

## INQUIRY INTO SUPPORT PROVIDED TO VICTIMS OF CRIME

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**Submitted by:** Voice of Victims – Toowoomba Advocacy  
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On behalf of: Voice of Victims – Toowoomba Advocacy

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12 April 2023

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

By email: [LASC@parliament.qld.gov.au](mailto:LASC@parliament.qld.gov.au)

Dear Committee Secretary,

### **Submission - Support for Victims of Crime**

The Voice of Victims Toowoomba Advocacy (VoV-TA) group welcomes the opportunity to provide feedback to the Legal Affairs and Safety Committee regarding the Legislative Assembly's motion on 16 March 2023 to inquire and report on better coordination of state-wide services to ensure trauma-informed, victim-centric and timely support is provided to all victims of crime in Queensland. This motion respectively seeks to expand the victim eligibility criteria via the proposed amendment of the *Victims of Crime Assistance Act 2009*.

Our group was established in January 2023 after an escalation in criminal activity in our city in recent years and noticeably poor outcomes for victims, mainly where youth offenders are involved. The spike in property offending includes house breaks (with aggravating circumstances: at night, in company, with weapons, faces covered), home invasions and car thefts. At the time of our group's commencement, each member had been personally impacted by recent criminal acts and traumatic events (predominantly involving youth offenders), with most members facing "life-changing" emotional and financial impact. The group consists of nine founding

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persons. We meet weekly to carry out the business of advocacy for victims of crime in Toowoomba. Before the formation of our group, individual founding members advocated for change through our Local Members of Parliament and relevant Cabinet Ministers. We seek to provide the committee with insight into victim experiences; the unexpected costs and lengthy timeframes associated with forensic and insurance assessment, repair or replacement of goods covered by insurance; and advocate that better outcomes become available to all victims of crime through Victims of Crime Queensland.

Please see below our key feedback points:

**1. Better coordination of state-wide services to provide timely support to victims, from the time of reporting an incident to subsequent investigation and prosecution.**

VoV-TA supports the need for better coordination of state-wide services to ensure trauma-informed, victim-centric and timely support for victims from when the incident is reported and throughout the subsequent investigation, arrests and any prosecution. These processes should prioritise the impact of offending on each victim and include full involvement (if requested) in the Youth Justice System.

*a) How the criminal justice system, including the Queensland Police Service, the Office of the Director of Public Prosecutions, and court services currently support victims, and how restorative justice conferences and processes may be improved.*

Clear print information from the first responding police officer to assist every victim with mitigating other risks, initiating contact with insurance companies and financial institutions, and alerting victims to psychological and financial support avenues. Our group has requested that the Minister for Youth Justice (YJM) Leanne Linard MP and the Police Minister (PM) Mark Ryan MP work together to develop a printed information sheet to be handed to victims of crime at their first point of contact with the Queensland Police Service (QPS). We have provided QPS Supt. Douglas McDonald with a draft template (Appendix A) including the type of information that we would like included in this document. We understand that the QPS is progressing toward the rollout of this print document. We have heard verbally from the YJM that her office is working on such an information sheet, including victim participation in the Youth Justice System. This information sheet must be provided in print to assist elderly and technologically challenged victims, victims who have had their phones/technological devices stolen or destroyed, and the numbing trauma victims of crime experience. Critical information for an information sheet to include, but not be limited to:

- Queensland Police report number
- Name and contact information of the investigating officer
- Summary of Victims' Rights
- What victims need to do: credit cards, locksmiths, insurance (inc. product disclosure statement) etc.
- What victims can do to reduce trauma; additionally, where to request psychological/financial support.
- Court involvement
- Writing a Victim Impact Statement
- What to do and expect when property is recovered.

Where stolen property is recovered, victims complain of a disconnect between the information they receive regarding the collection of recovered property and such knowledge at the police station. This costs the victim time and compounds the ongoing trauma from the crime. This disconnect must be addressed. We recommend a functional database of recovered property, where anyone in the police station can retrieve information and return property to victims efficiently.

