

## **Making Queensland Safer Bill 2024**

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# Gold Coast Youth Service Inc

## Submission to Making Queensland Safer Bill 2024

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## Introduction

Gold Coast Youth Service Inc. is a leading non-profit youth support and specialist youth support and youth homelessness organisation. Established in the 1980s and incorporated in 1986, the Gold Coast Youth Service addresses the needs of vulnerable marginalised, disadvantaged and homeless young people and their families, across the Gold Coast region.

GCYS supports young people and/or their families involved in the Youth Justice system across nearly all our programs. Our main delivery service to this target group is via the Street CRED, Westfield and Youth Access & Support Service (YASS).

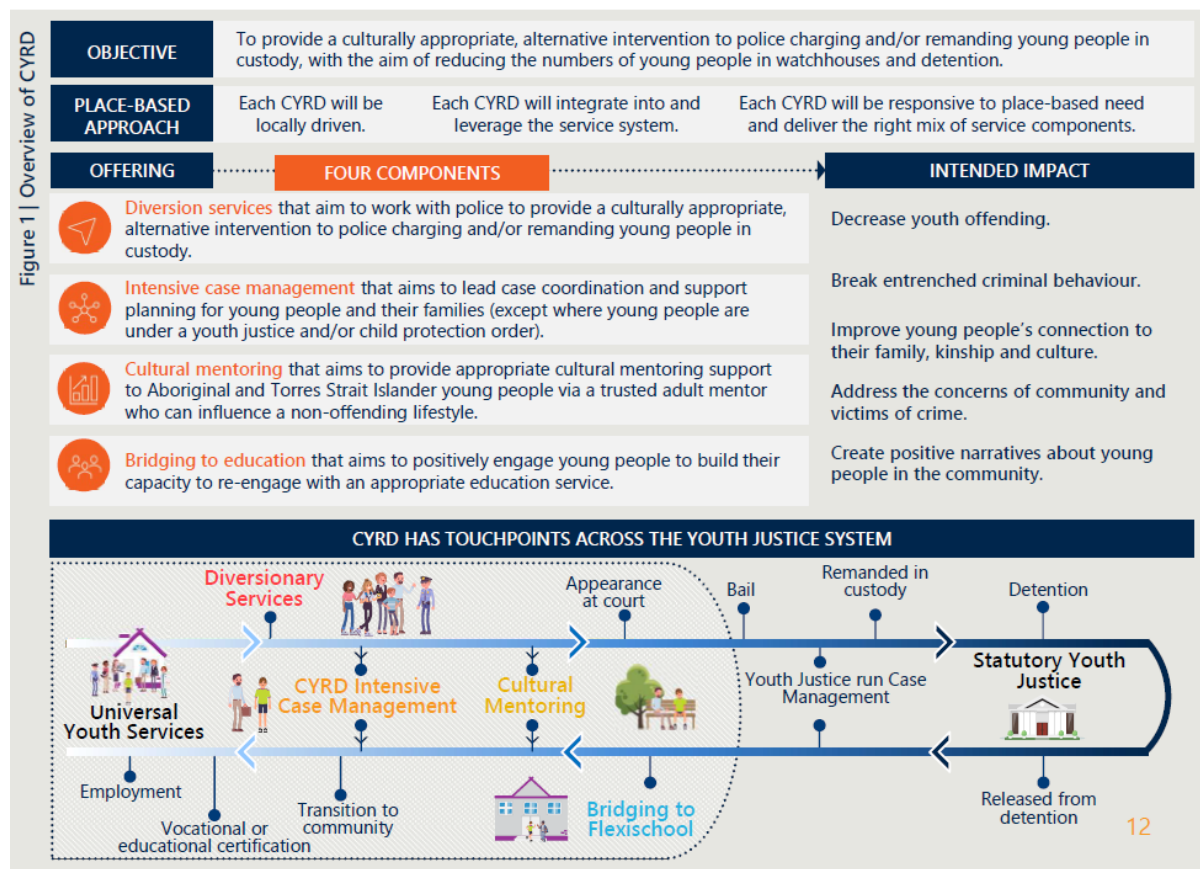
Since 2018 the Gold Coast Youth Service (GCYS) has been a key partner in project Street CRED which stands for:

- Collaborate: working in partnership with other agencies to provide coordinated, united support to identify vulnerable young people
- Re-empower: re-aligning pathways for a young person to reconnect with family, education, employment and traditional support services
- Engage: providing information to allow the young person to have authority and make informed decisions regarding their current situation, which activates their resilience and presents opportunities for lifelong learning
- Deter: reduce youth involvement and participation in antisocial behaviours and/or criminal activities.

