



YOUTH JUSTICE REFORM SELECT COMMITTEE

Members present:

Ms SL Bolton MP—Chair
Ms JM Bush MP
Mr AD Harper MP
Mr MJ Hart MP
Mr JJ McDonald MP
Mr AC Powell MP (until 12.30 pm)
Mr DG Purdie MP (from 12.30 pm)
Mr A Tantari MP

Staff present:

Dr A Beem—Committee Secretary
Dr S Dodsworth—Assistant Committee Secretary

PUBLIC HEARING—INQUIRY TO EXAMINE ONGOING REFORMS TO THE YOUTH JUSTICE SYSTEM AND SUPPORT FOR VICTIMS OF CRIME

TRANSCRIPT OF PROCEEDINGS

Thursday, 23 November 2023

Brisbane

THURSDAY, 23 NOVEMBER 2023

The committee met at 10.46 am.

CHAIR: Good morning and welcome. I declare open this public hearing for the committee's inquiry to examine ongoing reforms to the youth justice system and support for victims of crime. My name is Sandy Bolton, member for Noosa and chair of the committee. I would like to respectfully acknowledge the traditional custodians of the land on which we meet today and pay our respects to elders past, present and emerging. We are very fortunate to live in a country with two of the oldest continuing cultures in Aboriginal and Torres Strait Islander people whose lands, winds and waters we all share. Other committee members with me here today are Jonty Bush, member for Cooper and deputy chair; Aaron Harper, member for Thuringowa; Jim McDonald, member for Lockyer; Andrew Powell, member for Glass House, who will be with us until 12.15 and who is substituting for Dan Purdie, member for Ninderry; Adrian Tantari, member for Hervey Bay; and Mr Michael Hart, member for Burleigh, who is substituting for Laura Gerber, member for Currumbin.

The purpose of today's proceedings is to assist the committee in its inquiry into youth justice reform in Queensland. This hearing is a proceeding of the Queensland parliament and is subject to the parliament's standing rules and orders. Only the committee and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath or affirmation, but I remind witnesses that intentionally misleading the committee is a serious offence. I also remind members of the public that they may be excluded from the hearing at the discretion of the committee. These proceedings are being recorded and broadcast live on the parliament's website. Media may be present and are subject to the committee's media rules and the chair's direction at all times. You may be filmed or photographed during the proceedings and images may also appear on the parliament's website or social media pages.

KAISER, Mr Joseph, Campaigns Coordinator, Australian Workers' Union

SCHINNERL, Ms Stacey, Queensland Branch Secretary, Australian Workers' Union

CHAIR: I now welcome representatives from the Australian Workers' Union. Good morning to you both and thank you for joining us. I invite you to make a brief opening statement to give the committee plenty of time to ask questions.

Ms Schinnerl: Thank you, Chair. Before I begin I just wanted to say how fantastic it is that we have been able to bring this issue out of the political frame and into a bipartisan committee such as this with yourself as an Independent chair. Thank you for giving the union the opportunity to present evidence to you today. The AWU recognises the significant personal cost faced by victims of youth crime in Queensland and as Queenslanders we are concerned with the incidence and impact of youth crime in our various communities. The AWU family itself has lost at least two members in the past 18 months at the hands of youth offenders driving stolen vehicles. They are remembered fondly in their workplaces and are dearly missed.

The AWU proudly represents workers in Queensland's YJ system and our primary stake in this inquiry relates to the functioning of that system. My union has four key concerns regarding the efficacy of the YJ system, the first being Queensland's youth detention staffing shortage; second, workplace violence, staff morale and culture within Queensland centres; the necessity of moving adults out of the youth detention system; and the construction of the two new centres and the Wacol Youth Remand Centre. The AWU submits to the committee that a significant staffing shortage across the youth detention system is a major factor behind the incidence of youth crime in Queensland, particularly recidivism. This shortage contributes to workers being assaulted in these workplaces and it is impacting the delivery of programs designed to rehabilitate youth offenders while they are in detention.

To preserve staff safety, there is currently a one-to-four detention youth worker to young person ratio in effect at each of the youth detention centres. If there are not enough workers on shift to meet that ratio, units remain in either night mode or what we call controlled cell occupation. Rehabilitation programs are not delivered to young people while those operations are in place, meaning that a significant portion of young people are not receiving meaningful rehabilitation support at any one time.

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A snapshot of units at Cleveland gathered by our members between Monday of last week and Wednesday of this week shows an average of five units in night mode or controlled cell occupation per day. This means over 30 per cent of the young people at Cleveland Youth Detention Centre are not receiving meaningful rehabilitation on any single day of that 10-day period.

That is one of the reasons AWU members ran a large-scale campaign earlier this year to draw attention to this staffing shortage and we called on the government to make working in youth detention a more attractive role. They demanded that the government take radical action—and thankfully they did—delivering the most significant pay increase any group of workers in the Public Service has seen in a very long time, and staff have subsequently unanimously voted to accept that deal. The AWU would like to take this opportunity to thank the Palaszczuk government and the department for listening to our members and taking action on that issue. The AWU anticipates that this significant uplift in wages and conditions will assist the government with attracting more workers to the state's detention centre roles.

Employment conditions aside, however, detention youth workers are subject to extreme workplace violence fuelled by that severe staff shortage. In the first six months of this year, there have been 140 reported staff assaults on Queensland's youth detention centre workers, and that is an average of five per week. Whilst linked to staff shortages, including absenteeism, they are also being driven by poor culture and staff morale in the workplace. Workers feel that management do not support the calls they make on the floor and that is leading to avoidable workplace violence, and I can talk more about that during the question session should you require any further clarification on that.

Another important measure staff are calling for is the removal of adult detainees from youth detention centres. It is the firm position of my union that adults have no place residing in youth detention. Our members report that adult offenders tend to be physically larger and stronger than the younger detainees, meaning that the effect of their violence towards others within the detention centres tends to be more severe. Moreover, they are often the architect of violence undertaken by the younger detainees, issuing directions for coordinated assaults on staff and other young people. I provided evidence to the Economics and Governance Committee earlier this year while the committee was considering the government's Strengthening Community Safety Bill 2023. Included in that submission was this very matter.

According to figures provided to us by our members, there were 27 adults residing in Queensland's three youth detention centres as of 2 pm yesterday, with at least six more set to turn 18 in the next three months. As a point of interest, our members have further reported that yesterday there were 30 young people detained in the state's watch houses. Not only are those numbers remarkably similar; it is over half the planned capacity of the new Wacol Youth Remand Centre—numbers that could be freed up right now if these adult detainees were moved to adult correctional facilities. Let me be abundantly clear: around 10 per cent of the current population across Queensland's three youth detention centres are adults.

While we are talking about capacity, our members hold very firm views around the builds for the two new centres planned for Woodford and Far North Queensland as well as the new youth remand centre in Wacol. It is clear that we need more capacity in the youth detention system and we broadly agree with the government's proposed construction of the two new centres. However, the AWU believes that the paramount concern of the government over the next few years must be finding the requisite number of staff to safely operate those centres before they open. In addition to concerns around the attraction of new staff to the centres, AWU members believe that there are several commonsense safety initiatives included in the infrastructure considerations and the design details that the government must consider, and those are also detailed in our written submissions that we have provided to the committee, and I am happy to further take some questions and expand on those further during the time for questions. It is also important to note that the AWU are firmly opposed to the use of double bunks in new centres as they lead to a higher incidence of physical and sexual assault amongst young people which is obviously counterproductive to their physical safety and ongoing rehabilitation.

On the issue of the Wacol Youth Remand Centre, the AWU understands the need for interim measures such as the centre to address those capacity issues in the short to medium term while the new centres are constructed. However, we do raise concerns about the potential operations of that facility insofar as they relate to the movement of young people to and from school and other activities between the remand centre and Brisbane Youth Detention Centre and West Moreton Youth Detention Centre. These movements, which is what we call it in those environments, are flashpoints for violence

and present opportunities for young people to assault workers and each other. Put simply, the more movements that occur in a day the more risk of harm to workers, so worker safety has to be paramount moving forward.

In conclusion, the AWU acknowledges that the government is moving in the right direction in terms of dealing with a significant staff shortage in the youth justice system, but we recognise that there is more work to be done to protect our members in their workplace and we will continue to engage with the government in good faith to deliver better safety outcomes for our members and, by extension, the broader Queensland community. Thank you, Chair.

CHAIR: Thank you, Stacey. Member for Cooper, do you have a question.

Ms BUSH: Chair, through you, I might put my first question through the member for Thuringowa, if that is appropriate.

CHAIR: Yes.

Mr HARPER: Thank you, Chair, and thank you, Stacey and Joseph. My first question probably goes around staff safety. In my former career I remember going to a significant staff assault case, a number of years ago now, at Cleveland and that remains with me—that every worker should be able to go home safely no matter where they work in Queensland. I really wanted to try and get a bit of an understanding of where you want your staffing numbers to be at. You mentioned in your opening statement management not listening to those on the floor. Can you give some examples of that and how can we better look after staff in these highly volatile situations?

Ms Schinnerl: In relation to the first part of your question, the numbers are really difficult because on paper sometimes it looks alright, but what is not contemplated in what could be perceived as a full complement is the number of people who are off for various reasons. If we are talking about people who are off with genuine workplace injuries, people who are off subject to disciplinary considerations and all those sorts of things, obviously when you have issues with staff morale it can be problematic to have a full complement. To my mind, we also need to have a genuine casual pool to allow for those sorts of unplanned vacancies. What you also will find occurring is that, when you do not have that full complement, you have a whole lot of permanent staff who are consistently doing more overtime, and it gets to a point where that in and of itself becomes a safety issue. If you are asking me to dictate my wish list of numbers for each centre, I cannot do that. What I do fear, particularly in relation to the new centres, is that we do not want to beg, borrow and steal the good staff and leave the existing centres short in order to uplift the new centres.

In terms of recruitment for those new centres, I realise we are a long way away from practical completion, but we really need to be heading in the direction that we need to consider it today and get out there and recruit those people now. The best part of where we find ourselves at the end of this year is that we have a brand new set of terms and conditions of employment that now make these jobs far more able to be advertised to attract new workers. We just did not have that before. Equally, we also were not advertising those roles for what they were. Sometimes there is a perception out there that when you work in the youth justice system you sit around the campfire singing *Kumbayah* and doing papier-mache. That is not what these roles are. We are talking about a very different cohort of detainees. Advertising these roles for what they are as well as remunerating them at an appropriate level will put the government in a great position to attract safe workforces. If we are in a position where we do not have appropriate numbers to safely operate those centres, then those centres should not and cannot open.

In relation to the second part of your question, what we are talking about in that scenario is the overruling of dynamic risk assessments. What essentially occurs is our members have the ability on a case-by-case basis, scenario by scenario, to essentially read the room, and they get to make a determination on their own safety based on risk they identify. What we are finding anecdotally is that our members will reach a conclusion that there is a sufficient amount of risk that would necessitate keeping those young people in a room as opposed to letting them out more broadly, and they communicate that up the chain of command. Although it is getting better, what is generally occurring is that those dynamic risk assessments are disregarded and they are instructed to open the doors anyway. There is very little consideration for the dynamics of what happens on any given day. Our members could have been with those particular young people in the morning and they realise how pent up and agitated they are, and the person making the ultimate call to override that dynamic risk assessment has not seen that. Sometimes they are not even onsite when they make that call, and that is gravely concerning. That is the type of scenario we are talking about with the overriding of those things.