Where possible, courts need to seek restitution on behalf of a victim. Even where victims are covered by comprehensive insurance policies for home, motor vehicle or business, there are many exclusions and "out-of-pocket expenses" each victim faces as a direct result of the criminal offence perpetrated against their person or property. This includes victims paying up front to rectify damage to their property and addressing safety concerns (re-keying premises or replacing glass). Most insurance companies require each policy excess to be paid by victims before repairing or replacing damaged or stolen items. Some insurance companies can refund "excess payments" to victims of theft if an offender is named and charged with a criminal offence. However, these details must be provided to a victim by QPS for this to occur. The coverage of comprehensive insurance policies varies significantly concerning theft (via PDS), and there is no specific timeframe legislated reasonable timeframe for the repair of damaged goods. Victims also face other incidental costs not covered by insurance policies, such as servicing loan repayments and replacing personal effects stolen from homes or vehicles (not listed or covered by their insurance policy), including but not limited to Linkt toll tags, seat covers, floor mats, aftermarket accessories etc.

*b) How to ensure victims are kept informed and included appropriately throughout the investigation, prosecution and parole period.*

Informed police investigation. VoV-TA believes regular contact from the investigating officer (IO) will significantly reduce victim trauma. The IO needs to inform the victim of the progress of any investigation, property recovery, arrests, pending court proceedings and answer any questions from the victim, particularly offering support through the justice process. Every victim and circumstance will likely differ, and IO awareness of the optimum frequency of victim contact is imperative.

Transparency, victim inclusion, and support in the justice process, including a Victim Impact Statement. VoV-TA considers transparency in the justice process one of the most critical components this review must address (particularly where youth offenders are involved). Victims and the public must be confident that serious repeat offenders are not churning the system and that sentences meet community expectations. VoV-TA advocates for restorative justice wherever possible in the first instance (considered later in this submission, Appendix B). We accept that a first-time offender needs an opportunity to reform. However, the victim and the public need transparency to have confidence in the justice system. In such cases (and any case where the magistrate or judge considers the privacy of the offender to trump the public need for complete transparency), the judge/magistrate should meet with the victim/s before trial, explain the reason for victim exclusion from the trial, hear any victim impact statement (which must be taken into account in the trial), and then meet with the victim/s again post-trial to explain their judgement and sentencing.

Where an offender is deemed to be a serious repeat offender, VoV-TA considers that these individuals should forfeit any access to privacy in the justice process, and victims should be fully included in the justice process (as they are fully included in Restorative Justice, meeting face to face with an offender). We consider public confidence in the justice process to be of utmost importance. Specific information concerning juveniles (not including names of offenders) in the justice process must be accessible for publication: age, brief criminal history, judgement including brief reasons, and sentence. This should also be the case even for first-time offenders. Statistics of court decisions and sentences should be accessible for publication.

Restorative justice as an alternative. VoV-TA considers the restorative justice process an important opportunity for victims to address their trauma (reading a Victim Impact Statement) and a chance for offenders to understand the impact their criminal actions have on victims and the trauma that their offending has caused. This process should be used as a first option where the offender is not a serious repeat offender and where the victim is competent and has requested participation. Restorative justice should be a requirement and not an option for any offender deemed suitable by QPS or the court. If an offender fails to

cooperate fully with the process, the matter should proceed to full trial, and the court must consider such obstruction. The offender should forfeit any right to privacy, and the obstruction must be reflected in the sentence. If an offender fails to meet reasonable obligations forthcoming from the Restorative Justice process, the matter should be heard by a magistrate and such failure must be considered at judgement and sentencing. Restorative justice is an opportunity for offenders to tell their story also and for the justice system to signal for social reform.

## 2. Operation and effectiveness of the *Victims of Crime Assistance Act 2009*

Our group supports the Legislative Assembly's motion to review the purpose of the act and expand to the eligible victim category. In terms of broadening the victim-specific injury category and criteria, it may also be worth considering the evidence provided by a treating medical, mental health clinician or specialist, including "exceptional or aggravating circumstances" for requests of psychological and financial support, where justification of traumatic events have been deemed to cause secondary harm against a person, not necessarily involving the criminal act or threat of violence to one's person. VoV-TA considers trauma, and the significant financial cost of coming to terms with home invasion or vehicle theft for victims, to require urgent assistance. Therefore these crimes should be recategorised to make them eligible for support under the *Victims of Crime Assistance Act 2009*.

