

Submission: Youth Justice and Other Legislation Amendment Bill 2019

July 2019



Bringing the light of Christ into communities



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About Churches of Christ

Churches of Christ in Queensland has a significant presence in Queensland, Victoria and Vanuatu with hundreds of local services, positively impacting tens of thousands of lives each year.

We operate a range of missional and community care services to assist families, the elderly and people in need through church communities and our care services groups operated through Churches of Christ Care and Churches of Christ Housing Services.



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About us

Our organisation operates a range of services designed to support children, young people and families. We are also one of Queensland's largest providers of out-of-home care. We work with more than 3,000 children and young people each year and recruit and support more than 1,000 foster and kinship carers. Churches of Christ in Queensland offers a broad range of services to children, young people and families throughout Queensland. These services include early learning and care, family support, out-of-home care and transition to independence programs, with support provided based on the needs and interests of individual communities.

We are committed to providing a safe, supportive and therapeutic environment for children while working towards either bringing a family back together or supporting children and young people to have another permanent out of home care option. Our services provide additional support to children, young people and families through our Family Support services, early childhood education services and transition to Independence Services. We recruit and support more than 800 dedicated and compassionate foster and kinship carers. Working closely with our staff, carers provide a vital safety net to children and young people, often coming from backgrounds of abuse and neglect.

For a small number of children and young people, both in out of home care and in the general community, there is an ongoing and significant risk of harm to themselves or sometimes to others. This may be through self-harming, suicidal behaviours, significant drug and alcohol misuse resulting in overdoses and other high risk behaviours. The Queensland Suicide Prevention Action Plan 2015 – 17 notes that children and young people known to the child protection system are 3.9 times more likely to commit suicide than all young people on Queensland. Churches of Christ in Queensland recognises the serious nature and potential dangers of caring for young people in secure facilities, potentially against their will.

In addition to this submission we have attached an addendum that articulates our suggested secure care model, which we propose as a more therapeutic option for young people who have experienced trauma and are involved with youth justice and or the out of home care system.

Our response

Churches of Christ in Queensland welcomes the opportunity to provide comment on the Youth Justice and Other Legislation Amendment Bill. For the most part we welcome the proposed changes to the bill with the following comments:

The child's best interest

- Extending the principle of protecting the rights of children and promoting their welfare to include their right to live in safe, stable, nurturing and supportive environments is essential and the basic of human rights.
- We believe that the child's best interest and safety should be central to all proposed legislative amendments.
- We recommend that the definition of parent be inclusive of carer or guardian, particularly as this relates to children in statutory care.
- We encourage that every effort is made and by all means possible to ensure a parent or guardian, along with legal representation, is available to support a young person in the court proceedings and police interviews. Interviewing a child on their own should be the extreme last resort.
- For Aboriginal and Torres Strait Islander children or young people, consideration could be given for a community Elder to be nominated by the young person or family as a support person. Culturally this would be an appropriate response.

Dealing with root causes

- It is critical that all agencies and professionals involved with the youth justice system understand trauma, early adversity and the relationship with the offending behaviour.
- There needs to be alternate systemic supports to address a child's mental health, educational, disability, developmental and drug and alcohol misuse needs. The youth justice system is not the place to do this, and currently alternatives are scarce.
- A principle to ensure decisions impacting children and young people are informed by an analysis of their history of trauma should be incorporated. This includes the impact of the intergenerational trauma experienced by Aboriginal and Torres Strait Islander children and families and communities.

Decision-making framework

- We are of the view there needs to be a more robust and transparent decision making framework in place which can assist those making decisions about when a young person can and cannot be detained.

Other comments

- We agree in principle with the changes being proposed, but recognise that unless the intent and subsequent changes from the other three pillars of youth justice reforms occur, the desired outcome of meeting the needs of this group of highly vulnerable children will not be realised.
- We are concerned that children continue to enter into the correctional system due to failings across other service systems for the young person that have never adequately been addressed.
- We agree that information sharing should take place but we express concern that the young person's rehabilitation is the focus and reason for the information sharing. Information sharing should always be timely and in the best interest of the child.

- On page 9 of the potential amendments the term “if practicable” is mentioned in relation to a child being able to reside in his or her own home. We suggest that “every effort should be made” to ensure a child is able to reside in their own home if this option is considered safe.

Conclusion

Overall, Churches of Christ in Queensland supports these proposed amendments.

If there are any further questions regarding this submission, please contact Steve Webster, Government Relations and Policy Advisor on [REDACTED] or [REDACTED]