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Mr McDONALD: Thank you for your submission; we really appreciate it. Just talk us through a couple of numbers. You mentioned five assaults per week.

Ms Schinnerl: On average, yes.

Mr McDONALD: That is 250 to 260 across the year. In a question to the government for the financial year 2021-22 they reported 147 assaults in that period of time.

Ms Schinnerl: Yes.

Mr McDONALD: Is it the case that those assaults have increased coming to the end of 2022 to see that increased number to 250, or why is there a discrepancy?

Ms Schinnerl: It is difficult to tell. I think the greater element to it is that staff are getting more comfortable in reporting those things and that is fed by a lot of workplace empowerment, particularly in relation to the involvement with the AWU. I do not mean to say this in a particular way to boast, but the AWU represents the vast majority of the state's youth detention workforce, so we obviously do a lot of work with our delegates and members to empower them to speak up and make the necessary notifications. The other element to it is that, when I think of the time period you were particularly talking about, there really was a reluctance to report on the basis of, 'What's it going to do? What's it going to achieve?' I think we are seeing a shift in that which would therefore explain some of the uptick in numbers, but without specific data on those particular things it is really hard to make the call.

Mr McDONALD: So the government is not under-reporting those assaults. That was a factual number to 2021-22 and there has been an increase, but you do not know the number.

Ms Schinnerl: We do not know.

Mr McDONALD: I am very concerned about how things are reported. Can you tell us why there is this overriding of the dynamic risk assessment? Is there reporting that has to happen within corrections or youth detention centres of those overriding incidents?

Ms Schinnerl: There is a record of that, absolutely. My understanding is that management will make the necessary justifications in that reporting.

Mr McDONALD: We heard yesterday that there has been an increase in the number of victims across Queensland, and obviously your workers are victims. Do you think the government is treating these assaults seriously?

Ms Schinnerl: I think the government has recognised there is an issue, and this is probably the best example, and that they are willing to deal with it.

Mr McDONALD: In terms of the number of victims across the state increasing, particularly victims of crime from these serious youth offenders, why do you think that cohort is increasing in number?

Ms Schinnerl: Insofar as what is available to me, I think the element of recidivism is important to consider, because when we talk about that link and causation around staff shortages, when those young people are consistently locked in their rooms for genuine health and safety reasons they are not able to receive those rehabilitation programs. Those rehabilitation programs are fantastic programs. In fact, they are world-leading. I think my members have an element of frustration in that these are really special people who work in youth justice, and they genuinely want to help these young people to make sure that when they are released they do not fall into that cycle of reoffending and getting back in the system. They do not want to see those kids' faces again. Insofar as the scenario you put relating to reoffending, I think the shortage element is a really significant factor to that. We would love nothing more than to have our members deliver those programs so you do not see the same faces entering the doors.

Mr TANTARI: Welcome, thank you for attending today. I just want to explore your submission to the committee. By the way, I would like to acknowledge that your workforce does a great job. We all agree that violent offenders need to be detained in a way that makes a difference for them, but an interesting comment was made yesterday by Sheryl Batchelor from the Yiliyapinya Indigenous Corporation. Effectively, she said that well-supported staff are the key to providing therapeutic support for youth. In your opinion, what do you think is working and what more needs to be done to support current and future staff?

Ms Schinnerl: I think the government has taken a significant step forward at the very least in a remunerative sense, in the sense that we have now moved to recognising these roles for the element of complexity that they have and the amount of workplace violence these workers are subject to. As you pointed out, five assaults a week is quite significant and would not be accepted in any other workplace in modern Australia. In recognition of the complexities and risks associated with those

roles, fixing up the terms and conditions of employment of those workers allows them to focus on administering the system so young people get the requisite benefit. What is going well is that I think we have seen a fundamental shift, particularly this year, in how these workers are treated by their department. We are seeing positive measures. We are seeing positive flow-ons.

What I do not want to see, however, is us taking the foot off the accelerator, particularly as we advance towards opening a new remand centre and two new centres, because I think there is a real risk that there is going to be a shift and that loss of momentum. I am in a fundamentally different position relating to dynamic risk assessments today than I was six months ago. Whilst those sorts of things still happen, they do not probably happen with the same level of frequency as they once did. We are always going to have issues, but we need to keep that momentum moving forward because the one thing I can say unequivocally is that the number of detainees does not go down. Generally, we do not have lulls in intakes. The number of young people who are consistently detained in the system is always very high. It is not as if we are ever at half capacity. It is always going to be big. We know there is a significant requirement and demand on that system. What I caution the committee on, however, is that workplace health and safety for government employees has to be the primary consideration. I understand there is a temptation to rid the streets of youth offenders. I am a community member just like everyone here. Equally, those youth offenders have to be looked after by someone, and in this instance it is my members. There are only so many you can put into the system before it starts compromising workplace health and safety.

Mr HART: The Premier has been telling us a lot lately that the community needs to be kept safe from criminals. Do you feel like your members are being kept safe?

Ms Schinnerl: I think this is a unique workplace with really interesting dynamics that we do not experience in most of the workplaces where we represent people. Obviously, being the AWU we have very large coverage. I think there is always more work to be done. Clearly, we are still reporting very high levels of occupational violence that, as I have said, are unacceptable in any workplace in modern Australia let alone a Queensland workplace such as this. I think there is a mutual recognition that this is always going to be a challenging environment. I think it is on everyone's wish list that these sorts of things never occur, but such is the nature of this work.

The other thing is the type of people who are being detained. The typical young person you see in the state's youth detention centres today does not really reflect the type of young person who was detained 10, 15 or 20 years ago. The complexities around their personal challenges are very different. An angry kid is still an angry kid, but there are certain levels here of escalation that will always make that job challenging. I am confident that the government has their priorities correct when it comes to protecting their workers. Do I think more can be done? Absolutely. Always.

Mr HART: When you say that attacks were not being reported because, after all, what would be achieved by that, what was happening? Were the reports of attacks not being followed up on?

Ms Schinnerl: Sometimes. You have to understand there is also a lot of work involved in the actual reporting, and I think those sorts of structures have been streamlined over time too.

Mr HART: Too much paperwork?

Ms Schinnerl: Yes, that was the case and that is what was being reported to us. There has certainly been some streamlining. I have to explain a bit of the dynamic around the care relationship between our members and the type of young people they look after. It is an unusual thing for me to wrap my head around still, and I have been doing this a long time. You can have this really violent interaction with a young person in the morning, and by the afternoon you are back into that real sort of maternal/paternal type thing. I had an example explained to me by one of my members—some time ago, mind you—where he had a violent interaction with one of the people he was looking after. He broke his wrist or finger—I apologise, I cannot quite recall—and they generally had had a good relationship. The next day he sat down with the kid and said, 'Why do you do that? Why did you do it, mate? Things are pretty good with us.' The young person essentially communicated, 'Because I can.' A lot of that comes back to an ongoing frustration from our members in the system. As the framework is currently set up, there is a lack of consequences for bad behaviour. That is not inconsistent with what we have already communicated to the government on many occasions, particularly in the last committee review. That is just the nature of the current regulatory framework.

CHAIR: I am mindful of the time and we do have other witnesses. We will wind up our questioning.

Mr POWELL: I have a question with regard to the two new centres, one of which is going in my electorate at Woodford. Logically, it makes a lot of sense co-locating it with the Woodford Correctional Centre, but I would not be a good local representative if I did not say that not all of the

community would want it. You have mentioned a couple of the changes that would make it safer for your workers and for the kids. Equally though, one of the benefits is local employment and you point out that it is important that recruitment starts early. Is there any work being done between the AWU and the Palaszczuk government to try to start recruiting locals—that is, people from Woodford, Kilcoy and the surrounding area—and train them up now in preparation for those detention centres opening?

Ms Schinnerl: We have not commenced any discussions that are particular to the local community. We are firmly engaged with the department about ongoing employment opportunities across the entire youth justice network. Obviously, insofar as it relates to the new terms and conditions of employment that we have negotiated, we are keenly waiting on 7 December for that to appear in the Queensland Industrial Relations Commission to be approved. At that point, you will see a ramp-up of those advertisements because then we can market the new package.

Mr POWELL: Locals would be interested.

Ms Schinnerl: I have no doubt.

Ms BUSH: I have a very quick technical question. I have extreme empathy for your members, and I have mentioned that to you before. Every workplace should be a safe place; I am sorry that it has not been. From a technical perspective, when someone is assaulted in the workplace, are there fresh charges for that young person who is detained? What does that look like?

Mr Kaiser: It depends on the severity of the assault, but sometimes one of our members will go into a restorative kind of justice session with them and talk about what happened. Sometimes our members do want those charges laid and sometimes that does occur and then they go back before court and have additional time.

Ms BUSH: It sounds like it is victim-led, though.

Mr Kaiser: Yes, absolutely. That is something that we have been working with the government on as well to make sure those pathways are more streamlined and easy to access.

Ms BUSH: Thank you.

CHAIR: I am mindful of time, but do you mind if I ask a couple of questions to be taken on notice for you to respond to?

Ms Schinnerl: Absolutely.

CHAIR: Regarding the lack of consequences and with regards to the legal framework, would you be able to provide some information about what you think would be suitable within that framework to address that lack of consequences? Secondly, you mentioned the rehabilitation and how that works. We would be interested to know whether they are external programs or whether they are delivered by detention staff. Thirdly, is there any pathway or process once they leave detention to transition and for what duration? Lastly, you mentioned the number of adults. Is that because they have turned 18?

Ms Schinnerl: Yes. Can I just say that there are also 19-year-olds included in that number.

CHAIR: Right. I know that communities often get very confused when we talk about children in detention because for community members that is someone 12 and under. They do get confused about the term 'children in detention'. When we talk about a 'youth', it would be good to get an understanding of what the difference is between somebody at 17 and nine months and somebody at 18.

Ms Schinnerl: Sure. Some of that specific data might not necessarily be something I can give, but I will do my best. I can tell you that the department would have that data.

CHAIR: Thank you.

Mr HART: Can I add a question to those. You said that because of your staff shortages the night shift was sort of locked in at Cleveland for a week. Does that also apply to rehabilitation programs?

Ms Schinnerl: Yes. What happens is that, when we cannot meet the ratio, those two modes are enacted and it depends on which centre we are talking about. What essentially happens when night mode is enacted is those young people cannot leave their rooms safely. Therefore, the restorative programs that we are talking about cannot be delivered. I can very quickly answer your question, Chair. It is a combination of external programs and those delivered by my members and associated roles within the centre.

CHAIR: As there are some outstanding questions, do you mind if we send through some additional questions on notice from members?

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Ms Schinnerl: That is perfectly fine.

CHAIR: That would help enormously. We appreciate that. I remind you that answers to questions on notice are required by Thursday, 7 December. Our secretariat will send them through to you. Thank you for your time.

