

Queensland Indigenous **Labor** Network

QILN- Communiqué

Proposed Youth Justice Legislative Reforms

Require considered measures and a community-led focus to effect real change.

The Queensland Indigenous Labor Network (QILN) wish to express our disappointment and objection to the current suite of proposed legislative changes to the *Youth Justice Act 1992* (**see attached**). Especially in light of recent published Australian Bureau of Statistics (ABS) figures that show youth crime rates in Queensland for the charge of theft has halved over the past decade from 4, 989 in 2008 – 2009 to 1,985 in 2019-2020. Recent ABS (2020) statistics also highlight a significant reduction in the number of offences committed by youth from 16,007 in 2008-2009 to 11,007 in 2019-2020. The reduction in the number of offences committed by youth over the past decade would seem to indicate (contrary to what we are being told) that current policies and laws might actually be working.

We also draw your attention to the fact that around 75% of youth in Queensland's youth justice system are known to the Department of Children, Youth Justice and Multicultural Affairs (Child Safety), while 50% have been under the care and protection of Child Safety. As the legal guardians tasked with ensuring the safety and protection of these young people the Department has clearly failed those young people, their families and every Queenslander.

The QILN Committee notes that a number of youth justice advocates and lawyers have recently criticised the Government's proposed changes as being reactive and missing the mark especially if the end game is to reduce offending behaviours and recidivism amongst youth offenders. The QILN Committee firmly believe the Queensland Government should focus on implementing alternative sentencing regimes, diversionary and reinvestment/restorative justice programs to readdress the over representation of First Nations youth in the juvenile justice system. We do not support the current suite of proposed amendments, which we argue are punitive and draconian and are likely to disproportionately impact the lives of First Nations youth and their families in Queensland. Furthermore, we believe the outsourcing of child welfare, family support and fostering programs to the private sector and for profit church groups has been a failed and costly social experiment. The only winners in the outsourcing of child protection programs and services are for profit organisations and the State, not young people and families in crisis. We further believe such an approach (outsourcing child welfare services) shifts responsibility and accountability from the State to the private sector and for profit church groups, resulting in no clear line of sight between service users and the Department of Child Safety.

While the QILN Committee acknowledges the recent tragic loss of life on 26 January, we reject any knee-jerk public endorsement of the Queensland Police Union and the Police Service's tough on crime law reform agenda. We further believe proposed changes to youth justice laws fail to acknowledge evidence of what works, what helps and what we are doing to support young Queenslanders in out- of -home care, in Queensland. Instead, we advocate a change of direction and support a raft of policy and legislative reforms that have shown to lower youth crime rates and reduce offending behaviours. These include raising the age of criminal responsibility for which a child can be charged, arrested and detained from 10 years to 14 years of age to align with the United Nations Committee on the Rights of the Child's recommendation. Amending the *Child Protection Act 1999* to extend the provision of care to young people in out-of-home care until they turn 21 years of age. We believe the State has a duty of care to provide safe, secure and supportive care to youth during their late teens

and early adulthood. This should be seen as a win-win for the State, in light of a recent study that shows for every year a young person remains in care there is a 41% decrease in arrests and a 40% reduction in conviction rates.

With the focus on repeat offenders there are other ways to reduce repeat offending other than the suite of initiatives being proposed by the Queensland Police Union and Police Service. Research has shown that youth who are known to the judicial system often have a history of trauma and are more likely to be on dual orders and under the care of child safety. It should also be noted that First Nations youth as at 30 June 2020 represent 54.9% out of the 11,567 children subject to Child Safety protective orders. These youth are also more likely to come into contact with the juvenile justice system. Sadly, policing and justice in Queensland is not colour-blind. For many young people, contact with the Police and the juvenile justice system is a symptom of larger systemic issues including unresolved trauma, racism, undiagnosed mental illness and inadequate emotional support and well-being.

Empirical research also shows exposure to perinatal trauma and Adverse Childhood Experiences (ACEs), can have life-long impacts on how a child's brain develops and their emotional and social well-being. Intergenerational trauma is an experience very nearly every First Nations person in Queensland has endured. Largely due to the fact those generations who came before us were not able to access culturally safe and supportive spaces to heal from their trauma experiences.

There is also strong evidence showing trauma symptoms do not resolve with age, instead symptoms of trauma experienced in childhood often continue into adulthood. Trauma symptoms, which often manifest in high-risk taking behaviours and activities, substance misuse, suicide attempts or self-harm, can contribute to poorer health outcomes and lead to premature death. It is of great concern that despite significant financial investments into the youth justice and child safety systems, the fact remains there are only 20 detoxification and rehabilitation services for young people state-wide.

The QILN Committee calls upon the Queensland Government to consult broadly with Aboriginal and Torres Strait Islander communities, academics and industry experts, and rely on evidence based programs/initiatives to inform future amendments to the *Youth Justice Act 1992* and the Charter of Youth Justice and the Child Protection Act. We also call upon the Queensland Government to increase the age of criminal responsibility from age 10 to 14 years and extend care to young people in-out-of home care until they turn 21 years of age in this term of government.

