental health. The bill must not eschew human rights legislation as an inconvenience. While I see some suggestions of on country innovative programs as solutions in the media I do not see the detail of how this will be achieved in the bill. I suggest the bill be paused to allow the detail to be added and refined while also engaging with the democratic institutions which seem to be uniformly against the bill in its current form. I am and remain at your service if the government wishes to be informed of the current theory and practice research on effective solutions for the young people this bill seeks to control.



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