ALLPORT, Ms Helen, Manager, Throughcare Program, Aboriginal and Torres Strait Islander Legal Service

GREENWOOD, Ms Kate, Senior Policy Officer, Closing the Gap, Aboriginal and Torres Strait Islander Legal Service

HAYES, Ms Katherine, Chief Executive Officer, Youth Advocacy Centre

SHARMA, Ms Pree, Prevention, Intervention and Community Legal Education Officer, Aboriginal and Torres Strait Islander Legal Service

CHAIR: Welcome. Thank you for taking the time to meet with the committee. Would you like to make a short opening statement?

Ms Hayes: I thank the committee for welcoming us here today. It is encouraging that we are going through this process of finding out all of the facts. The Youth Advocacy Centre is a community legal centre that represents young people in the youth justice system. We have a wraparound service of social workers who provide support to young people, including the serious reoffender cohort. We have had a lot of involvement with this cohort over a period of time. Given that involvement, I would like to offer a couple of solutions for dealing with the serious reoffenders.

What we have found works most effectively is intensive and consistent rehabilitation. This must be provided with consistent staffing and consistently skilled staff members. As we heard from Stacey, there is a problem with staffing at the detention centres and young people have therefore missed out on a lot of rehabilitation because of that. That has contributed to this cohort arguably becoming bigger.

Part of the intensive rehabilitation ideally would start on the day the young person enters into detention and it would be enacted regardless of whether they are on remand or subject to a custodial sentence. We would like to see a very thorough assessment of every child who enters detention. That would look at any kind of physical, mental or neurodivergent issues so they can be properly treated and then education could be offered at the appropriate level as well as rehabilitation with the relationships with their family members to try to develop some sense of the connection to the community. Yesterday there was brief discussion about the Diagrama model in Spain. It encourages leaves of absence so that young people can engage with the community outside and start to set up relationships so that when they are eventually released they have a safety net to go into, they are appropriately skilled and they perhaps have a job set up and a safe home to go to—somewhere where they can start to live a productive life.

Issues that we have seen include when kids are let out at the end of detention. A child safety officer might pick them up with an intention of dropping them at residential care. We do not believe that any of these serious repeat offenders should be in residential care; we think that is setting them up to fail. One example we have had is a child safety person—either the child safety officer or the resi care officer, I am not entirely sure—dropping the young person at the home where it was not safe for them to be, instead of the residential care, where it was a breach of their bail conditions. They were there for the weekend breaching their bail the entire weekend. That is setting that serial repeat offender up for more failure.

As another example, I was in the office late on a Friday afternoon when I got a phone call to our office number. There was a young man, a 17-year-old, who had just flown up from Cleveland detention centre to Cairns. He was on the side of the road at the airport wanting to know where he could go that night. That is another example of not setting them up to succeed.

What we would like to see is transitioning from detention—and Helen will talk about this—where they have been set up from the beginning of their time in detention and they exit into a very well supported environment, not with just a 72-hour plan but with a plan that goes for months. The plan would work with them intensively and consistently for a long period of time, even over weekends. That is not happening and we would like to see that happen.

There are a lot of programs at the moment which are working but are underfunded. We provide bail support, but we are turning kids away all the time. We provide housing support. I was advised by the coordinator of that team that 200 young people were turned away this year to provide housing. Those homeless kids are not on child safety's books. When you look at the figures that child safety has, it excludes homeless kids. These homeless kids do not have anywhere to go.

We had a 14-year-old homeless boy who was on bail and his bail address was a home he did not feel safe to go to. Child safety had closed the books on him. He was homeless for months and months and months. He had disengaged from education. He had not been well supported by child

safety. He was homeless. He had been homeless for a very long time. He has since engaged with Yili that Sheryl spoke about and it has been a brilliant program. It is slowly reintegrating him back into productive society, but that is very hard once he has been on the streets for a long time.

We would like to see really intensive rehabilitation in detention centres; this has not been possible because of the staffing issues. We would also like to see an increase in the existing really successful programs when they are in the community. There are lots of programs that are working—lots and lots of them. It is no mystery about what works; we just need more of it.

We provide intensive bail support. We provide intensive family support. We are turning people away constantly. We help about 37 families a year, as of the last financial year. We stick with them for a really long time. They are on our books for years because, as Stacey said, of the increasing complexity of their conditions. They are very entrenched in disadvantaged circumstances. There are always exceptions. We have some families that are just normal, middle-class families where the kid has gone off the rails, but that is in the minority. Most of the time, these families need help in dealing with their difficult situations and those intensive supports help them try to get out of that cycle. That is what we think works for intensive rehabilitation.

I was watching yesterday with great interest and I noted that the academics mentioned that the youth crime rate had gone down over the last 10 years. There was an article cited from Bond University which I had a look at and it is incorrect. That Bond University article is very clearly incorrect. It refers to statistics from the crime report by the Queensland Government Statistician's Office. It cites a figure which refers to offenders, which is defined in that particular report as each instance a person has an offence. So you have a child with numerous offences. That is what happens in the youth courts. If a child is charged with breaking and entering into a car and they go down the street and they try every car handle, that is an offence, an offence, an offence, so it is an inflation of the figures. If you go further down that particular report, it has unique offenders. There are 10,000 and that has gone down 20 per cent over the last 10 years, so that report that was cited yesterday is clearly incorrect.

CHAIR: Would anyone else like to make an opening statement?

Ms Sharma: I will make a few brief words. I know we have limited time. Thank you for inviting the Aboriginal and Torres Strait Islander Legal Service, known as ATSILS, to attend and speak at the public hearings for this inquiry. I would like to begin by acknowledging and paying my respects to the traditional custodians of the land upon which we meet today, the Turrbal and Yagara people, and also acknowledge and pay my respects to elders past and present. I extend that respect to Aboriginal and Torres Strait Islander peoples here today and those who might be tuning into this live stream.

My name is Pree Sharma and my role title is Prevention, Intervention and Community Legal Education Officer. I appear today with Kate Greenwood, our Senior Policy Officer, Closing the Gap, and Helen Allport, our manager for the Throughcare Program. The Throughcare Program includes the provision of support for prisoners and youth detainees pre and post release to address their offending behaviour. The work of Throughcare involves supporting clients to transition successfully back into the community and support the changes needed in their lives that can significantly reduce the prospects of them returning to prison. Throughcare officers focuses on assisting offenders who are at high risk of reoffending.

ATSILS is a community-based public benevolent organisation established to provide professional and culturally competent legal services for Aboriginal and Torres Strait Islander peoples across Queensland in the primary practice areas of criminal, family and civil law. ATSILS also delivers community legal education and early intervention and prevention initiatives which uphold and advance the legal and human rights of Aboriginal and Torres Strait Islander people.

In the June quarter of 2021, approximately half of all young persons in detention on an average night were Aboriginal and Torres Strait Islander young persons, despite making up just six per cent of the Australian population aged 10 to 17. Aboriginal and Torres Strait Islander persons aged 10 to 17 were 20 times as likely as young non-Indigenous Australians to be in detention on an average night. With respect to Queensland figures as reported in the *Childrens Court of Queensland: annual report 2021-22*, Aboriginal and Torres Strait Islander youth were reported to be over 21.4 times as likely as other young people to have been in youth detention in 2021-22. We know that offending does not occur in a vacuum; it occurs in the context of an environment and the context of the environment for vulnerable families is one where poverty exists, trauma is prevalent, mental health issues are prevalent and there are poor employment outcomes, poor health outcomes, poor education outcomes and poor family outcomes.

Public Hearing—Inquiry to examine ongoing reforms to the youth justice system and support for victims of crime

While we acknowledge that there is a place for youth detention, provided there is a rehabilitative component, consistent with our advocacy position over many years we reiterate that evidence-based, community-led prevention and early intervention initiatives that address the root causes of youth offending are the best way to address the youth justice crisis, along with impactful investment in housing, employment, education and health, and to address the upstream drivers of offending behaviour and the related social and economic inequities that Aboriginal and Torres Strait Islander families face. For Aboriginal and Torres Strait Islander children and families, prevention and early intervention programs need to be on country and provided by community for community to give them the best chance of success—and we want them to succeed. Embedding on country programs or initiatives which support vulnerable children and families gives cultural agency to Aboriginal and Torres Strait Islander communities to guide their youth within the cultural safety of their community to become thriving and productive members of their respective communities. Tough-on-crime measures undoubtedly disproportionately affect Aboriginal and Torres Strait Islander children who are already grossly over-represented in the system. This is particularly disheartening in the context of Closing the Gap and treaty. At this point, I turn to Kate.

Ms Greenwood: We appreciate the attempt by this committee to do a proper deep dive into the most effective methods of addressing youth justice issues and appreciate this opportunity to speak to you about that. Our approach is as a frontline provider of legal services and advocacy group. We offer a unique perspective because we not only deal with the children on an individual basis and speak to them—we know them—we also bring those learnings back up into policy recommendations such as before this committee.

My particular approach is to apply a systemic lens. There are multiple factors at play. This is not a simple problem. There are multiple dynamics. When the Queensland Productivity Commission wrote its report, it mainly focused on the adult correctional system but identified the interplay of charging practices, bail practices, length of time on remand, sentencing options and offences themselves to identify where the system can start to run hot. The perspective that we can offer you is there are places where the system is running hot. It need not be that there are better solutions, there are off ramps and there are better interventions which will produce a safer result. We are attempting to bring that in.

There is a reason there is the youth justice system. That is the assumptions that apply in the adult system do not apply to children. Most children grow out of offending behaviour. There are neurological, physical, behavioural—I have left one out—reasons the assumptions about adults do not apply to kids. We have seen it working when there is a more collaborative approach, when there is a more interventionist approach and an upstream approach. For children who go to detention and come out the other end, we have our Throughcare Program. We have brought along our colleague Ms Helen Allport, is the head of our Throughcare Program, so that she is available to the committee. Her program picks up the pieces and tries to keep the child out of the system again.

There is a lot of leadership, especially within the community controlled sector, but also especially in the community sector generally. Can I give this observation to the committee? My previous role was Pree's. I used to travel around Queensland doing community legal engagement. I would talk with these programs that were really kicking goals and work in with them to create better legal awareness. I would come back a year later and they were gone. That is for a number of reasons, not the least of which was lack of sustained funding. In terms of what we do now, we need to do things a bit differently than what is happening now. In my view and in the view of many writers, current approaches are like spinning your tyres in mud—you are just digging us in deeper. We need to be pulling back out, looking at the programs that work—and there is a lot of evidence out there to show what works—and put that together in a meaningful fashion so that we can start to bring more and more kids out of this system.

From my experience as a practitioner, I think there are several reasons Aboriginal and Torres Strait Islander kids are over-represented. One is, especially at that age, they are extremely sociable—they hang out with their particular age group—and because of the way that charges are brought as parties or accomplices in the different jurisdictions, there is a more blanket approach to charging kids than needs exist. With the changes to bail, they are less likely to get bail. As a practitioner, more from the old school, it was better to break out the kids at the lower end and divert them away. It was better to concentrate on the kids who were getting into trouble and look at the most productive means of addressing why they were doing that and dealing with that. I could not bring another, a fourth person, to the committee but I spoke briefly—

CHAIR: Sorry, Kate, excuse me just for a moment. I realise that we have a committee that are really eager to ask questions and I want to make sure they all get the opportunity given the time constraints. Do you mind if we go into that now and then we will be able to come back if there is anything at the end?