### a) Expansion of the eligible victims category

Home invasion is a necessary inclusion to the eligible victims category of the Act, acknowledging that "aggravating circumstances" are proportional to an act of violence when committed at night, in company or carrying weapons. However an expansion of the Act, should also provide greater consideration to the trauma suffered by all victims of crime like the acknowledgement already provided to secondary victims/witnesses in Part 6 to "Witness secondary victims" section 43, noting eligibility for assistance: a witness secondary victim of an act of violence is eligible for assistance. We propose further allowances for "exceptional or aggravating circumstances" through requests of request from a victim's Medical or Mental Health Practitioner, Psychiatrist or Psychologist, as victims impacted by trauma need not have had an act or threat of violence to initiate fear for their immediate safety or suffer post-traumatic psychological injury. The current Act Chapter 1, section 3, "Purposes of the Act", subsection 1 (c) states the purpose of the act is to provide a scheme to give financial assistance to **certain victims of acts of violence**. The objectives of the current Act mentioned in subsection (1)(c) are primarily focused on (a) to help victims of acts of violence to recover from the acts by giving them financial assistance and (b) for primary victims to give the victims amounts representing a symbolic expression by the State of the community's recognition of the injuries suffered by them.

In contrast to the current objectives of the *Victims of Crime Assistance Act 2009*, Chapter 2, "Charter of Victims' Rights" Section 5 provides a broad definition for coverage of the Act per subsection (1) a victim is a person who has suffered harm— (a) because a crime is committed against the person. Whenever a crime occurs, a victim undergoes a lot of physical and psychological trauma, regardless of whether the act involves violence. All crime victims will suffer from injuries, and the primary classification of these injuries are monetary (financial), physical and emotional. Monetary and physical injuries are easily visible, and therefore there is a solution to cope with that. But the emotional or psychological trauma that a crime victim suffers is something that many people fail to consider, and therefore it is probably the toughest trauma to cure. Non-violent crime tends to have a lot of secondary injuries, most of which are financial, which can cause mental trauma in such victims to increase if not treated<sup>[1]</sup>.

Victims can have a range of needs, including practical, material, social or emotional<sup>[2]</sup>. Trauma can arise from single or repeated adverse events that threaten to overwhelm a person's coping ability. Trauma-informed and

victim-centric services seek to not re-traumatise or blame victims for their efforts to manage their traumatic reactions. Survivors are seen as unique individuals who have experienced highly abnormal situations and worked as best they could. Any legislation that seeks to provide support and services to a victim who has suffered a crime against their person must consider that exceptional circumstances do exist, and adverse impacts and injuries can also be caused by non-violent means<sup>[3]</sup>.

Taking a victim-centric approach toward the support and services offered to each victim would enable better focus on the impact of criminal offending and minimising further harm rather than the perceived effect of a criminal act of violence alone. Where a victim could not foreseeably prevent an unlawful or criminal act against their person or property, they should not be excluded from being able to receive financial or psychological support.

*b) Mapping victims' experiences through the financial assistance application process to identify the ways to reduce the burden on applicants.*

Reducing the burden for victims when submitting applications for assistance. VoV-TA considers the unexpected financial setback of becoming a victim to be traumatic. A traumatised victim is in a haze of confusion at a time when they need to be able to think rationally and clearly, with so many out-of-the-ordinary things that need attention. Any burdensome application process for assistance will significantly add to the stress and trauma of the victims. We recommend immediate access to free professional medical/psychological support for victims of crime that meet eligibility criteria (including home invasion) that the IO triggers. Such support must be related to the trauma inflicted during the crime. We recommend support be available to victims, including:

- Vouchers for approved security measures, also triggered by the IO. For example, repairs to door locks may require immediate attention.
- that victims be granted assistance to replace uninsurable items like identity documents, driver's licences, etc. that are stolen.
- that victims receive relief from government levies (ie. Stamp Duty) and taxes when repairing or replacing items, including vehicles, that are stolen or damaged in the course of a crime.
- financial support be provided to victims with exceptional circumstances, such as when they are genuinely unable to work for some time due to significant trauma or the loss of critical work equipment.
- disabled, elderly, or otherwise vulnerable victims be assessed in person for trauma and any special financial support they might need. QPS could have specially trained volunteers or officers to manage this.

