



9<sup>th</sup> May 2016

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

Re: ***Youth Justice and Other Legislation Amendment Bill 2016***

Dear Sir/Madam,

I write in regard to the *Youth Justice and Other Legislation Amendment Bill 2016*, which was recently introduced into the Queensland Parliament by the Attorney-General, The Hon. Yvette D'Ath. The Bill gives effect to a second stage of amendments to the *Youth Justice Act 1992* and the *Children's Court Act 1992*.

My submission is made on behalf of the Social Responsibilities Committee 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 2016*.

Our previous submissions have outlined in depth our concerns at the 2014 amendments made to the *Youth Justice Act 1992* and other relevant legislation, due to their punitive nature and lack of a rigorous evidence base. As with the *Youth Justice and Other Legislation Amendment Bill 2015*, therefore, we welcome this Government's commitment to youth justice reform, based on sound evidence of what works and an increased focus on restorative justice, early intervention and rehabilitative approaches to reducing youth offending.<sup>1</sup>

We also welcome the Government's commitment to engage meaningfully with the community on youth justice and other justice-related areas. As we have noted previously, we were delighted to note the assurance of the Attorney-General and Minister for Justice,

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

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>2</sup>

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. To this end, we have engaged in conversation with a number of Members of Parliament and senior public servants. It is encouraging to note the increasing openness to collaboration with the community sector, and to strategies and methods that support new ideas and innovation in youth justice.

In particular, we have had encouraging responses to our proposal for a Government-hosted cross-portfolio, cross-sectoral workshop or forum to inform youth justice policy reform. Our continuing dialogue with the Department of Justice and Attorney-General regarding such an initiative has been informed by the attached proposal, which is co-sponsored by the Anglican Church Southern Queensland Social Responsibilities Committee, the Uniting Church Queensland Synod, Queensland Churches Together<sup>3</sup> and the Queensland Association of Independent Legal Services Inc (QAILS).

The workshop proposal draws from an understanding of youth justice as a complex social policy environment, involving diverse stakeholders (all convinced that their version of the problem is correct), in a constantly shifting and fragmented environment. As human beings, we deal with these kinds of environments by sorting the world, looking for patterns that confirm our own experience, training, and knowledge. It is very difficult for us to see or hear things differently without some help.

Complexity based tools and methods are therefore *specifically designed* to gain insights into complex issues where traditional methods of analysis and design are less effective. They harness diversity, find innovation through the emergence of new patterns and connections, and help to create coherence by generating a collective understanding of the issues and shared ownership of both the objectives and the process. The processes and methods are well established, and have been used extensively in many countries and settings for the past fifteen years.

In conclusion, we agree with the Attorney-General that the *Youth Justice and Other Legislation Amendment Bill 2016*, in tandem with its companion Bill,<sup>4</sup> are positive steps 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>

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<sup>2</sup> [http://www.qails.org.au/\\_dbase\\_upl/AG%20speech.pdf](http://www.qails.org.au/_dbase_upl/AG%20speech.pdf)

<sup>3</sup> QCT represents 16 Queensland member churches and Christian communities.

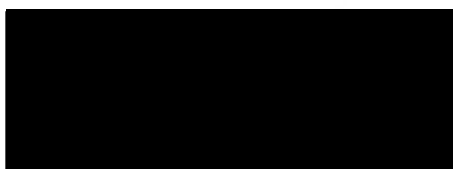
<sup>4</sup> *Youth Justice and Other Legislation Amendment Bill 2015*

<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)

We therefore urge that:

- the Committee recommend that the *Youth Justice and Other Legislation Amendment Bill 2016* be passed
- the Government embeds in youth justice policy approaches that are *specifically designed* for working with complex issues, multiple stakeholders and differing perspectives. In particular, that the Department of Justice and Attorney-General implement a truly collaborative policy reform process (including a cross-portfolio, cross-sectoral workshop or forum) that 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



## 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>3</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>4</sup> termination of the boot camp trial;<sup>5</sup> and directing refreshed attention to early intervention and prevention programs.<sup>6</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>7</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>8</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>9</sup>

### Complex problems need a different approach: new tools for identifying ‘unanticipated consequences and unrealised opportunities’<sup>10</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> *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>4</sup> The Hon. Yvette D Ath MP, Attorney-General and Minister for Justice (2015). Address to Queensland Community Legal Centres Conference, 27 May.

<sup>5</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>6</sup> *ibid*

<sup>7</sup> *ibid*

<sup>8</sup> Conklin, Jeff. (2005) *Dialogue Mapping: Building Shared Understanding of Wicked Problems*. Wiley.

<sup>9</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>10</sup> *ibid*