Ms Greenwood: That is fine.

CHAIR: Thank you so much. I hand over to the member for Cooper.

Ms BUSH: Thank you, Chair. Good morning, everybody. I have a question, but before I ask that question, Katherine and Kate, you both mentioned a lot of programs that work. I know that the department is doing a lot of work in evaluating programs. I want to make sure that you are feeding into that mechanism somehow so that there is that feedback loop.

Ms Hayes: There is. In YJ's own brief to the committee, they talk about the programs that work. That includes the intensive bail support, which is when kids are on bail, wrapping them around with support so that they engage productively in everything offered to them. There was some discussion yesterday about whether there should be court ordered participation. There are a lot of different views on that, but we find that engagement is best and most productive when there is consent. I do not mean that there is an open option there. If it is explained to a young person that, 'You can either go to detention or participate in this program, which will give you great benefits, will help you with your case, will get you a productive path,' they will choose to participate. We find that option really productive.

Ms BUSH: Great. I have heard what you have both said, I feel sometimes in Queensland we are locked into this conflict around some people who believe in an evidence-based approach in and around addressing the root causes, early intervention and supporting rehab versus what can become the narrative around, 'I have been harmed. I am really frightened. I just want them locked up, I want to feel safe.' We are constantly pushing and pulling against those two narratives. Are there jurisdictions that have found a path through that we can look at or learn from or an approach you can suggest?

Ms Hayes: I think Victoria does it really well. Its crime statistics are really low. It has an approach that focuses on early intervention. It has really low incarceration rates. I think Victoria has managed to find a way through that narrative. I think what any government in Queensland needs to do is when there is another incident—and there will be another awful, tragic incident—whoever is the government needs to say, 'We have a youth justice strategy. We know from evidence that it works. We are sticking with it. There is not going to be any knee-jerk reaction introducing laws that do not work, that are not evidence-based.' That is what I think the narrative should be.

Ms BUSH: Thank you. Kate, did you want to add something?

Ms Greenwood: We are members of the community, too. We are concerned about safety, too. We get a ringside seat to see what works and what does not work, and that is what motivates us to put this effort in to come to speak to you about what we see as working and not working. If you talk about safety—and that has to be primary—the assumption that throwing people into jail somehow improves things is fallacious. There has been many a time I have been in front of a judge saying, 'Put this kid in detention? You are sending them to crime school. This kid is not at this point yet where they need to go in. Let's keep them away.' It is hard. It is almost like a dieter who is upset with the world and every time the diet is not working they reach for the pink doughnut. The early intervention and prevention—we are the green vegetables in this equation. We are completely unsexy.

Ms BUSH: I like green vegetables!

Ms Greenwood: I know that they are good for me. I make myself eat them. That is difficult. A complex problem needs nuanced approaches. It is really hard to explain and it is really hard to explain when you are dealing with something that needs a bit of patience. There have been several successful approaches that have been used. I think in other committees before some of the members here, you are aware how much I go on about the Bourke justice reinvestment with Maranguka and the KPMG report that was done pro bono to describe the very real benefits, social and economic, for doing things better. In Bourke they have their circuit breakers. They drill down on an individual level and they have better community responses in place before the problems happen.

In Scotland, they did a review of what was going wrong and in their justice reinvestment approach with kids who end up charged with serious crimes, they mapped back all the points of missed interventions and understood much better how failures there, there, there and there led to this particular kid being here offending. It works. It does work. It almost seems to be the more lurid the story the more convinced people are that that is their major threat to them.

Mr McDONALD: Thank you very much, ladies, for being here and for your presentations. Katherine, with regards to your experience with youth offenders in resi care, can you talk to us about how many serious repeat offenders are in resi care?

Ms Hayes: Anecdotally, from speaking to the frontline workers, a large portion of them have had some time in residential care. There are fantastic residential care providers and there are some that are not as good. I do not think residential care is a place for children, teenagers or young people who have the issues that the serious repeat offenders do.

Mr McDONALD: That is the problem for me. There is an increase in serious repeat offenders and an increase in victims across the state. Why is that happening now? I have my own ideas, but why is that happening now?

Ms Hayes: I think there is an increasing disadvantage, first of all, that is very difficult to treat. I think we need the departments of health, education, child safety and the police to all work together to try to do what they can to alleviate that disadvantage. We have young people who are born with fetal alcohol spectrum disorder. It is very prevalent in this cohort and in the detention centre, and that is a real difficulty to overcome. In addition to that, there has been the concentration on detention, and rehabilitation has not been as intensive as it should have been over the last few years. I visited the detention centres in South-East Queensland and the staff are fantastic, they are wonderful, but they are hamstrung by being overcrowded and having the staffing issues.

One point on the overcrowding, the numbers in remand are very high. They are almost up to 90 per cent capacity a lot of the time. In the youth justice briefing, they spoke about how the numbers of offences have increased before the courts quite significantly over the last 10 years, but my understanding is that the resources of the courts and the resources of the lawyers and the prosecutors have not increased commensurately, so that leads to a bottleneck. Kids are held in remand longer because of that bottleneck. There is also an argument that kids should be cautioned rather than being remanded because there are a large number of them that, when they go to court, the charges are dismissed because they should have received a caution in the first place. I am trying to track that data down—it is really hard to find—but our lawyers are saying that it is happening at least once a week in Brisbane alone. Those kids should not be on remand. The kids on remand should be moved out as soon as possible. The space in the detention centre should be used as productively as possible, so that is to provide intensive rehabilitation from as many sources as possible while the kids are in there.

Mr McDONALD: I was shocked to hear this morning that there were 30 young people in watch houses and 27 adults in child detention up to 18. That is a shocking thing. Why is that the case, and why is that not corrected and have the adults in the watch house and the children in the detention centre?

Ms Hayes: I think Kate or Helen would be better able to answer.

Ms Greenwood: Helen can probably answer better than me, but the definition of an adult should be 18 and above. What I heard in the earlier evidence was that 17-year-olds were being treated as adults. That is not the international standard; it is not the international law. I will throw to Helen on this.

Ms Allport: A lot of the young people are charged with a juvenile offence and then have a birthday while incarcerated on remand. They may not get a detention sentence in order for them to move across to an adult facility. They may also not have the cognitive ability to be able to process what is happening. They may be going through some cognitive assessments and then they would not be able to handle going into an adult facility. That is why.

Mr McDONALD: Regarding the 30 per cent of child serious offenders who have a child protection order and the complication of the youth justice and now child safety departments being separated, do you see that as being helpful?

Ms Hayes: I just do not know the answer to that. Amongst the serious repeat offenders, there would be a much higher number who should be subject to Child Safety. I think that 30 per cent is probably an understatement because we know of many on the streets. I just do not know how to best handle it. I do not know enough about the department machinations, whether it is best to keep it together or not.

Mr McDONALD: Are you aware of any inappropriate placements?

Ms Hayes: I do not know, but we have kids on the street; that is all I can say.

Mr McDONALD: As you said before, the homeless are not part of the youth justice system; they are removed from that. That is again shocking to me.

Ms Hayes: Yes, there are many kids on the street—awful. Each of them are coming in every day and we have nowhere to put them.

Mr McDONALD: Should they not be part of that intensive supervision by Youth Justice?

Ms Hayes: Yes.

Mr McDONALD: I think Kate had a response to that inappropriate placement question.

Ms Greenwood: I will give a quick example. There are different roles for Youth Justice and the child protection officer who sits in the place of the parent. There have been times of appearances in Saturday court representing a child in Cairns and the child safety officer just said to Youth Justice, 'You handle it.' The magistrate was completely unimpressed with that. They stand in the role of the parent; they should be there and responsible for the child and what happens to the child.

In regard to inappropriate placements—and this is before breach of bail was an offence—if kids were found in breach of bail, they were often put in the watch house overnight and then brought before the court. I was representing this kid over and over who just kept on being brought up and I said, 'What is going on?' He was being bullied in the resi care. There was a particularly bad officer and so this kid kept on running away and trying to self-place with family and kept on being dragged back and put into that. I am aware that bullying does go on. For example, most children are tipped out in the middle of the day if they are in resi care, and one child rang up to say, 'My transport has fallen through. I cannot get back. I need help because I am on a curfew.' The response was to call the cops and have the kid arrested and put in the watch house. We went through that whole cycle again. So, while there may be some good resi cares, I have also come across quite a few that are less good.

Mr HARPER: To Katherine first, you said Victoria does it better. Why is that?

Ms Hayes: They have had a longstanding policy of early intervention and diversion.

Mr HARPER: Are you aware of their \$200 million announcement of mental health assessments in primary schools?

Ms Hayes: No, but that is a great idea.

Mr HARPER: There was an evaluation done. They trialled that in 26 primary schools. Their aim, I believe, was to change the paradigm through that early assessment and intervening in the cycle early.

Ms Hayes: Yes.

Mr HARPER: I did want to follow up on your thoughts of the On Country program. I am glad you were watching yesterday. It was me who said should we be post release, and you articulated well today, that that 72 hours is not sufficient; there needs to be long-term rehabilitation. I think I raised the New South Wales, Armidale BackTrack program as an example—a residential program. I see in your submission you have listed in the appendix six reasons why boot camps do not work.

Ms Hayes: Yes.

Mr HARPER: Should we be going into that On Country rehab program—you can speak to this as well, if you like—versus throwing them into a boot camp style program?

Ms Hayes: There is no evidence that boot camp in that typical sense of the word works. What works is the intensive rehabilitation. If you are doing a boot camp that has a focus on intensive rehabilitation, yes, that would work, but again, without consent, you are facing an uphill battle. You need to have buy-in from them. I think Pree should talk about On Country. The problems are reintegrating the young person back into their community. You have to have some kind of network in the community where the young person has a connection in the community, some home where they are stable, someone to account to for going to school every day or going to a job. Taking them away and fixing the problems and then releasing them back into the community does not help them imbed or reintegrate back into the community.

Mr HARPER: Sorry to interrupt, but you said that there is no compulsion, it has to be consensual-based?

Ms Hayes: Yes.

Mr HARPER: In my experience and talking with On Country providers, of which we have had a number in Townsville, the figures are very low because there is no compulsion, and I think there needs to be. Their response was that there needs to be a court order or a condition as part of their parole to go and do that program.

Ms Hayes: That is where we find giving them the option works. It is not go into an On Country or nothing, it is, 'You will go to detention or you can go On Country,' and then they will choose On Country and they have more of a buy-in to that, so it is not just that or nothing. I think Pree would be the one to talk about On Country.

Ms Sharma: Kate wants to jump in, so I will hand over to Kate.