*c) Reviewing the Charter of Victims' Rights to identify common complaint themes from victims to inform future sector training needs.*

Where vehicles are stolen, insurance companies sometimes grant a period (usually two weeks) of hire car cover. However, recovering or repairing stolen vehicles frequently takes longer than two weeks. Here victims are further traumatised by the processes they must go through and are often left significantly out of pocket.

We have had reports from victims who have suffered financial and psychological distress, having had their trade vehicles and tools stolen. Often, they have no option of a second vehicle or an extra set of trade tools. Until the vehicle is recovered/replaced and the tools recovered/replaced, these trade people cannot work. That can take weeks or months. Some have to look for alternative work to survive. We have also had reports of victims who lose work or their job entirely because of the trauma inflicted by a home invasion or that they cannot get to and from their place of employment.

A typical response when a person first becomes a victim is to bolster their security with door locks, security cameras, alarms, etc. Unfortunately, this places a significant financial burden on a victim who will likely have to replace or repair stolen or damaged property and pay higher insurance premiums. Unfortunately, not all victims are in a financial position to increase their security, thus further increasing the anxiety and trauma about being re-victimised.

Child victims also experience significant trauma when their homes are invaded. Reports emerge of children with deep-seated fear, even teenagers insisting on sleeping in their parents' bedrooms, sleeping with lights on, or being suspicious of anyone that their imagination conjures.

*d) Revising the existing government initiatives in relation to the Act's operation and effectiveness.*

Our group supports the revision and extension of government initiatives concerning the Act, to include the expansion of the eligible victims category to include psychological trauma experienced by victims of home invasion and seeing that psychological and financial support are available to all victims of crime, especially where it can be established that a victim has taken all reasonable and foreseeable precautions to protect the safety of their person or property to prevent an unlawful breach or violation.

Our group was formed because of the trauma experienced by victims of house break, home invasions and vehicle theft. With personal experience, we can add that the trauma can be as significant or even more than that experienced by a single act or threat of violence. Appendix B provides personal victim accounts from our founding members.

### **3. The benefits, disadvantages and resourcing impacts of any recommendations.**

Any psychological injury sustained by a criminal act against one's person or property, including post-traumatic events, can only be assessed and diagnosed by a Medical or Mental Health Practitioner, Psychiatrist or Psychologist. Therefore, any legislation or Government services that provide support to Victims of Crime, should allow for board-approved practitioners to apply for psychological and financial support via the eligible victim's category acknowledging "exceptional or aggravating circumstances", like that of a WorkCover Queensland and Compulsory Third Party (CTP) Motor Vehicle Injury claims.

Need for swift justice. One of the failures that VoV-TA has identified in the justice system concerns the long delays to trial necessitating bail or remand. Swift justice for young offenders is essential for the offender, the victim (to help rapidly counter trauma) and also for public confidence. We consider that trained JPs, possibly in pairs (one trained and one in training), could preside over trials of less serious offences. A robust appeal process, via the Magistrates Court accessible to both the offender and the victim/public, would mitigate errors of judgement. Trained JPs could also preside over a restorative justice process. This would free magistrates and judges to manage more serious cases.

## **Appendix A: Victim Information Sheet**

### **Information Sheet for Victims of Youth Crime**

#### **Your CR (Crime Report) Number:**

*This number should be quoted whenever you make enquiries with Queensland Police Service in relation to your matter.*

#### **CR Summary Details**

*Eg. Home invasion, vehicle theft, etc. at xxx Jones St, Newtown on 29 Feb 2023*

#### **Investigating Officer**

#### **What you need to do**

Take time to consider your mental health (a home invasion can significantly cloud your thinking) Mitigate any further risk

Identify keys that are missing that could be used to enter the property at a later stage, and call a locksmith if necessary

Make sure that doors, windows, other vehicles, etc. are properly secured

Check to make sure that your credit cards and ID documents are safe. If they have been taken...

