



21 January 2016

Research Director  
Legal Affairs and Community Safety Committee  
Parliament House  
George Street  
Brisbane Qld 4000

Re: *Youth Justice and Other Legislation Amendment Bill 2015*

Dear Sir/Madam,

I write in regard to the *Youth Justice and Other Legislation Amendment Bill 2015*, which was recently introduced into the Queensland Parliament by the Attorney-General, The Hon. Yvette D'Ath.

My submission is made on behalf of the Social Responsibilities Committee (SRC) of the Anglican Church Southern Queensland.<sup>1</sup> As the current serving chair of the Committee I am authorised to make this submission and the statement contained therein.

### Submission

The Social Responsibilities Committee offers its support to the *Youth Justice and Other Legislation Amendment Bill 2015*.

We welcome the Government's commitment, demonstrated through this Bill, to youth justice reform; including the repeal of the harsh amendments made previously to the *Youth Justice Act 1992* and other relevant legislation.. Together with other church leaders and those working in the youth justice sector, we have previously expressed our deep concerns at the potential impact of the current legislation on both young offenders and the Queensland community, due to its punitive nature, lack of a rigorous evidence base, and the limited engagement with the community that underpinned its introduction.

Accordingly, we support the intent of this legislation to emphasise the government's **early intervention and rehabilitative approach** to reducing youth offending, and its further role in supporting the development of a youth justice policy **based on evidence of what works**.<sup>2</sup>

We welcome, too, the Government's commitment to **engage meaningfully with the community** across a range of justice-related areas; and wish to expand upon this point in our submission.

<sup>1</sup> The Anglican Church of Southern Queensland was formerly known as the Anglican Diocese of Brisbane.

<sup>2</sup> The Attorney-General, The Hon. Yvette D'Ath. 1 Dec 2015. Explanatory Speech.  
[www.parliament.qld.gov.au/documents/tableOffice/BillMaterial/151201/YJOLAB.pdf](http://www.parliament.qld.gov.au/documents/tableOffice/BillMaterial/151201/YJOLAB.pdf)

We were delighted to note the assurance of the Attorney-General and Minister for Justice, The Hon. Yvette D'Ath MP, in her address to the Queensland Community Legal Centres Conference:

*We are all working towards the same goals and only by encouraging true participation from people at every step of the process can we ensure those goals are reached.*<sup>3</sup>

Working in partnership is critical in addressing complex social issues such as youth justice, supporting both innovation and deep understanding. It can also provide challenges, involving, as it does, diverse stakeholders in a constantly shifting environment.

Our dialogue thus far with various Members of Parliament and senior public servants suggests that there is a growing openness to new ideas and innovation in youth justice. There is also increased recognition that achieving different outcomes in a policy area where it has historically been difficult for any government to achieve significant improvement requires different input.

As you will be aware, traditional methods of policy analysis and design excel at solving *complicated* problems. Aspects of building regulation, for example, are governed by precise, known and unchanging cause-and-effect rules that can be implemented by experts with a high degree of certainty about the outcomes.

With *complex* issues, however, 'solving' one aspect often reveals or creates other, even more complex, dilemmas. In a complex system, it is not uncommon for small changes to have big effects; big changes to have surprisingly small effects; and for effects to come from unanticipated causes.<sup>4</sup> No single department or service provider, working alone, can 'solve' a complex problem.

Like many others across the community, we are keen to contribute to the process of keeping our community safe, and assisting our young people to grow up as valuable, productive citizens. We want to contribute to the development of a youth justice system that works — that is based on evidence and the long experience of those doing this work on the ground.

We agree with the Attorney-General, therefore, that the *Youth Justice and Other Legislation Amendment Bill 2015* is a positive first step in developing a youth justice system in Queensland that "values and supports the future of the children and young people it is responsible for".<sup>5</sup> We also believe that ongoing and meaningful collaboration across both agencies and sectors will be critical in creating a youth justice system that genuinely reduces the involvement of children and young people in the justice system rather than entrenching them within it.<sup>6</sup>

We urge, therefore, that the Parliament embed in youth justice policy, approaches that are *specifically designed* for working with complex issues, multiple stakeholders and differing perspectives. Such approaches:

- support an in-depth, shared understanding of the current state
- identify possible low risk directions for immediate action, and build in the ability to adjust and refine those pathways in real time
- provide signposts for how we decide if we're tracking (together) toward our desired future.