Ms Greenwood: Pree will be able to give you the statistics around it. I did try to bring another speaker today, Trevor Prior, who had run On Country. He was based in Townsville. He was our Throughcare officer for three years, and building out of that experience and in partnership with Mission Australia he held an On Country. I have rung Trevor on several occasions for submissions to say, 'What was your secret sauce?' because he had excellent results. He was working with some of the high-end risk offenders—the ones who stole cars, whatever. He said to me, 'Here's how it works. On these On Country, you do actually have to establish some level of cultural authority,' which is why we would not support making it compulsory; it should be something that is accepted. There might be multiple reasons those other ones are not so enthusiastic.

What he did was he took a few people away at a time. Mission Australia supplied him with a four-wheel drive and camping gear, which he would not have been able to do without that partnership. He took five of his own clients and two clients from Mission Australia who were primarily homeless kids and took them out on country. On Country programs are deeply values-based. They teach respect and they teach reconnection to these values. Later on, I was asking Trevor about his success rate and he said none of them reoffended on a serious crime. There might have been a couple who did something minor—a breach of bail or something like that. He is in a different role now and he has had the opportunity to run into many of the former offenders and he said, 'Can you explain to me why you did not go out and steal another car or whatever?' and these kids said, 'Well, we didn't want to hurt you and we didn't want to hurt the other people who mentored us.' One of the things that came out of that review of the boot camp is that where things work is where there is mentoring, and Trevor said that was his secret source.

I know the written submissions are due 10 January. I have suggested to Trevor that we do an attachment with some of his views and we will add that.

CHAIR: Thank you.

Mr POWELL: To follow on from the initial question, Katherine, from the member for Thuringowa regarding the mental health testing that is going on in Victoria, I understand in Canada it goes even further and they do multiyear, multifaceted testing of every student that comes through school. Have you heard anything about that program?

Ms Hayes: No, we have not, but our view is that it should be done when a child is born into a high-risk environment or when there is the first sign of disruption at school, because that is the first sign of a prison pipeline, and at the first exposure into the youth justice system—at each of those points should be mandatory assessments, but that is even better.

Mr POWELL: Canada does it for every student, from my understanding.

Ms Hayes: That would be amazing. Brilliant.

Mr POWELL: At grade 1.

Ms Hayes: Fantastic.

Mr POWELL: You mentioned what is causing the bottleneck to remand. You also mentioned in your opening statement that you would love to be seeing intensive rehabilitation occurring whilst the kids are on remand. What are you currently seeing happening with these kids on remand?

Ms Hayes: It is hard. My understanding is that it used to be that kids on remand would not be getting the same rehabilitation as the kids who had been sentenced, but my understanding is that that has since changed and kids on remand have access to the same rehabilitation as those kids who have been sentenced. However, the problem, as always, comes back to staffing—no-one is getting it. If what we said before is right, that should turn around. The secret is staffing.

Mr POWELL: So that goes back to the AWU's presentation previously?

Ms Hayes: That is right. That has been a big issue and that is what has been causing the euphemism of 'night mode' which is kids being locked down for up to 23 hours a day. They do not have access to anything. You have teenage boys in a room, by themselves, for 23 hours a day—that is just asking for trouble.

Mr POWELL: A number of you have started to unpack these examples of kids caught up in the youth justice/child safety/resi-care type situation ending up homeless. What is going on in the system that that is an outcome? I am struggling to understand. My career before coming into here was four years at the department of child safety. I know we had some problem kids, but the numbers you are talking about are extraordinary. What is happening that that is a far more regular occurrence, Kate?

Ms Greenwood: The best information I have comes from conversations I had with my equivalent in QATSICPP, the child protection peak who I think appeared before you yesterday. Their estimate from another member of QATSICPP is about 300. I picked up the phone to several lawyers—to Helen and some other child safety lawyers—to ask, ‘Do you know what’s going on?’ It seems to be that those kids are basically self-placing. If they cannot handle it anymore, it is safer elsewhere. This comes back to the unsuitable placements.

Mr POWELL: Inappropriate placements.

Ms Greenwood: Yes.

Ms Hayes: We see a skewed portion. We see the serious reoffenders, but that is a lot of them. It has to be said that there is a huge number of child safety kids who are in great placements and doing really well, but this cohort is having a difficult time of it.

Mr TANTARI: My question is to Katherine. Yesterday I asked a couple of witnesses who were at the hearing about definitions. Personally I am struggling to understand the definitions that are being used in the public discourse at the moment. In particular, in your submission you have talked about early intervention and diversion. I would like to know what you think the definition of ‘gold standard’ intervention is and do you know of any interventionist programs locally, nationally or internationally that can be defined as gold standard?

Ms Hayes: I am not familiar with the term in a technical sense, but in a casual sense or in layman’s terms it would be something that is delivering excellent outcomes which would be things that are already in place like the intensive bail support, intensive family partnership and on-country programs that already exist. There is a whole raft of really good programs already in place. You just need more of them. That is what I would understand gold standard to mean—programs that are delivering good outcomes.

Mr TANTARI: Is the gold standard early intervention approach that is being thrown around compatible with removing detention as a last resort from the Youth Justice Act?

Ms Hayes: Detention as a last resort being removed is not something that we want at all because detention itself does not work to reduce recidivism. It has to be the rehabilitation. We want detention as a last resort to remain because that will result in net widening and kids not being diverted from the justice system but being included in it and then being shunted along the path even further—entrenched earlier. No. We would see early intervention being inconsistent with the removal of detention as a last resort.

Mr HART: I assume this conversation has been going on for a while. How long have you been talking to the government about what works and what does not work and what are the roadblocks with implementing the things that do work?

Ms Hayes: I think everything in Bob Atkinson’s report from 2018 remains current. The roadblocks are the political conversation, the media conversation, social media and Facebook pages that whip up hysteria about youth crime. I think they are the big barriers. Having the political backbone to make a courageous decision about having to implement evidence-based solutions that work, I think that is the barrier.

Mr HART: How long have you been talking to the government about these things?

Ms Hayes: All the time—ongoing.

Mr McDONALD: We heard yesterday that there was agreement that the worst of the worst offenders need to be removed from the community. At the moment detention means going into a watch house or a jail—agreed?

Ms Hayes: Yes.

Mr McDONALD: What if detention was going into a consistently staffed, highly intensive rehabilitation program?

Ms Hayes: Yes, that would be great.

Mr McDONALD: That is the issue. Detention is okay for the worst of the worst if they are getting that. Is that correct?

Ms Hayes: Yes. Detention is consistent with the laws at the moment—if they do that, they will be in detention but they have to be rehabilitated.

Mr McDONALD: That would see fewer victims.

Ms Hayes: Yes, that is right.

Ms Greenwood: One of the innovations in Townsville which was essentially driven by the court is that there was creation of a special high-risk offender list. Instead of those kids being lost in the general melee of the kids call over, they have their own special day. They get their own special focus. Generally the youth justice officers who work with them have a ratio of one officer to about 15 kids. For the high-risk court it is one to five kids. They can do that more intensive wraparound. That has shown real value. I referred earlier to Trevor Prior's program. He was working with that cohort and got them to stop offending. At one point a different magistrate said to him, 'We need to clone a hundred of you.' In my view you only need to clone about 10 of him.

It is very hard to find a kid that is a total lost cause. It is really hard to find a kid like that. There may be some development issues which drive it. Swinging back to Canada, they have done a lot of work with fetal alcohol syndrome and what is appropriate sentencing for that. Essentially FASD does not normally turn up as a problem until different life stages—if they lose their main adult or when they hit puberty and start hanging around with other friends. They are followers. They just join in whatever else is going on. Not even the most hardcore ones are that difficult a nut to crack. We do have examples of where they have been graduated successfully through a program and have gone on to live productive lives.

CHAIR: Do we have any burning questions on this side of the table? I am mindful of the time.

Ms BUSH: Yes, I have a quick one. This is a little bit off tangent. Something that comes up for me with victims of crime in the Children's Court and operating in a youth space is sometimes a lack of inclusion in that court process, wanting to be in the room and have more oversight of some of the things that are said around the criminal proceedings. I know in legislation that they may be able to be granted access. I know that process is quite challenging. From your perspective as lawyers, what would be some of the challenges from the sector in making that an easier process for victims? What would be some of the barriers or some of the issues that might come up from a child's rights perspective in trying to get that balance? You can take it on notice if you need to think about it.

Ms Hayes: The one to answer this is Damian Bartholomew tomorrow.

Ms BUSH: That is fine.

Ms Greenwood: There is a balancing act. There is a group called Protect All Children Today, which looks after children who are complainants.

Ms BUSH: In court.

Ms Greenwood: Yes, in court. I know they have some good protocols in place.

Ms BUSH: That is a good idea.

Ms Greenwood: Maybe if I can take that on notice. It is even difficult with adults. I was on loan to Public Prosecutions here for a while, so I have also experienced it from the other side of the bar table how you properly give the victim an opportunity and for them to understand.

Ms BUSH: It is about having information and access.

Ms Greenwood: Often it is the first time they see anything of the law process, so they do not get any of it all at once.

Mr HART: Katherine, going back to the management plan, did you say it was 72 hours?

Ms Hayes: Yes.

Mr HART: You are released on a Friday and you are out by yourself on a Monday?

Ms Hayes: Yes.

Mr HART: That is unbelievable.

Mr HARPER: We will take that as a comment.

Mr HART: It is a comment.

Mr HARPER: Following your statement about the media frenzy and social media—we heard this yesterday from some witnesses and I was speaking with a criminologist last night—do you think this issue has become weaponised?

Ms Hayes: Very much, yes. Youth have been demonised. There is hysteria around it. There is no doubt that there are criminal activities taking place and there is no doubt that there are really awful things happening, but it is the degree to which and the volume of it that is taking place that has been blown out of proportion. That is borne out by the statistics.

Ms Greenwood: I keep saying to people we are not living on the mean streets of LA.

Mr McDONALD: Thank God.

Ms Greenwood: Yes, thank God. I have been in the same room as these kids. We are right down the low end. As Katherine said, sometimes bad things happen, but the great majority of the time it is kids stealing a can of coke from the back of a golf club and giving a sip to their mates. It is everything from down there to the more serious. Without a doubt, I have stopped using Twitter or X or whatever it is because they were pushing videos at me of coloured people beating each other up in what was meant to be an Australian context. I could tell they were fake videos. There is weaponising going on without any level of doubt. There is also the 24-hour news cycle, which is not something we have to deal with but obviously you do. It is hard to explain in that very fractured and quick time frame what is happening and why it is happening. It is a structured process. It is actually producing good results, but that gets lost in the noise.

CHAIR: Katherine, this inquiry is such a big endeavour. On the one hand, we have those serious repeat offenders who we understand are creating some real trauma within their communities; and, on the other hand, the less serious. We are endeavouring to work on both, running in parallel. I am going to ask about the serious repeat offenders and how you see that process, understanding that obviously they need to be not in their communities continuing to harm. Are you saying that in that process of repeatedly being brought before the court that they be given that choice—either detention or to go on to a program?

Ms Hayes: No.

CHAIR: No. It is detention and in detention it is that rehabilitation, as the member for Lockyer was saying.