Make as complete an inventory as possible of what you believe has been damaged or stolen (if you don't think of everything don't worry)

Contact your insurance company/broker to start a claim (ask them if you find that other items have been damaged/stolen, if it would be OK to report them later under the same claim – it can take weeks or months to discover all that you have lost)

#### **Your rights as a victim of youth crime**

Right to know the course of the police investigation

Right to know when offenders are apprehended

Right to know the names of offenders

Right to know the history of offenders

Right to know court dates

Right to be included in the justice process (How to become involved in the justice process)

Right to provide and have victim impact statements taken into account

Right to know sentences and early release conditions

Right to know when offenders have been released

#### **Circumstances where victims rights do not apply**

#### **What you can expect from the police**

When can you take possession of recovered items

#### **What you can expect from the justice process and courts**

#### **What to do if you are not satisfied with police or justice**

#### **Support services**

Counselling

Financial assistance



## Appendix B: Victim Stories

One of our founding members (Janice Humphreys) and her John husband had two vehicles stolen in one night in 2022. One vehicle was the highlight of her husband's working life – one of just four in Australia. The other was the remaining legacy of their deceased daughter. Both stolen vehicles were recovered and beyond repair. They were significantly traumatised! They were afforded the restorative justice process with one of the youth offenders, which greatly assisted their healing. Janice's daughter requested that the family be kept informed of the justice process – this did not happen.

Another founding member of our group (Ken Cunliffe), and his wife run a small business. After they became victims in October 2021, they were disengaged from their business for several weeks after the crime. Part of it was attending to matters like home security, insurance, attending the police station, attending to vehicle recovery and repair. A significant part was simply the level of trauma. 18 months after the crime, they are still not sleeping well. Ken requested involvement in the justice process. This request went unanswered. He finally heard that 4 youths had been charged with a number of offences, and had been released into the community soon after. One of these youths died in a car crash in a stolen vehicle not long afterwards. Ken has since spent approximately \$8.9K on security, locksmiths, insurance excess, cleaning, etc.

Most recently, a founding member of VoV-TA (Karynne Paull) became victim and slept through their home invasion to wake to their house and car keys, and vehicle having been stolen. She spent the next few days arranging locksmiths, cancelling bank cards, claiming insurance etc. Her vehicle was recovered 5 days later. Karynne requested involvement in the justice process, via a victim impact statement and restorative justice. She was never answered on that request, but was finally called by police about 3 months after the crime to say that an adult and a 12 yo had been charged. She has had no further updates from QPS. Her vehicle was finally returned 15 weeks after the crime. She had to pay for vehicle hire beyond the 2-week period covered by her insurance. At the time of the crime, Karynne was not earning an income due to a medical condition, yet still had to cover costs and incidentals associated with the crime that were not covered by her insurance.

In November 2022, Ashleigh Venz (another founder of VoV-TA), was away with her young family, when they received an alert on their phone of a gloved intruder attempting to break in to their home at 3:30am in the morning. Fortunately, this person was not successful at this time, but the consequence of that violation had a deeply stressful impact on the remainder of what was supposed to be a relaxing and enjoyable family holiday. Upon their early return, they had to outlay significant amounts of their family budget to further improve their home security (replacing security screens and doors, adding cameras and alarm systems) to protect their peace of mind and most importantly, protect their children from the associated harm and trauma of a home invasion. Coupled with recent tragic events (like Robert Brown and Emma Lovell's death), as well as the spate of break ins in neighbouring homes, Ashleigh and her husband no longer sleep with ease and frequently wake at the slightest of disturbances, fearful they are being targeted. This is not a way of life.

## Appendix C: our previous submission toward the *Strengthening Community Safety Bill 2023*

Dear Committee Secretariat,

On behalf of the Voice of Victims, I'd like to personally thank you for allowing us to make the following submission for the Strengthening Community Safety Bill 2023.

Our group, Voice of Victims: Toowoomba Advocacy Group, was formed on the 10<sup>th</sup> of January, 2023 by several deeply concerned and highly motivated community members following a period of alarming increased crime in our region. We each bring a level of personal experience after being negatively impacted by youth crime and now living with the ongoing trauma and other associated consequences.