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<sup>3</sup> [http://www.qails.org.au/\\_dbase\\_upl/AG%20speech.pdf](http://www.qails.org.au/_dbase_upl/AG%20speech.pdf)

<sup>4</sup> OECD (2009) Applications of Complexity Science for Public Policy: new tools for finding unanticipated consequences and unrealized opportunities, [www.oecd.org/science/sci-tech/43891980.pdf](http://www.oecd.org/science/sci-tech/43891980.pdf)

<sup>5</sup> The Attorney-General, The Hon. Yvette D'Ath. 1 Dec 2015. Explanatory Speech. [www.parliament.qld.gov.au/documents/tableOffice/BillMaterial/151201/YJOLAB.pdf](http://www.parliament.qld.gov.au/documents/tableOffice/BillMaterial/151201/YJOLAB.pdf)

<sup>6</sup> Ibid

We suggest, as an early sign of commitment to these more collaborative methodologies, a **Government-hosted cross-portfolio, cross-sectoral workshop or forum** to inform youth justice policy reform. The attached document provides further detail of our proposal, which is co-sponsored by The Anglican Church Southern Queensland, the Uniting Church Queensland Synod, Queensland Churches Together (representing 16 Queensland member churches and Christian communities), and the Queensland Association of Independent Legal Services Inc (QAILS).

Such an initiative offers a way for the Queensland Government and Parliament to trial complexity tools and methods on a compelling social policy problem that is relatively small in scale, but of broad concern to both government and the community. It is consistent with the Attorney-General's desire to *encourag[e] true participation from people at every step of the process*, and helps to build ownership across the community for the youth justice reform agenda. We, like many others, are willing and eager to be a part of real systemic change that will produce positive results — for our young people, their families, the victims of crime, and the broader community.

We ask therefore that:

- the Committee recommend that the *Youth Justice and Other Legislation Amendment Bill 2015* be passed
- the Department of Justice and Attorney-General implement a truly collaborative policy reform process (including a cross-portfolio, cross-sectoral workshop or forum) that reflects the complexity of youth justice as an area of social policy, and provides a welcoming space for new ideas and innovation.

Peace,



The Very Reverend Dr Peter Catt  
Dean, St John's Cathedral  
Chair, Social Responsibilities Committee  
Anglican Church Southern Queensland

Enc: Workshop proposal at Attachment 1

# Youth justice in Queensland

## Doing things differently to get different results

### Our challenge

Rates of youth detention in Queensland have been increasing for several years, against the national trends (which are plateauing or declining). This includes increasing numbers of Aboriginal and Torres Strait Islander young people, and girls.<sup>1 2</sup>

### Making change happen

#### The proposal

The Queensland Government, in partnership with the community sector, hosts an intensive two-day workshop that brings together people with unique knowledge from across the youth justice system.

#### About the workshop

The workshop will use innovative complexity strategies, specifically designed to gain insights into issues where traditional methods of analysis and design have not delivered the desired results.

Diverse stakeholders share their unique perspectives, knowledge and experience of the current state.

Participants use this shared understanding as a basis for designing small scale initiatives and strategies for improvement that can be adjusted/refined, or easily and quickly halted if not obtaining the desired results.

#### What outcomes should we expect from the workshop?

In the two days participants will co-create:

- a collective understanding of youth justice issues that reflects the reality, experience, opportunities and constraints of the varied stakeholders in the room
- agreed priorities for action
- a positive and energising environment in which ideas and initiatives can be put forward and 'sounded out' with diverse stakeholders with minimal risk
- small scale low risk initiatives and strategies for improvement, designed for innovation and quick outcomes
- a list of people willing to work collaboratively to progress these strategies
- a summary of issues requiring further research and analysis to inform action.

#### Participants could include:

- Aboriginal and Torres strait Islander leaders, Elders and Justice group members
- policy makers from education, youth justice and communities
- health (including mental health), social and support workers
- legal, court, corrections and police officers
- teachers and school personnel
- young people with involvement in the youth justice system
- stakeholders from community, welfare and faith based groups working in the area
- academics working on related issues
- philanthropic youth-focused trusts or peak bodies with an interest in innovative policy development.

The youth justice sector has a history of cross sectoral collaboration, and is keen to engage with and contribute to policy development in this area.

#### Duration and location

2 working days, Brisbane region

#### Cost

Approximately \$16,000 (for workshop design, facilitation and documentation)<sup>3</sup>

## Context and rationale

Youth justice urgently needs a renewed vision and strategy for reform.