Ms Hayes: Yes. If it is a lower level crime, if you are proposing a diversion then you say, 'You have the option of an on-country program or detention,' but, if it is a serious crime that warrants a custodial sentence under the legislation, then it is a custodial sentence with intensive rehabilitation from the day they enter into detention—full assessment, full rehabilitation, every day, day in day out, setting them up for success as they leave.

CHAIR: On top of that, in that process is the transition, because 72 hours is—

Ms Hayes: Yes, transition for months.

CHAIR: Going back to those diagnosed with a range of comorbidities but also fetal alcohol syndrome, from my understanding, that is something that is with them for life. We may be looking that for some it is lifelong support.

Ms Hayes: Yes, I think so but they get NDIS support. A good person to speak to is the nurse at Brisbane Youth Detention Centre. She has been there for I think about 20 years. She is on the verge of retirement. She has great insight into what has been happening and what the cohort looks like. She is great to speak to.

CHAIR: I know the member for Lockyer has one quick question before we close this session.

Mr McDONALD: Thank you again, ladies. You have really been insightful. There is an international trend that crime is reducing. The concern here in Queensland is that the serious repeat offenders are causing more problems. It appears to me that back when there were changes to the law there was not the investment in intensive rehabilitation detention type situations. In my world the government has let that cohort of offenders down. Would you agree?

Ms Hayes: It seems that the cohort who are the victims of really complicated social situations has been a growing portion of society. I think they are really complicated. We probably as a community and the government have not kept up with that growing complex need.

Ms Greenwood: If I could add to that that there has been a lot of leadership in programs from the community controlled sector. There has been an inadequate amount of recognition of those programs. Were that to be made possible, that would create a whole lot more options. The whole

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idea of Closing the Gap was for the community controlled sector to work in partnership with government for the sector to be strengthened so all those good programs I was describing, and others I will put in the written submission, do not just disappear like dew on the grass but actually persist because they are achieving good results.

Mr McDONALD: Thank you for the response to that question. In answer to the issue of gold standard early intervention, yesterday Professor John said something similar to you, but it also included an independent review by a university or a centre.

Ms Hayes: We would love that, but that costs a lot of money.

CHAIR: I want to thank everyone. It has been a good session. We do have one question on notice. When the secretariat sends that through, if there are any outstanding questions from the committee, would you mind those being included as well?

Ms Greenwood: That would be fine.

CHAIR: Thank you so much. We are heading into our next session and we have a change in the committee. The member for Ninderry will be joining us as we say goodbye to the member for Glass House.

CANNON, Mr Ben, Coordinator, Voice for Victims

HAMBURGER, Mr Keith AM, Managing Director, Knowledge Consulting Pty Ltd

NUTLEY, Mr Brett, First Nations Community Representative

READING, Ms Trudy, Volunteer Administrator, Voice for Victims

CHAIR: Good afternoon, everyone. Welcome and thank you so much for your time. Would you like to make an opening statement, understanding that there are questions that the committee would like to ask? Always remember that the more time you leave us the more questions we can ask. Keith, would you like to kick off?

Mr Hamburger: Thank you very much, Chair, and thanks very much for having us here this afternoon. Very briefly, my focus since 2006, as covered in the submission that I provided to you, has been to encourage government to have a key focus on disadvantaged communities where they are empowered to deliver holistic services to families that mitigate crime and those communities and families are rewarded for their success in achieving that. We have also attempted to encourage our politicians to take a bipartisan approach to policies and practices relating to crime prevention and in developing responses to crime that are founded in principles of restorative justice and justice reinvestment. These are the best practice principles that have been applied in jurisdictions to good effect, and I have seen this in northern Europe. Restorative justice applies to sentencing where society is protected and every effort is made to restore something to victims of crime, if possible, and, if community damage has occurred, to restore something to the community, and the sentencing process must focus on dealing with the offender in a manner that will restore that person to a law-abiding lifestyle if possible. Justice reinvestment is achieved by investing the savings from that sentencing approach back into families and communities and to continue the family and community strengthening.

Our presentation that you have, we believe provides an innovative approach to restructuring parliamentary oversight of that process to demonstrate how restorative justice and justice reinvestment can be applied in Queensland with great effect to reduce crime. It would have the immediate effect upon the current impulsive juvenile crime and it will save billions of dollars in the out years in juvenile and adult corrections infrastructure. There will be a significant reduction in the number of prisoners relatively quickly and great steps will be made towards Closing the Gap objectives for First Nations people.

In conclusion, in our presentation we have raised an issue of duty of care and in our view there are considerable failings of that within the adult prisons and juvenile detention centres, including serious allegations of sexual assault, and we urge the select committee, working with the about-to-be-created independent ministerial advisory committee, to engage immediately with agencies to understand the extent of these duty of care issues and if they are found to be substantiated then government needs to be advised of immediate action to resolve this issue. Thank you.

CHAIR: Ben, would you like to make an opening statement?

Mr Cannon: My name is Ben Cannon. I speak today on behalf of Ben Cannon. I found myself, a little over two years ago, in a situation that I never wanted nor wished for and that was to become a victim, a survivor—whichever word you choose. What unfortunately has happened over the last two and a bit years is I have learnt about many failings of both society and governments. Those failings have not only let me as a victim down, but they have let many of the people that perpetrated crimes against myself and others in the community down because I believe that, hand in glove, if we do not get better with justice we end up with more victims. What we see is that some of these victims are being hurt in what would seem to be an alarming or escalating rate. What I am saying there is when you speak to police and other lawmakers, the crimes that children are committing today they certainly were not committing years ago in the numbers and the magnitude they are today.

I have never tried to speak on behalf of all victims, it is too personal, but I privately fought in the background to try to make change—have meetings with ministers, have meetings with different people and try to have meetings with the Premier, and had no response. What then happened was a group of people who had been hurt by the system or by crime came together and created Voice for Victims. I am here today speaking on behalf of many, but my story is the only one I can speak truly of. What came from that is I learnt that this is a fight that has been going on for years. This is not a

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problem that happened in August when a thousand people marched on parliament; this is a problem that has been at your feet and in your hands as lawmakers, legislators and decision-makers. This is not new.

There is a raft of research on how to manage children better to stop them committing crime, but yet we still seem to run down this path that has a huge recidivism rate and has a huge failure rate, and we still seem to spend millions on programs that seem to not work. I have met community groups that do extraordinary work, often out of just the goodness of their heart. You meet people who have lived the life of crime or lived the life of what we would see as social failings and they have chosen, off their own bat, to try to curb the ways of others.

I also want to thank the victims and the people who have stood up and tried to fight for change for all those years. That rally we did was the pointy end. We have become the pointy end of an arrow that is extremely long and is extremely wide. There are two groups forgotten in the system today: they are the youths caught up in our justice system and caught up in our broken social system and they are the victims. The fact that when you go to court as a victim you are a witness to your own crime weighs heavily on my position that the state takes the fight for you. I understand there are complexities in law. A lady spoke before. I have never had an interest in law; I did not see the need. I have never had an interest in politics; I didn't see the need. I expected you people to make the right decisions that made us safe. I say this: the Voice for Victims rally I believe has coordinated if not pushed this event to come forward. What I ask all of you to do is please respect and understand the enormous role that you have been gifted because the decisions that you make, the questions that you ask and the opportunities that you have as important leaders in our community could change the lives of many for decades. I do not just speak of victims.

I thank you for the time today. I hope that I can add some value and I certainly hope, more importantly, that when this process has ended that we can see real, effective and long-term change for not only victims but also the young souls who are just in an horrific cycle. One of the things that lasts with me is that I spent, allegedly—another word that the system uses, but I know I am a victim—too much time with a young person in my neighbour's blood. I spent so much time that I still smell that person. That is something that I cannot change. They tell me it will go away. I still smell blood. I have been called everything from not a victim to not a real victim and a variety of other things, but what I know is this: one of the things that lives with me every day is how does a person in their early teens fall through so many cracks that their best option in life is to be in my neighbour's home at 2 or 3 am in the morning wielding a weapon trying to steal a chunk of metal, which is a car. What I say is this: there were points where that child should have been picked up and potentially tried to be turned in another direction. I hope that the outcome from this is that we find ways that we can close those cracks. Thank you.

Mr Nutley: Thank you very much for having me here today. Thank you, Keith, for taking me on this journey. First of all, I want to acknowledge my elders, past and present, also the Greater Brisbane elders alliance across the road at Musgrave Park. I actually read this statement to them before I came across here. There are about 15 different country groups over at Musgrave Park right now. I am going back there after this meeting to let them know how it went so they can have a bit of an idea how this is going to pan out basically.

I will tell you a little bit about myself for people who do not know me. I used to be the liaison officer here in parliament. I was here for 12 years. I worked with parliamentary committees on a number of occasions and travelled with members quite a bit. I also used to be a correctional officer. I did that for 12 years back in the old days when Boggo Road was still open and at what was known as the Sir David Longland Correctional Centre. Actually, Keith was my director-general at the time when I was working there. While I was working in the prisons one thing I did notice was there were a lot of young men coming into the system, and unfortunately I was on hand to find several hangings during that time. One was a 17-year-old boy who had two weeks to go on a break and enter charge. You can see where I am going with that. It was very traumatising for the family, as you can imagine, and very traumatising for me and my family. I did that for about 12 years and then I decided to try to move around a little bit. I worked with the Children Services Tribunal. I was a member with Robert Bulley. He has passed away, unfortunately. He was a good friend of mine. He was a former judge. We saw a lot of things—where things derived from, how things happen and how things can escalate.

I come here today not to share that expertise, but to make a statement on behalf of the elders and the community around how things have been panning out, especially for our young Aboriginal and Torres Strait Islander youth. We know that there is a high incarceration rate of our Indigenous youth in watch houses and so forth. It has been well documented in the media what was mentioned before. I will read this statement out and we will go from there. Over the years elders past and present

and First Nations leaders have addressed federal and state parliamentary committees, government officials, ministers, premiers and judicial areas of government in the hope that we can resolve issues our people have faced for many years. We have had report after report conducted on First Nations people and all we have seen is recommendations, not many implementations. We come along to these meetings to give evidence in the hope for change. One thing that stuck out in the community was that on 29 November 2021—Keith was with us—we gave evidence on the Criminal Law (Raising the Age of Responsibility) Amendment Bill that a First Nations rehabilitation facility or model be created to heal and create opportunities to break the vicious cycle of crime, drug dependency and intergenerational issues that impact our people. That has not been addressed.

May I add that issues have been extended into the greater community and more victims are created. I make the point that First Nations people in this country started getting victimised around 1788—I am not making this a political statement by any means; I am giving a bit of a time line—with colonisation. The Australian government has created laws and policies that traumatised the past elders by removing them to missions where they lost language, customs, family, parenting skills—it just went on and on. That is highlighted today with our youth. They have not got those skills. A whole bunch of generations are now acting out from that trauma and not having proper guidance.

The community and I feel that incarceration does not work for minor crimes and what have you. We do admit that there are some violent offenders who need to be incarcerated. That is totally understandable for the safety of the community as a whole. However, there are those crimes that can be rehabilitated and fixed.

