



8 July 2014

Crime Inquiry 2014
Submission 007

Research Director
Legal Affairs and Community Safety Committee
Parliament House
George Street
BRISBANE Q 4000

Dear Sir/Madam

Re: Inquiry on strategies to prevent and reduce criminal activity in Queensland

We refer to the letter from the Chair dated 28 May 2014 seeking submissions on the above-mentioned inquiry by 18 July 2014.

Protect All Children Today Inc. (PACT) is a non-profit community organisation established in 1986 as a service provider of court support as well as advocating on behalf of children, young people and their families. PACT's Child Witness Support Program provides support for children and young people who are required to give evidence in the courts, either as victims of, or witnesses to, a crime.

In relation to aspects of the Inquiry, we offer the following comments based on our experience and expertise working with vulnerable children and young people:

Whether you have observed particular trends and type of criminal activity occurring in your particular region or across the State more generally.

- PACT Referrals have increased by **20%** in the 2013-2014 period with **1515** children and young person victims of crime receiving support through the complex Criminal Justice System.
- The majority of cases referred to PACT continue to be children involved in sexual matters with over **63%** sadly being victims of, or witnesses to, sexual assault.
- Generally over half of PACT's clients are victims (complainants), approximately 40% are witnesses and 10% are fresh complainants.
- In regard to the relationship between the Defendant and child witnesses, our statistics for the 2013-2014 indicate that in **49%** of referrals the child has no identified relationship. However, in **35%** of cases the Defendant was a natural, step or foster parent, sibling or other relative and in **15%** of cases the Defendant was a family friend.
- Our case statistics for 2013-2014 indicate that over 60% of crimes are committed in the Greater Brisbane area (including Gold Coast and Ipswich).
- The average age of child victims and witnesses supported by PACT continues to be **13** years.
- Of children referred **62%** are female, **38%** male.
- Increase in cyber-crimes which generally involve a large number of victims.

Vice Regal Patron: Her Excellency, Ms Penelope Wensley AC, Governor of Queensland

PO Box 6011, Logan Central, Q 4114
51 Jacaranda Avenue, Logan Central
Website: <http://www.pact.org.au>
ABN: 38 133 812 087

Telephone: (07) 3290 0111
Fax: (07) 3290 0499
Email: pact@pact.org.au

What you consider to be the key social and economic contributors to crime.

In our experience, children learn through observation and exposure, so we believe one of the significant contributors is their home environment. Government initiatives aimed at challenging social problems and breaking the cycle of violence and abuse can only result in reduced crime and better overall outcomes for children and families.

Further, children in families experiencing financial hardship and generational disadvantage are at greater risk of domestic violence and exposure to crime. Families in this category should be provided with adequate financial assistance and support.

How criminal activity has impacted you, or your community, directly or indirectly, including the social and economic impacts to families, businesses or the community at large.

Increased referral numbers (20%) impact on PACT's ability to provide optimum court preparation and support to young victims and witnesses of crime, due to increased operational costs and the impacts these have on our finite recurrent funding.

As over 60% of our referrals are from the Greater Brisbane area, PACT must ensure that we attract, recruit and train adequate Child Witness Support Volunteers to support child and young person victims of crime in their local communities. This obviously places further financial burden on the organisation due to increased advertising, recruitment, travel and accommodation and training costs.

The effectiveness (including the cost effectiveness) of crime prevention strategies such as:

a. Imprisonment

Imprisonment of children and young people should be the last resort wherever possible, with other forms of restorative justice being offered. Sadly, child Defendants are often former victims of, or witnesses to, crime as children generally learn through observation and exposure.

Automatically transferring a child to an adult facility without appropriate transition measures and in the absence of any consideration of the individual's needs and level of functioning will expose young offenders to unnecessary stressors. Moreover, in the absence of ongoing and appropriate rehabilitation programs, or the introduction of secure youth housing, young offenders will be exposed to, and/or influenced by, adult criminals unnecessarily. The impact of this will be increased recidivism and/or will result in more young people becoming victims of violent crimes by older prisoners. The trauma and long term effects of this must be considered.

b. Justice reinvestment

The increase in the costs of incarceration is likely to lead to less money being available for victim services and preventative and rehabilitation programs.

Justice reinvestment and innovative ways to reduce corrections and related criminal justice spending should be considered, as should steps to reinvest savings in strategies designed to increase public safety.

Research strongly suggests that societal investment in preventative and early intervention programs provide a range of savings compared with incarceration and economic costs to victims and the wider community.

c. Early intervention

One of the major issues from our perspective is ensuring that children and young person victims of crime receive prompt support, counselling and intervention to prevent them becoming future offenders. Sadly, many offenders have a history of being victims or witnesses of violence or abuse as children.

