



The Royal
Australian &
New Zealand
College of
Psychiatrists

Queensland Branch

8 July 2019

Committee Secretary
Legal Affairs and Community Safety Committee
Parliament House
George Street
Brisbane QLD 4000

By email to: lacsc@parliament.qld.gov.au

Dear Committee Secretary

Re: Youth Justice and Other Legislation Amendment Bill 2019

The Queensland Branch of the Royal Australian and New Zealand College of Psychiatrists (RANZCP QLD Branch) welcomes the proposed amendments contained in the Youth Justice and Other Legislation Amendment Bill 2019 as a contribution to reforming the youth justice system in Queensland, particularly in relation to reducing the proportion of children on remand in custody and the speed in which criminal matters involving children are dealt with. However, we recognise that more needs to be done to reform the youth justice system in Queensland.

There is a significant body of evidence documenting the links between mental health issues and incarceration, as well as between childhood trauma and future psychosocial problems. Children and young people in detention exhibit higher rates of mental health issues than the general population and studies have shown that treatment for mental health issues is an effective way to decrease recidivism in mentally ill offenders (RANZCP, 2017). Mental health care can also help to alleviate the impact of the psychological stresses of the detention setting for children and young people at risk of developing mental disorder.

We are supportive of the proposed clarification that the principle of 'detention as a last resort' applies to bail decision making, and other measures to reduce the number of young people remanded in custody.

On an average day in 2016–17, 61% of young people aged 10–17 in detention nationally were unsentenced, compared with 33% of adults in prison in the June quarter 2017. Queensland had the highest rate of young people in unsentenced detention in 2016–17, at 86%. The average total time spent in unsentenced detention was highest in Queensland and Victoria, at 62 days (AIHW, 2018). These outcomes suggest that in practice, detention is presently being used more broadly than only for high-risk and serious offenders, and appears to be inconsistent with principles of justice and rehabilitation.

Wherever possible, children who have committed offences should be managed in community settings with primary caregivers to ensure their attachment relationships are not threatened.



The removal of a child from their home is a highly stressful experience, encompassing the child's loss of liberty, personal identity and familiar landscape, compounded by the loss of social supports and coping mechanisms including family and friends, school, sports and other activities. Events like this place psychological stresses on any child, with at-risk children more vulnerable to the effects of psychological trauma.

The incarceration of children should only occur as a last resort, for the shortest possible period of time and with the decision informed by the best interests of the child. When detention does occur, it is absolutely imperative that children in detention are treated with dignity and respect, and have adequate access to health care and non-clinical support. The RANZCP QLD Branch welcomes the proposed amendment to enable the Public Guardian's community visitor program to visit child accommodation services provided or funded by the Department of Youth Justice.

Alongside the proposed amendments, the Queensland Government must invest in an appropriate care system to support young people involved in the youth justice system. There are significant benefits of a justice reinvestment approach to criminal justice involving measures to decrease rates of incarceration and recidivism by investing in services in the community. Intervention strategies targeting the mental health of children and young people, particularly those who have experienced significant trauma and adversity, reduce the likelihood of adverse outcomes in relation to criminal offending.

Consideration must be given to stronger measures to reduce the inappropriate incarceration of children and young people. The youth justice system should be separate from the adult justice system and children must never be held in detention alongside adults. To this end, the RANZCP QLD Branch believes that serious consideration should be given to raising the age of criminal responsibility to at least 14 years.

If you would like to discuss any of the issues raised in the submission, please contact Bianca Phelan, QLD Branch Policy Officer via qldpolicy@ranzcp.org or by phone on (07) [REDACTED]

Yours sincerely



Prof Brett Emmerson
Chair, RANZCP Queensland Branch

References

Australian Institute of Health and Welfare (2018) *Youth Justice in Australia 2016-17*. Canberra: The Australian Institute of Health and Welfare.

Royal Australian and New Zealand College of Psychiatrists (2017) *Submission to the Legal and Social Issues Committee's Inquiry into youth justice centres in Victoria*. Available at: www.ranzcp.org/Files/Branches/Victoria/06330-President-and-Vic-Branch-Chair-re-VIC-Youth.aspx