Taking this into consideration, what was really hard for the community at that time, after that evidence was given, was that the following day the truth treaty bill was tabled by the Premier in the parliament, not even considering what the elders in the community had said in that previous meeting. There was a truth-telling bill in parliament the next day and we could not really fathom it because we told the truth and nothing was taken on board. We were a bit gobsmacked in the community.

The way the community is starting to feel at the moment is that the information that we present and the evidence that is given only gets documented and the box is ticked that First Nations people are being consulted. That is how we are starting to feel, like we are back in the seventies. Those are the comments that are made by the elders. The Queensland government at the moment does not really take on board any community views from the First Nations people and it has become apparent that meetings of these sorts may be starting to become just a waste of time on the part of Indigenous people and we are all starting to feel that when we get up and give evidence, like Aunty Bonney Robertson and Aunty Alex Gator and other professionals in the community.

To finish off my opening statement, the Greater Brisbane elders note that the elders are looking very closely as to what recommendations and what actions will come out of today's hearing and evaluate, in the community, what our next steps are going to be. They would love to meet with the committee. Come out to community, if you are able, and talk to the elders about what is happening with our youth and things like that, and what resources we require and what we need for a rehabilitation facility, run by Aboriginal and Torres Strait Islander people on country that is very culturally appropriate, to deliver that product to the young people. We understand when they go into the youth detention centres they are taken away from country and elders. They are taken away from their people. That is what causes a lot of the issue in itself, from that point on. I will not take up too much more of your time.

Ms BUSH: Thank you, everybody, for coming today. Brett, thank you for your comments. Hearing some of that broke my heart so thank you for sharing that. Keith, we have had a bit to do with each other so I might focus my first line of questioning on Trudy and Ben. Ben, we have spoken. I am very sorry for your experience and thank you for coming here today and bringing that victims' view. Trudy and Ben, you have presented to the government four priority areas and six recommendations—things that you would like to see government do based on the work that you have been doing in community. What was the process that you went through to identify, prioritise and present those particular priority areas and recommendations?

Mr Cannon: Most of it is just through community engagement. We initially had a collective of about 25 to 30 people who were predominantly from the south-east of Brisbane who started this Voice for Victims movement. As we got closer to the initial rally or meeting with parliament, we had a Facebook page and, off the back of that, we got a lot of engagement from all over the state and all over the country, to be fair, from people worried about family members and loved ones in Queensland.

Ms BUSH: Were they victims specifically that led to that?

Mr Cannon: Again, we have people who have been affected and people who have felt the pain because their communities have been affected. We took on board, I guess, the sense of all of those points. What I also knew through my experience, and I can speak more openly about that, is that most of the things that I felt and my family felt and the Kefu family felt were that the victim does not have a voice or a place inside the justice system. I remember speaking with Leanne Linard and asking why there is no minister for victims. The fact that there was a minister for youth justice indicated where the weight sat with regards to where support went, where resources went, where thinking went.

Ms BUSH: Your recommendations and priorities go further than that, though. Recognising that you have spoken to interested community members and given your own experience and that of other victims, particularly given the 'Voice for Victims' name, did you think about selecting victims in any kind of representative way? For example, did you think about ensuring that women who are victims had input into your priority areas and recommendations and First Nations victims, culturally and linguistically diverse victims, sex workers, the LGBTIQ+ community, people with disability, young people who are victims of crime at a far more disproportionate rate or anybody else? Where are their voices? Are they considered in your submission?

Mr Cannon: Absolutely.

Ms BUSH: You did a representative sample?

Mr Cannon: No. This is the difference: we have the resources of the middle of a donut. We have no money.

Ms BUSH: I understand.

Mr Cannon: We recognised that the tone and appetite for the community was for change. As a community, we had fought for change in all of our different ways. Some of them—the Fields family and many other people—have been fighting for change for many years. We collectively also engaged with people like Keith Hamburger, very early on, who had decades of experience and professors at Griffith University. The interesting thing with it is that many of the people we spoke to, who are potentially at this committee hearing, did not want to be publicly known because their funding is so critically supported by government that they are afraid to speak out publicly—frontline services, police.

This is two years of my life where I was running down rabbit holes that kind of came to this point. The points that we asked for we felt were, I guess, the sharp objects on a really broad range of issues. We felt that if victims are better supported with more urgency and more consideration for the human, irrespective of whether they are a youth or whether they are a victim of violent crime, they should be helped.

Ms BUSH: I agree with that. Your submission goes beyond the victims' rights. It calls for things like removing detention as a last resort, mandatory sentencing, mandatory refusal of bail. To me, those ideas seem at odds with other things you have included in your submission—for example, adopting the Swedish justice model. I am a little confused about who you have consulted with. I hear your point. I will say that we have had stakeholders who have had no hesitation in coming here and criticising the government, like Griffith and others. I am curious where this amalgamation of ideas came from. I am struggling to see the cohesion in it, to be honest. I am trying to understand it.

Mr Cannon: The government uses the term 'complex problem' again and again. As a community, with little or no understanding of the issues, we recognise it is too. If we have tripped or if we have fumbled or if we got a bit in the beginning right and a bit at the back not right then it has also evolved from that first rally where the first recommendations we put to parliament were a collective of maybe a smaller cohort. By the time I actually got to meet with the Premier, which was some two or three months later, we had evolved with our needs and we had evolved with our thinking.

Ms BUSH: There are a number of victims' organisations and youth justice advocates that have been working in this space for, as you said, decades. What work did you do to lend your voice to what they have been wanting to champion? Did you think about perhaps approaching them and working with them? Rather than doing the work on your own, did you think about picking up that work and advocating for the things that they have been asking for?

Mr Cannon: I did meet with some but, as you said, there are many. There are so many. I did meet with some. Some are community based, working with the youths caught up in this cycle. They were also a part of my own self trying to understand how we have got to this point. When I had our incident I remember thinking clearly, 'This will change our state. This has to. This is just too big an issue. There is too much pain.' And we just bobbed along. It was not until Emma Lovell passed, and that was very painful, that a response came.

Ms BUSH: I am certainly not trying to be critical. If we are talking about changing laws then that is a huge thing that can have some very real impacts on a lot of people so we need to be really sure that what we are doing is actually going to work. My final question is this: the Swedish model has the age of criminal responsibility at 15. Is that something that you would advocate for, raising the age?

Mr Cannon: It is not, based on the present issues we have with youths who are younger. The thing is that we have never asked for a child to be locked up. The question lives with us: how does a youth, whom we all have, end up in a situation where they cause so much harm? Obviously, it comes through their pain. We are not asking for kids to be locked up. We never have. We have never spoken for it. What we are asking for is that we believe that youths getting caught up in this cycle is a social and a health issue. They should be assessed as though they were involved in a car accident where they are taken somewhere and assessed and given the right framework where they can heal and grow. You know what? Some may need a longer and some may need a shorter time, but the system we have at the moment, from an outsider looking in, is that it is a revolving door where they do not actually get considered. Therefore, we end up with more and more victims.

We certainly do not profess to have all the answers. If our presentation has come across as confusing then it is because we as a community are also confused. On the points we put forward, we have tried, as best we could, to use common language because we do not want it to get lost in bureaucracy. We have asked our legislators to take the problem, add our simple approaches to the solutions and build legislation that will work. Our job is not to legislate, as a community. Our job is to identify problems and bring, as best we can, solutions that we think may work.

Mr McDONALD: Thank you all for being here and thank you for the work that you do for all of your communities. They should be proud to have you supporting them. Mr Hamburger, we have heard that the rate of serious repeat offenders is increasing and the number of victims is increasing. From your extensive experience, are we investing enough in those serious repeat offenders?

Mr Hamburger: The way that I would answer is that we are not treating them appropriately in terms of investing. The model that we have put before you—and the member for Cooper has just raised the issue about law changes—does not involve a lot of law changes. What we are saying and certainly one of the Voice for Victims' key planks is zero tolerance. What does zero tolerance mean? It means that if somebody is caught committing a crime, such as invading people's homes, we do not tolerate that. We take them off the streets. However, we take them into a proper assessment centre, and Ben has just touched on that, where they are thoroughly assessed while they are in custody.

In the experience I had in northern Europe, looking at things over there, the children in that situation had three to four weeks getting a complete holistic assessment that should probably have been heard already. Some 40 per cent of children in custody in Queensland have fetal alcohol syndrome issues and there is a whole range of social disadvantage and a range of problems. These children have complex needs. They need thorough assessment. At the moment, that is not being done and the courts are not getting that information. Under our model we are saying that we take those children off the streets, go through the assessment, go before the court with a proper assessment and then have a range of options where the children can be detained, rehabilitated et cetera. Repeat offending under that model would drop. It is just a different model.

Mr McDONALD: We have heard a number of people talking about high-risk offenders, the serious repeat offenders, and there has been agreement that detention is okay to take them out of the community. I think we are getting hung up on detention as the option right now. It is just going to a watch house or jail.

Mr Hamburger: That is right.

Mr McDONALD: The words were about consistent staffing with high-intervention rehabilitation. In Queensland, that number is increasing. I feel the government has not invested in those people. We have let the high-risk offenders down and we have ended up with increasing numbers. What are your thoughts on that?

Mr Hamburger: That is a fair point and in our model all the literature and all the experience tells you that when you put a large number of young people into a facility—say, 350 beds—they are not getting individualised attention. Best practice is that for those very serious offenders probably no more than six in one place. They need to have a large tract of land. They need to have a variety of experience. They need to have professional interventions, and so it is a totally different approach. Certainly they are detained, but we all know that the great majority of those at some stage are going back into the community and we need to restore them back there better than when they came in. Some of those children that have fetal alcohol issues will probably need care for most of their life as adults because of the circumstances they are in.

Back in my time 90 per cent of children that went into youth detention centres went on to adult prisons. I do not know what the figure is, but I think it is very high at the moment. That system has failed, so you have to deal in small numbers with intensive programs somewhere near their community of interest, because, once again, I think as Brett touched on a moment ago, we are taking children hundreds of kilometres and even thousands of kilometres away from their family and community. The big issue about rehabilitation is your transition back into a community, and quite often in my experience in terms of the rehab programs we run for offenders the parents need them too. We need to get parents and children working so that when a child goes back or goes back to significant others if it is not their parents that those people can continue the treatment and support that started in the detention situation.

Mr McDONALD: Ben and Trudy, thank you for being here today. When members of the government downplay the rates of crime or criminals in Queensland, how does that make you feel as victims, bearing in mind that there is an international reduction in total numbers of crime? How does it make you feel as victims?

Mr Cannon: I have said this: there is no barometer on a victim. I have met people who have had what the community may say are simple attempted home invasions and I have had people who have had serious crimes to the level of murder and attempted murder that respond to it differently. Equally with our justice system, we cannot have a 'one size fits all' approach to how we manage the other side of the ledger, and I have asked this for a long time. The victim is the forgotten piece in this puzzle. So we do not diminish the need or the pain that any person feels or their approach to best solutions. I think it is a sad place to get to if someone chooses or an organisation chooses to take a swipe at victims, because, as I said, they often have never asked for the situation they have found themselves in and often all they want is help. It is painful, but equally as painful is seeing crimes committed similarly by youths you would have thought the system could have caught, detained, managed or assisted.