Email: [REDACTED]

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Our main objective in establishing Voice of Victims is to advocate for Victims' rights and to achieve a safer community, where our residents are no longer living in fear.

We are a non-partisan group. We simply seek a solution, and we welcome this opportunity to contribute to this hearing.

To address some of the many complex issues, we would like to put forth the following points for your consideration toward the Strengthening Community Safety Bill 2023, which we believe would support better outcomes for victims and promote a safer and more inclusive community.

## **1. Victim Support**

Our group would like to see clear and measurable provision for victim support in the Strengthening Community Safety Bill 2023.

### Victim Information Sheet

A suggestion was recently posed by a member from Voice of Victims, Toowoomba Advocacy Group that an Information Sheet should be provided to every victim at the time of reporting their crime, to assist with addressing initial safety risks or concerns, while awaiting forensic examination or feedback on their case.

A Victim Information Sheet, which would ideally, be easily accessible in print and electronic format, has already been taken on board for consideration by the Queensland Police Service, per discussion with the Commissioner for the Queensland Police Service at our recent Community Safety Form. We believe the Government should provide an additional information sheet detailing the support services on offer to victims of youth crime & outlining the framework, similar to pamphlets that are currently available to victims of violent and sexual crime.

### Counselling and Psychological Support

We propose that additional counselling and financial compensation be committed by our Queensland Government to assist future victims of all crime with their recovery. Victims of Crime Queensland, currently offer support and limited financial support to victims of violent and sexual crime. We would like to see this support extended, but not limited to include and acknowledge the impact "aggravating" factors have toward intensifying trauma and psychological injuries suffered by victims. Where a victim has sustained further financial loss, from unlawful and wilful damage by a young offender, who have their innocence and rights protected by the Youth Justice Act, including nil restitution can be sought, our Government needs to advocate better alternatives for these victims and address the financial toll recidivist offending has taken on our whole community (including Insurance Premiums rising or no longer offering particular coverage, due to high risk). Some victims have been deprived of their regular income or revenue whilst taking days off from work as direct result of crime. Some of these victims are now suffering psychological and financial hardship with returning to work or normality proving difficult given the traumatic experiences they have encountered

Currently under the Youth Justice Act, unlawful entry/house break/home invasion and robbery with "aggravating" features, not including actual or threatened violence, are deemed as non-violent offences and are unable to proceed with consideration for support from the Victims of Crime in Queensland, based on traumatic injury alone. Our group would like this changed to acknowledge the violent impact of these aggravating features, such as the carrying of machetes when entering homes unlawfully.

### Recognition of the Financial Impact on Victims

There are many victims, who have suffered financial loss, even where their vehicle or home and contents are comprehensively covered by insurance. It is not unusual for a victim to wait in excess of 6 months for the recovery, repair or replacement of property that has been unlawfully possessed or received through the commission from the primary offending (ie. house break/theft motor vehicles/tools of the trade etc). Government should acknowledge the financial impact of theft on individuals and businesses and should intervene with the insurance council to expedite claims to minimise further inconvenience and expedite recovery for victims.

### Discounts, Rebates or Tax Concessions for Victims

Victims are maintaining loan repayments and paying hire costs while awaiting repairs or replacement after theft of their vehicle. The current wait time for repairs is reported at 4-6 months, some vehicles are being returned for additional repairs after this time. Where an excess is paid by a victim and insurance payouts are received, they do not adequately cover replacement costs.

We would like to request that the government offer an incentive to victims in the form of a Rebate, Concession or Tax Exemption when replacing, repairing goods, or paying hire costs. Where total cost of a replacement vehicle \$56,650. Both the Federal and State Governments receive revenue of approximately \$6,650 from the replacement vehicle cost.

### Communication

Victims deserve better communication. Victims don't like Police Link.

The State needs to mandate a feedback loop and support that by providing adequate police resources. Victims need to be appraised of the progress of investigations and of their rights in the justice process, in a sensitive and timely way. We are talking about the lives and livelihood of community members and often very personal possessions of immense sentimental value, and to hear absolutely nothing completely undermines victims' confidence in policing and justice.

Community members want clearer information about how they can legally defend themselves, their person, family and property when under threat. They deserve more clarity and provisions in our legislative framework.