It was developed and led by the Queensland Police Service (QPS) on the Gold Coast until this role was handed over to GCYS. Street CRED's multi-agency approach is the first of its kind on the Gold Coast offering assistance to vulnerable young people with their housing options and other areas of need through assertive outreach and follow-up support. A key element of the program is to reduce rates of offending on the Gold Coast by intervening early to divert young people at risk. This multi-disciplinary team are proud recipients of the 2019 Child Protection Award, the QLD Police Excellence Award for Customer Focus and a Safer Suburbs Meritorious Award in 2019.

Over the last year Street CRED has engaged 1099 young people, and we are seeing a concerning trend towards a younger age cohort. The program also participated in the CRYD evaluation with the Final report being released in May this year. This Report noted the positive outcomes being achieved and that "*CYRD creates between \$7.4 million to \$10.6 million in avoided costs due to reduced offending alone*" (NOUS, 2024, p.6).

The diagram below from the NOUS report highlights the programs' role:



GCYS has been advocating an increase in funding for Street CRED, unfortunately most of the recent State Government funding has been directed internally towards the Statutory Youth Justice end of the continuum. As part of our Street CRED response, we have also noticed that there is a gap in service delivery in supporting the families of the young people we support. The Care Coordination program, that we have recently initiated, provides an opportunity to support young people and their families with navigating agency referral and involvement with services. The program targets risk factors for young people and their families and to help mitigate those factors while aiming to enhance resilience and well-being.

Support for families to cope is also crucial. Families are often exhausted or lack the skills to manage/parent their child by the time the young person has repeat offences. There is very little support for families who are at a loss of what to do with their son or daughter who is offending. With Youth Justice Intensive Case Management there should be actual qualified family workers. This support for family's needs to occur much earlier and throughout the continuum, from true early intervention before harm has occurred, through to transitional support in readiness for release from detention for example, increased investment in family workers is required. We hope that Care Coordination will be funded as part of that suite of programs required.

As part of our Youth Justice response, we are also funded to support Westfield Coomera and Helensvale as a diversion and engagement program. Our Youth Engagement Officer was the successful Westfield Local Hero in 2024, and this not only demonstrates the strength of the program but the positive community regard. Feedback from the Westfield staff was that they noticed the decrease in anti-social behaviour in the centre since the program commenced.

It is essential that the legislative youth justice framework continues to support these prevention and early intervention initiatives, and that adequate funding is provided to enable “gold standard early intervention” service delivery in the community such as Street CRED, Westfield and Care Coordination.

## Response to the bill

Balancing the needs of young people, victims, safety and community interest around youth offending is an ongoing challenge for governments and stakeholders. In our reading the Bill seems to assume that all young people are engaged with the youth justice system for extended periods of time with high levels of offending behaviour, our experience is that this is not the case. GCYS is concerned about the broad cast nature of this legislation and that it may unintentionally capture young people in the system rather than diverting them from the system.

We are concerned about the unintended consequences of this Bill particularly with young people who are first time offenders or who currently have a light touch in the youth justice system as the Bill as drafted does not seem to differentiate the seriousness of the offence in the amendments. In addition, we are also concerned about the disproportionate impact this bill will have on young people from Aboriginal or Torres Strait Island backgrounds across Queensland and those from CALD backgrounds. We refer to the QCOSS, QYHC, QATSICPPP and YAC reports for the wider Queensland picture.

GCYS is concerned about the scope of the legislation, it's acknowledged that it is incompatible with people's Human Rights, and this acknowledgement is in point 5 in the Statement of Accountability. We are concerned about the negative impact on young people about aspects of this Bill including the use of Watch Houses for example. These negative impacts do not contribute to rehabilitation or making our communities safer but simply traumatise young people further.

We welcome the rights of victims to be involved and supported in the process and that Human Rights can ensure a balanced approach to youth justice matters. It may be more appropriate to review the Charter of Victims' Rights in the Victims of Crime Assistance Act 2009 (Qld) rather than repealing any Human Rights provisions.

It will be crucial that all victims, or victim representatives in court thoroughly understand the legislation around publicly identifying a young offender. Including sharing any information that may reasonably lead to the identification of a young person who has committed an offence. It is not sufficient for this to be merely mentioned in court where the victim is under great stress.

It is crucial to have adequate support options for victims including as soon as possible after the offence, during court proceedings and after. Court is a confronting and confusing space for many people. It can result in increased stress and retraumatise victims. An unknown 'victim liaison officer' met shortly before the court hearing is not sufficient for victims of traumatic crimes when fronting court and the offender. If these changes are intended to increase the rights of the victims it is also necessary to provide affordable therapeutic support and case management support for victims. The current victim support service is not adequate with long delays, often with nil human interaction and no case management to address the individual needs of victims of crime.

It would be beneficial to pause this legislation process for proper consultation and consideration of alternative evidence-based approaches and the role of the Victims Commissioner that will achieve the stated goals of creating safer communities.