The Palaszczuk Government inherited a legacy of youth justice legislation that lacks a clearly articulated policy approach and a credible evidence base.<sup>4</sup> The Government has committed to a number of major changes in philosophy and approach to begin this process of renewal, including repealing the most punitive and ineffective aspects of the youth justice legislation;<sup>5</sup> termination of the boot camp trial;<sup>6</sup> and directing refreshed attention to early intervention and prevention programs.<sup>7</sup>

The Government is seeking to continue this pathway to continuous improvement across a range of justice-related areas by working in a meaningful partnership with the community:

*We are all working towards the same goals and only by encouraging true participation from people at every step of the process can we ensure those goals are reached.*<sup>8</sup>

Youth justice is *complex* (not complicated)

Working in partnership is critical in addressing complex social issues. It supports both innovation and deep understanding. It can also provide challenges — for example, when all the stakeholders concerned about a particular issue are convinced that their version of the problem (and solution) is correct.<sup>9</sup>

This means that complex problems like youth justice cannot be solved by traditional methods of policy analysis and design. Traditional methods excel at solving complicated problems. Aspects of building regulation, for example, are governed by precise, known and unchanging cause-and-effect rules that can be implemented by experts with a high degree of certainty about the outcomes.

With complex issues, ‘solving’ one aspect often reveals or creates other, even more complex, dilemmas. In a complex system, it is not uncommon for small changes to have big effects; big changes to have surprisingly small effects; and for effects to come from unanticipated causes.<sup>10</sup>

Complex problems need a different approach: new tools for identifying ‘unanticipated consequences and unrealised opportunities’<sup>11</sup>

Achieving different outcomes requires different input.

There are tools and methods that are *specifically designed* for working with complex issues, multiple stakeholders and differing perspectives, which:

- support an in-depth, shared understanding of the current state
- identify possible directions for immediate action, and build in the ability to adjust and refine those pathways in real time
- provide signposts for how we decide if we’re tracking (together) toward our desired future.

This proposal offers a way for the Queensland Government to trial complexity tools and methods on a social policy problem that is relatively small in scale, but of cross-portfolio and cross sectoral concern.

## References

<sup>1</sup> AIHW (2014), *Youth Detention Population in Australia*, released 28 Nov, p. 39. At: [www.aihw.gov.au/publication-detail/?id=60129549676](http://www.aihw.gov.au/publication-detail/?id=60129549676)

<sup>2</sup> Queensland Government (2014), “Youth Justice Pocket Stats 2013-14”. Department of Justice and Attorney General; Children’s Court of Queensland Annual Report 2014 – 15.

<sup>3</sup> Proposal costs, methodologies and deliverables are premised on using Cognitive Edge methodologies: <http://cognitive-edge.com/about-us/>

<sup>4</sup> *Youth Justice and Other Legislation Amendment Act 2014*. The Bill was overwhelmingly criticised by those agencies and professionals working in this area who provided submissions during the public consultation into the Bill. Submissions are available at [www.parliament.qld.gov.au/work-of-committees/committees/LACSC/inquiries/past-inquiries/YouthJustice2014](http://www.parliament.qld.gov.au/work-of-committees/committees/LACSC/inquiries/past-inquiries/YouthJustice2014)

<sup>5</sup> The Hon. Yvette D Ath MP, Attorney-General and Minister for Justice (2015). Address to Queensland Community Legal Centres Conference, 27 May.

<sup>6</sup> The Hon. Yvette D Ath MP, Attorney-General and Minister for Justice (2015), Media release, Boot camp bill hits \$16.7m, independent evaluation finds, August 20, [statements.qld.gov.au/Statement/2015/8/20/boot-camp-bill-hits-167m-independent-evaluation-finds](http://statements.qld.gov.au/Statement/2015/8/20/boot-camp-bill-hits-167m-independent-evaluation-finds)

<sup>7</sup> *ibid*

<sup>8</sup> *ibid*

<sup>9</sup> Conklin, Jeff. (2005) *Dialogue Mapping: Building Shared Understanding of Wicked Problems*. Wiley.

<sup>10</sup> OECD (2009) *Applications of Complexity Science for Public Policy: new tools for finding unanticipated consequences and unrealized opportunities*, [www.oecd.org/science/sci-tech/43891980.pdf](http://www.oecd.org/science/sci-tech/43891980.pdf)

<sup>11</sup> *ibid*