## **2. Stronger Legislation**

Our justice system exists to keep our community safe. Our legislation must reflect this.

On Monday, the Queensland Human Rights Commissioner, spoke during this public hearing, about upholding the rights of children, in this case youth offenders

Our group would like to pose the following questions in response.

What about upholding the human rights of all the innocent members of the community right now who are living in fear of becoming the next victim to these violent youth offenders. What about the rights of Emma Lovell, and her family, or the rights of Robert Brown? Or the children from the family in Toowoomba, who are now deeply traumatised, after believing that the intruders in their home were shouting to their parents, 'Give me your kids!'.

We acknowledge that as a society we must uphold the rights of children-however, when a young person-or any person-commits a crime, there should be consequences, and they should forfeit some of their rights to live freely in our civil society.

### Targeting Recidivism

The approach our Government has taken with the Strengthening Community Safety Bill 2023, acknowledges the severity and traumatic impact offending accompanied by "aggravating" factors has on victims (at night, in company, with weapon or threat of weapon, face covered, to cause fear). Where charges have been upgraded to include any of these aggravating factors, Judges or Magistrates need to give consideration toward the impact any subsequent offending by the same young person would have on the community, especially, if no conviction is recorded or the offender is prescribed conditions for bail release.

Our Government's attempt to apply stronger legislation, should adequately support a Judge or Magistrate when granting bail conditions. The bail conditions should serve as an actual consequence to prevent further criminal offending. Serious repeat offenders and charges of a violent/sexual nature (per Clause 21, Section 150A), must have convictions recorded and carry those convictions through to adulthood, in order for this legislation to serve to protect members of the community and provide appropriate punitive measure.

Additionally, no recidivist criminal should be entitled to a closed court. Youth Justice Conferencing has previously allowed for young offenders to be in the same room with a victim for the purpose of restorative justice. With consent of the victim, inclusion of both an offender and victim, needs to be applied to hearings in the Children’s Court of Queensland. Our group believes that Juvenile offenders should front court in person and not via video link or merely be represented by a defence lawyer. They need to experience the authority of the court and understand the consequences of their actions.

#### A Transparent Youth Justice System

Our group believes that the Strengthening Community Safety Bill 2023 needs to build a legal framework for victim inclusion in the youth justice system. This framework needs to be made public knowledge.

As highlighted in the Youth Justice Strategy 2019 – 2023, Youth Justice Conferencing has been a strategy previously engaged and touted by our Government as a success to increase risk of young people’s participation in the justice process and prevent further reoffending. These processes allow for young offenders to be in the same room with a victim for the purpose of restorative justice. Where requested by a victim, there needs to be this same inclusion for both parties to be present at the Children’s Court of Queensland. Where recidivist and violent offenders are concerned, they should not be entitled to a closed court. For cases where offenders do not have a criminal history, and the judge/magistrate deems it appropriate, the judge/magistrate may interview the victim/s prior to trial and take any submissions (impact statements) from the victim/s at that point. Following the trial, the magistrate/judge must interview the victim/s again to explain what has happened in trial and in terms of sentencing, and the reasons behind his/her decision. Where an offender has a history, they should forfeit all right to privacy.

#### Social Media

Our group calls for the legislation to be made to stop criminals posting and sharing their criminal behaviour online. Filming of victims in their homes while they sleep and should be flagged by an algorithm on social media and any accounts displaying criminal activity should be restricted.

#### **Offender Support**

##### Drug Detox and Rehabilitation Services

Our group supports the proposal to extend cautionary practices and powers to the Queensland Police Service via Police Drug Diversion Programs (PDDP), when advocating any early intervention strategies for substance abuse or misuse in minors, both our Government and the community must focus on upholding “a duty of care”.

Particularly, legislation that focuses on the best interest of every child or adolescent covered under the Act, as they are not yet in a legal position to act on their own volition or have ability to make sound and rational judgements, especially when under the influence or affected by substance abuse or misuse.

Any amendment by our Queensland Government to the Youth Justice Act 1992, especially in terms of Strengthening Community Safety Bill 2023 around decriminalising drug and other substance abuse in minors, needs to commit focus on providing immediate support, injunctions or interventions.