There are a range of interventions that balance the rights of victims and offenders, the juxtaposition of victim to offender is not in the best interest of the community. Evidence shows that processes such as Restorative Justice are successful not just in terms of preventing recidivism but also result in high levels of victim satisfaction. Such processes are inclusive and victim centred - young people are held accountable and experience a powerful shaming process as they face victims, family, community and police in the conference. They are required to make a legally binding agreement to help repair the harm – decided by the victim or community representatives.

Despite the success of these programs that promote the unique impacts on victims of crime, the government has not invested enough to expand Restorative Justice to provide timely responses and opportunity to victims, community, and young people.

Restorative Justice introduced by the Liberal Government in 1996 is an example of a great program that can achieve that balance– unfortunately the intent of the program has not been able to be maintained by successive governments and as a result current criticisms of the program are valid. It would be appropriate at this time to review this program and improve the program parameters and outcomes.

GCYS is concerned that children of primary school age are considered in the legal system in the same manner as adults under this Bill. As a youth service we apply best practise to all our work and this includes the importance of adolescent development and our understanding of this as we respond to young people accessing our service. Many courts have rotating Magistrates or Judges. Thereby they are not specific Children's Court Magistrates/Judges. There is merit in having a presiding Magistrate/Judge where possible to support the understanding and

consideration of young people's specific needs, including developmental stages, moral reasoning, and the impact of trauma for example.

Further concerns are that by allowing the identification of young people (regardless of the seriousness of their offence) will compromise their ability to attend school, engage in the community and to move forward from their offending behaviour. This concern extends to the ability of young people to engage in employment and training and to be diverted from the youth justice system and to make our communities safer.

For many young people they may commit offences as a child and don't have any further offending once they turn 18. Currently Youth Justice Records are sealed so that people can commence their adult lives with hope. The Legislation must be drafted so that people are not penalised for past mistakes when seeking employment, a passport to travel or for any other purpose other than court matters.

In the Children's Court Act the removal of Section 20 (9) "*Despite subsections (1) and (2), if the court is hearing a matter under the Mental Health Act 2016, section 172 or 173, the court must exclude from the room a person mentioned in subsection (1)(c) unless the court is satisfied it is in the interests of justice to permit the person to be present*" is concerning. Many young people who access our service have had traumatic experiences resulting in mental health conditions and potential increased risk of offending behaviours – it would be detrimental to their health (and community safety) not to have the ability for the court to make an exclusion order.

We have been able to work with young people particularly in our YASS service to remain at home, stay in education or undertake some form of employment opportunity as well as improving their ability to navigate systems and improve their quality of life, and stop their offending behaviour. As we are aware schools are a protective factor for children and the Australian Institute of Criminology has released a number of research papers on the importance of education in steering young people away from crime. Again, we have been able to get philanthropic support to evidence the effectiveness of this program but no enhancement of State Government funding.

It is also our experience and supported by research that that incarceration of young people generally does not deter young people from offending. There needs to be more effective processes and program that wrap support for young people and/or their families to integrate back into the community, a key element of this is the need for the provision of **housing**.

18-year-olds may often have the developmental age of a younger person due to various reasons including the impact of trauma on the developing brain. Will the developmental age of the young person be taken into consideration as '*unique needs*'. Adult correctional centres may not provide the opportunity for young people to continue therapy, life skills, education and/or

training programs required to support the developmental age of young people and their reintegration into community. Transfer after four weeks of turning 18 years of age is very prompt. Alternative options to remain longer such as through increased opportunity to reside in self-contained units in a detention centre may be more appropriate and support successful life skills development ready for reintegration into community, while keeping the young person, other detainee's and staff safe.

Transitional support is crucial, not just for young people entering an adult facility but for all young people transitioning out of detention. This is an area that requires increased focus and support. Consultation with family or significant others, and consideration of local community is paramount. Transition planning should occur much earlier. Young people can easily become institutionalised resulting in inability to cope in community and potential intentional reoffending. Again, not for profit agencies supporting individual young people and their families will have great success, this will not only support rehabilitation but increase the young persons reintegration into community. Young people 'serviced' by community, kept out of the Youth Justice system as much as possible will have better opportunity of sustainable change and avoidance of anti-social peers where possible.

Preventative and early intervention can have a greater impact on the numbers of young people offending and a lower cost to the community. The alternative is that in the long term we will see a greater number of victims of crime (in many cases these are also young people). Therefore, we disagree with the omission in Schedule 1, item 18. Keeping this principle will ensure young people are able to have supports in the community and diverted from the criminal justice system. Any changes are already in the Sentencing Principles amendments and removing Schedule 1 Item 18 would not be consistent with government stated agenda on early intervention. Note: therefore, GCYS disagrees with the omission of Section 150(2) (e).

Funding not for profit agencies more broadly, specifically to support small numbers of Youth Justice clients and their unique needs, along with other young people not involved in the criminal justice system, will increase the possibilities of the right match for the child. We need to fund programs and training in accordance with young people's own interests, goals, strengths, and individual therapeutic needs. Further, there is merit in separating offenders to increase exposure to more pro-social peers.