As PACT has been in operation for almost 30 years we are starting to see children that we supported as complainants (victims) of sexual assault now going through the Criminal Justice System as the alleged offender for crimes committed against children and young people.

This demonstrates that children learn through observation and exposure and sadly as a result, their interpretation of what is “normal” is distorted. Early intervention is required to teach them that this is not normal or acceptable behaviour.

d. *Alternative dispute resolution*

We believe that alternatives such as mediation, youth justice conferencing and so on are effective ways of managing minor offences prior to them becoming a criminal court matter. If the accused are made aware of the impact of their actions on their victims and take responsibility for same, they are more likely to learn that the behaviour is unacceptable and atone their behaviour accordingly. It also provides an opportunity to address some of the underlying issues that affect their offending.

Whether you consider other models in national and international jurisdictions could be implemented in Queensland and whether you consider they would be more effective

We recommend crime mapping to identify areas throughout Queensland where the majority of crimes occur, to ensure they are adequately resourced and policed to respond in a timely and efficient manner. Having a clear police presence is a good way of preventing crime. However, these areas should also have a range of community support agencies to provide assistance to families in need, provide alternatives to crime and assist in preventing crime amongst vulnerable communities.

Experiences or observations of the Queensland criminal justice system, including experiences from victims of sexual violence and/or domestic violence

As PACT has been in operation for almost 30 years, we have witnessed a range of positive changes to the Criminal Justice System over time, especially in relation to the way children and young people are treated in criminal court matters.

The following changes to the *Evidence Act* that occurred in 2004, apply when dealing with a child witness:

- Children are to be treated with dignity, respect and compassion.
- The distress and trauma suffered by children when giving evidence is to be limited to the greatest practical extent.
- Children are not to be intimidated in cross-examination.
- Proceedings should be resolved as quickly as possible.

PACT greatly appreciates the positive impacts that this amendment has had on vulnerable Queensland children and young people. However, the length of waiting times for matters to be heard and whilst a child is kept waiting in the Court precinct to give evidence, continues to be unacceptable. Late or no referrals for child victims and witnesses going through the court process does not enable adequate preparation and support for the court process. Faulty CCTV and other technological equipment continue to have a negative impact on a child's court experience. Communication across all parties needs to be enhanced as information and clarity reduces stress of the unknown.

Your interactions with the Queensland Police Service, the courts, prosecuting authorities, legal and support services and compensation processes.

PACT receives the majority of its referrals through the Queensland Police Service and commends their Officers for their diligence and commitment to protecting the vulnerable children and young people of Queensland.

PACT has established formalised Stakeholder consultation to provide evidence-based feedback through Incident Reports lodged by our Child Witness Support Volunteers, on where the policing, child protection and legal systems are working well and where improvements can be made. We express appreciation to the Chief Judge, Chief Magistrate and members of the judiciary, the Director of Public Prosecutions, Officers of the Queensland Police Service and staff of Victim Assist Queensland (VAQ) for their willingness to ensure that child victim and witnesses are well protected.

In July 2012, PACT introduced the Post Evidence Feedback Survey which children and young people complete after giving evidence. This initiative has provided children with the opportunity to provide feedback, voice any concerns about their experience and offers some closure to the court process.

The comments from the children surveyed are recorded verbatim and shared with Key Stakeholders where appropriate. PACT firmly believes the information from the child's perspective is valuable for informing future change.

Client feedback indicates that the process for applying for financial assistance needs to be streamlined to be more user friendly and easier to navigate.

Possible strategies to increase collaboration and co-operation between various participants in the Criminal Justice System.

Working Parties, Reference Groups and so on are excellent ways to get the Agencies involved in the court process together, discussing legislative reform, challenges and achievements. These forums enhance collaboration and promote the sharing of information. PACT is fortunate to be represented on a range of different forums and welcomes the opportunity to provide feedback from our experience working within the Criminal Justice System.

VAQ performs an important role in facilitating collaboration amongst the different victim support services and PACT commends them for their efforts in this regard.

The implementation of Supportlink across the Queensland Police Service provides efficient referral pathways for vulnerable people to access a range of support services. The Government should consider expanding the funding to Supportlink and the services it refers clients to.

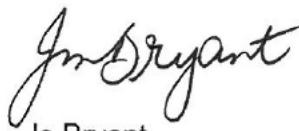
In addition, we believe the ability for not-for-profit Agencies, such as PACT, to provide input into legislative reform and government initiatives such as this, can only strengthen the relationship between all those involved in supporting victims of crime.

We greatly appreciate the opportunity to provide comment on this inquiry and commend the Government for their efforts in trying to reduce crime in Queensland.

Yours sincerely



Alexandra Marks
Chairperson



Jo Bryant
Chief Executive Officer