Safe and Supported: the National Framework for protecting Australia’s Children 2021 – 2031, highlights that protecting Australia’s children is everyone’s business. The Youth Justice Strategy 2019 – 2023 presented statistics from Queensland in 2018 where 33% of young people who had entered detention facilities, were known to have used ice or other amphetamines. These statistics should guide the Queensland Government’s regulation of substance abuse, misuse and addiction in children or adolescents under the age of 18 years.

By the time these children reach a detention facility, they are not only an imminent risk to themselves, any escalation in drug use and/or offending, affects our whole community. There is also a necessity for early intervention detox strategies to be addressed prior to any young person ending up in a detention facility. As highlighted by the Youth Justice Strategy 2019 – 2023, it was a priority for our Queensland Government to facilitate funding of further resources to reduce drug use and misuse, that do not act necessarily to serve as punishment for young people, however provide for practical, therapeutic and wellness-driven solutions.

The alternatives that need to be considered toward the Strengthening Community Safety Bill 2023 and proposing future Youth Justice strategies for 2023, is whether drug diversion and inpatient detox programs for youth need to be via mandate or Court Imposed Order.

Our Government needs to remain focused on acting via legislative means, where practicable, to keep all young people safe from harm's way, at all times and where this is not a realistic goal, have safeguards in place that can provide notifications for immediate interventionist and rehabilitation support to that child and target harm minimisation strategies.

Intervention and rehabilitation strategies need to include, but not be limited to, inpatient detox from substance abuse and misuse, access to mental health services, clinical diagnosis and pharmacological treatment, individual and family counselling, as well as addressing maladaptive and anti-social behaviours by nurturing these children and their future development with psychosocial, interpersonal, educational, basic life and trade skills.

After a young person leaves any inpatient wellness facility or detention, continuity of care must be maintained, in terms of extending psychological and clinical support. Telehealth Services may be best engaged to support this model, as they assist to overcome barriers with attendance/or relying on family members for transport.

Programs that cater to inpatient or in-home care of complex needs, therapeutic and wellness-driven solutions for the purpose of detoxification and drug rehabilitation of children and adolescents, are currently lacking in our Toowoomba region. There was an example of a trial with an out-of-home care residential facility in Brisbane that catered to providing intensive support for youth, in Queensland Health's Action of Ice plan 2018, where \$6.3 million was being invested over 3 years to address mental health and substance use.

With the safety and wellbeing of all young people in mind, we need to see an extension of these initiatives and multi-agency engagement by Youth Justice, Child Safety and Queensland Health, to see much needed detox and wellness support offered across our state.

It would also be in the best interest of our Government to consider proposals, structure and resources already engaged by Queensland Health. An effective example of resources and structure may be cited by the Toowoomba Base Hospital's "Yunnanda Unit", which is a purpose built, 8 bed, inpatient facility, that caters to providing mental health and therapeutic intervention services to children and adolescents. Queensland Health have also addressed issues relating to staff shortages and retention of fully qualified workers, by engaging NG2s, or 3rd year Nursing students. This practice could also be utilised to address skill shortages for providing inpatient or residential care services catering to young people with drug dependency, mental health and other complex issues, by engaging 3rd or 4th year Social Work and Psychology students. Additional positive benefits would be that these staff receive on the job training and field experience.

#### Multi-Agency Approach

Research shows disengaged youth greatly benefit from ongoing multi-agency support.

Our group supports the adoption of a multi-agency approach, to support a complete assessment of any young person who is deemed at risk of reoffending or has previously been diagnosed with a disruptive behaviour disorder. We support safe houses,

smaller and “in community” detention facilities and community intervention strategies to promote and facilitate re-engagement. If children are suspended, our schools need to have a place that a suspended child can go, on-site. This may mean having a guidance counsellor or truancy officer running alternative programs or requesting assistance from Youth Justice or the Queensland Police Service, instead of the child being sent to home detention, where the detention may not be managed effectively.

Once again, we would like to thank our Honourable Premier, Anastacia Palaszczuk MP, for her apology to victims, meeting our group and allowing us to make this submission. We look forward to the outcome of report on March 10.

## References

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