Endorsed by

The Queensland Indigenous Labor Network Committee Friday, 12 March 2021



Queensland
Government

The Queensland Cabinet and Ministerial Directory

Tough new action to target repeat youth offenders

Published Tuesday, 09 February, 2021 at 10:22 AM

JOINT STATEMENT

Premier and Minister for Trade

The Honourable Anastacia Palaszczuk

Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence

The Honourable Shannon Fentiman

Minister for Police and Corrective Services and Minister for Fire and Emergency Services

The Honourable Mark Ryan

Minister for Children and Youth Justice and Minister for Multicultural Affairs

The Honourable Leanne Linard

The State Government will move immediately to further crackdown on juvenile crime.

The new measures will target hardcore youth criminals who repeatedly offend and put the community at risk.

Courts will get more powers allowing them to:

Require fitting of electronic monitoring devices (GPS Trackers)

- As a condition of bail for recidivist high risk offenders aged 16 and 17

Create a presumption against bail

- For youth offenders arrested for committing further serious indictable offences (such as breaking and entering, serious sexual assault and armed robbery) while on bail

Seek assurances from parents and guardians

- That bail conditions will be complied with before an offender is released

Strengthen existing bail laws to provide further guidance to the courts

- The Youth Justice Act will be amended to include a reference to the community being protected from recidivist youth offenders in the Charter of Youth Justice Principles

The government will also enshrine in legislation the existing common law principle that offending whilst on bail is an aggravating circumstance when the court is imposing a sentence.

To prevent crime:

- Police will be given metal detecting wands to target knife crime on the Gold Coast;
- Anti-hooning laws will be strengthened to hold the registered owner of a vehicle responsible except where the vehicle is stolen or the owner can identify another driver; and
- A parliamentary inquiry will examine the implementation of remote engine immobilisers

Assistant Police Commissioner Cheryl Scanlon, Queensland's former Security and Counter Terrorism Command will lead a Youth Crime Taskforce to implement the new measures.

Youth Justice and Other Legislation Amendment Bill 2021

Premier Annastacia Palaszczuk said the loss of four innocent lives linked to a spate of senseless crimes would not go unanswered.

“It is clear to me and to the community that some young offenders simply don’t care about consequences,” the Premier said.

The Premier also announced that former Commissioner Bob Atkinson will report on the efficacy of the measures in six months.

Police Minister Mark Ryan said young offenders needed to learn the consequences of their actions.

“This is about targeting the hardcore repeat offenders – those 10 per cent of youth offenders who are frequently putting the community at risk.

“We must stop young hardcore offenders being let out on bail and reoffending the next day. That is why we are making these changes to bail laws.

“Ten per cent of all youth offenders account for 48 per cent of all youth crime*.

“It is this group we will target with all the force and resources at our disposal.”

The Premier said the new measures build on the Government’s five-point action plan announced in March last year, with \$550 million in Youth Justice reforms already underway.

Youth Justice Minister Leanne Linard said those reforms have led to a 23 per cent decrease in the numbers of youth offenders.

“For example, our Transition 2 Success Program has a 67 per cent success rate,” the Minister said.

“About 187 young people have attended and 67 per cent have not re-offended.”

Attorney-General Shannon Fentiman said it is anticipated necessary law changes will be introduced at this month’s sittings of State Parliament.

Media contact: 3719 7000

*(Source: *Children’s Court of Queensland Annual Report 2019-20*

(https://www.courts.qld.gov.au/data/assets/pdf_file/0020/661322/cc-ar-2019-2020.pdf)).

Media Statements (/)

› [Subscribe \(/Subscribers/Create\)](#)

› [Help and Support \(/Help\)](#)

[Copyright \(https://www.qld.gov.au/legal/copyright/\)](https://www.qld.gov.au/legal/copyright/) | [Disclaimer \(https://www.qld.gov.au/legal/disclaimer/\)](https://www.qld.gov.au/legal/disclaimer/)

| [Privacy \(https://www.qld.gov.au/legal/privacy/\)](https://www.qld.gov.au/legal/privacy/) | [Right to information \(https://www.premiers.qld.gov.au/right-to-info.aspx\)](https://www.premiers.qld.gov.au/right-to-info.aspx)

| [Accessibility \(https://www.qld.gov.au/help/accessibility/index.html\)](https://www.qld.gov.au/help/accessibility/index.html)

| [Jobs in Queensland Government \(https://www.smartjobs.qld.gov.au/\)](https://www.smartjobs.qld.gov.au/) | [Français \(Other languages\) \(https://www.qld.gov.au/languages/\)](https://www.qld.gov.au/languages/)

© The State of Queensland 1997–2021 (Department of the Premier and Cabinet)

[Queensland Government \(https://www.qld.gov.au/\)](https://www.qld.gov.au/)