Ms Reading: I think that is where the main frustration is—that is, the repeat offenders, absolutely—and the community is reaching out to people like us with Voice for Victims because they are feeling unheard and they feel that something needs to change.

Mr McDONALD: Perhaps with regard to the numbers that the government are talking about, instead of talking about numbers of offenders maybe we should be talking about numbers of victims. Do you have any thoughts on that?

Mr Cannon: I definitely think there is very little data you can find on the wellbeing and consideration of victims, but you can find report after report on the other side of the ledger. I am not saying there is not, but there is a heavy dose of documentation tied to the Queensland government on how we can manage youths better in the justice system, yet much of it either has not been used or if it has been used it may not have been effective. For victims, on the other hand, again, it does not seem to be as invested in the investigation. We are a part of the ledger and we need to also be considered.

Mr HARPER: I am looking forward, on the back of the last question, to the Victims' Commissioner engaging and representing the victims of crime in this state. Do we agree across the board that serious violent offenders belong in custody?

Mr Cannon: Yes.

Mr HARPER: That is certainly what people tell me in Townsville, and I will refer to your paper in a moment. Brett, just going to your background in corrections and the things that you have witnessed, on page 6 we talk about dysfunction. I am going to use the words 'generational dysfunction' because in my 30 years in the ambulance I, too, have gone to hangings in correctional centres and where young people have also just been released, and it is tragic—tragic for the families. Twenty years ago I was going to stolen cars where young people had lost their lives. Ten years ago—in fact, just down the road from the MP office—I can remember an 11-year-old losing their life in a stolen car. This has been going on for years and it is certainly a very serious issue that we want to see resolved through the work of this committee, so I think that we need a bipartisan approach, and I see that wording in this multi-party committee in that we have a vehicle here to make real change. Ben, you talked about an outcome and you want to find ways of changing it. I was going to ask what is your No. 1 change that you want and then I am going to refer to one of the recommendations, but what is your No. 1? What is the one thing that you think can fix this? We are talking about the fact that this has been happening for years. Is there a silver bullet to this?

Mr Cannon: No. I am not an expert in justice, but what I am an expert in is my own experience as a victim. I am not here today to give advice on the justice system. There are plenty of people in the room smarter and more qualified. What I am here to make sure of is that the victims are not
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forgotten because the reality of it is this: as a victim, you fall in a hole after a crime is committed. Again, I have taken an approach to this that is more at the extreme end of crime because what I would hope is what we can fix there flows down. So we found in our experience that there was lots of holes and lots of apparent departments and resources and things that as a victim were either impossible to find or really hard to navigate.

What we knew is that the youths that offended against us, right or wrong, ended up in a framework. They ended up in a framework where they did not have to think too much. They were taken somewhere, they were told how the system is going to work and they were given information whereas as a victim you are left on your own. You are at home, and at that time we had media attacking us for two or three weeks. Everywhere we went we were being followed by cameras and we just did not know, yet if I run into a car on the way home from here AAMI will take my call and will take over all of the worrying hoops that I have to jump through as a car accident to fix the bumper on my car. As a human being trying to put his life back together, I was alone. My position here today is to understand that if you do not get better at justice you will end up with more victims. My argument is that they need to be given equal or better support and equal or better weight in the argument than those that continue to cause crime.

Mr HARPER: I think we need to put every effort into breaking the cycle so we are not talking about this in 10 years time.

Mr Cannon: Yes. Like I say, Aaron, this is not a new issue and I have met families that have been broken and given up. I have met people in that, as Jonty said, there are many good organisations out there that have been knocking on the doors of parliament for many years with good solutions. Keith has been putting forward his ideas for 10 years.

Mr HARPER: I will just go to that very quickly because I know there are other members here. Recommendation 2 was about pausing current capital works, particularly around those two announced youth detention centres. People in Townsville talk about capacity. Cleveland is often at capacity. Victims I talk to and particularly on social media you see that a lot of people want more detention. They think that more detention centres is the absolute key, but in your paper you talk about overcrowding but then you have a recommendation to pause the capital works and not build them. I have a bunch of people telling me, 'Build more. Hold people to account,' and this recommendation has just slightly confused me.

Mr Cannon: Keith will finish, but I will just raise this point from a victim's point of view: the solutions you have do not work. These kids are reoffending, so building more of the same institutions that do not work is not what a victim wants. That is our point.

Mr HARPER: Okay. Keith?

Mr Hamburger: I will just build on what Ben has said. We have argued very strenuously to government for quite some time not to build more youth detention centres. We are very concerned about the operating models that exist in those centres. We have no indication that the models that are proposed will solve the problems that are identified in the current centres for a whole range of reasons. The pause we have asked for and we suggest I think in another recommendation—or it might be that one—that there is a conference between this committee and the relevant heads of agencies and the IMAC, when that is formed, to discuss that recommendation and get an understanding from the heads of agencies as to whether they are prepared to look at options other than building these detention centres. I have a thought—and many of my colleagues would agree with this—that maybe we could come up with some options that will take these kids off the street far more quickly and divert some of the funds that are being allocated towards those very expensive centres into that. So I think we need to take a reasonable step of getting the heads of agencies together to talk about that and see if it makes sense.

Mr HARPER: I agree, and we heard this yesterday—diversionary sentencing for your first-time offence, first car or whatever. Thank you very much.

Mr PURDIE: Good point, Keith, that you just finished on. I think we are sort of getting a recurring theme about that. Ben, taking you back to your opening address, I am mindful that you are here because essentially you have ended up as a spokesperson for your group by compulsion essentially after you ended up in a situation you never thought you would be in and I appreciate the work you are doing for victims. Even in my electorate victims have reached out to you guys when they found they had no-one else to turn to. People have lost loved ones to youth crime. You said in your opening address that the level of violence, particularly in youth crime, is escalating. You are talking to a lot of victims and you are talking to a lot of police, I think you said, who are telling you that. As a victim who has seen firsthand the tragedy as it can unfold, can you give us some indication of what you are hearing from victims and frontline police about that level of violence increasing?

Mr Cannon: What I saw unfold in the better part of 20 minutes was absolutely life changing and the parties that were involved in that in my understanding allegedly had priors and I think one was due in court that morning at 10 am so was out, and I know I cannot talk about it. The thing that I think is worrying is when we were affected the data told us—again, these are the numbers that the government were tweeting—that recidivist repeat offenders was circa 10 per cent. I asked at every opportunity we could to get this right. I asked at every opportunity I could to see if somebody would listen. I asked at every opportunity I could and I told any media that we have to get this right because I worry if we get to 20 per cent. I understand we are either there now or we are knocking on the door of it. We can talk about and try and diminish crime by saying, ‘Some kids are just stealing lollies and a can of Coke,’ but we also need to understand there are kids that are murdering people. There are kids that are raping people.

Mr TANTARI: They are being jailed, aren't they?

Mr Cannon: The answer is no—

Mr PURDIE: No.

Mr Cannon:—because there are people—and, again, I cannot talk about it because they are in court cases. There are children that have caused near on murder to people that have then gone on to murder others. So if you are telling me they are all jailed—

Mr TANTARI: No, I am just saying—

Mr Cannon: No, no, not I am saying—

CHAIR: Member for Hervey Bay—

Mr TANTARI:—for serious crimes though.

Mr McDONALD: They are in denial.

CHAIR: Member for Hervey Bay.

Mr McDONALD: A government in denial.

Mr Cannon: What I will say is this: the definition of a serious crime, Adrian, does not seem to echo through the courts or does not seem to echo through your parliament because you have people that are committing what I would consider a heinous crime—inflicting a knife wound or aggravated assault repeatedly or stealing cars—that are released on bail. Again, the challenge we have with kids is it is all hidden behind ‘child Q’ and ‘child A’ whereas the victims wear their name because they are the front-page news article. As far as we are concerned, no, there is not a circuit breaker for many of these.

Mr McDONALD: It is further evidence that the government is not listening.

CHAIR: Members, please. I would ask that the witness be able to answer the question without interjections please.

Mr PURDIE: As a follow-up question—

CHAIR: Everyone will have a chance for a follow-up question.

Mr Cannon: If the member for Hervey Bay is correct, then I am happy to be proven wrong. Your data tells us otherwise because we are seeing that these repeat offenders are continuing to repeat offend and more worrying, Adrian, if you want to listen, is the fact that they are repeating and their crimes are escalating. A kid that steals a can of Coke is ending up murdering someone. That is wrong.

CHAIR: I would also ask that witnesses use the appropriate titles of members. If we could do that, I would appreciate that.

Mr Cannon: What is the appropriate title, I am sorry?

CHAIR: So member for Hervey Bay or member for—

Mr Cannon: I am comfortable with ‘Ben’ but happy with ‘member for Hervey Bay’.

CHAIR: Thank you. The next question is from the member for Ninderry.

Mr PURDIE: Mr Cannon.

Mr Cannon: Ben is fine.

Mr PURDIE: Back to that point. You talked about the Childrens Court. All we know is offender A, offender B. I have heard from victims that when they are in the Childrens Court, even when they have lost a loved one, they are trying to get information in a vacuum, in the dark. There is all this

secrecy and they feel like they are excluded from the whole process. The Childrens Court is a closed court. I realise you are not an expert, but from what you are hearing from victims and their families should there be more transparency in the Childrens Court so victims can have more access to know what is happening in the court with offenders and the process of the court?

Mr Cannon: Kids make mistakes, there is no doubt. There is a right and a wrong with the understanding that kids make mistakes and you do not want to scar them forever. In terms of the escalation of crime, when you get to kids who are causing murder and grievous bodily harm—and these are not first offences—there has to be a point where the victim is not the one who is forever labelled as the brand for that crime. These families need to take ownership of the responsibilities they have and these children have to take responsibility, because again we will say, ‘You’ve had a bad life.’ I do agree the framework is not right at the moment. We have to get better at social services. If we get better at that, then we can start to put the responsibility back on people and say, ‘Listen, time and time again you were given a chance to curb your wicked ways and you continue to escalate.’ There will be those people, but I believe that most kids are born with the best intentions. We, as a society, leave them in the hands of the wrong people to raise them. We as a society are paying for the consequences of that right now. When it comes to those heinous crimes juveniles need to understand the consequences are that there is no right to anonymity, because they hide behind that. As a victim we become the poster boy for that crime, and that is a really horrible place to be.

Ms BUSH: Ben, I will come back to you and Trudy again. I really relate to a lot of what you are saying. I am a victim myself: I lost my sister and my father. Both of those offenders were young. I have gone through my share of injustice also, so I recognise and want to be an ally with you in that space. Thank you for that work. I also do recognise that you have stepped into a victims’ advocacy role and have established a business that you are taking fees for, that people can purchase shirts—

Mr Cannon: No, that is external. There is not a dollar that we generate at all—not one.

Ms BUSH: That is not my question, but that is fine. You have a social media group which has some victims and some community members, and it is fantastic there is that space. Obviously, now you are operating within a legal framework as a content publisher. We talked a little bit about social media in the last couple of days, how that can help and hinder this whole situation and that the inflammatory nature of this whole debate is really a barrier for us. There was evidence yesterday from PeakCare CEO Tom about the impact of social media. He called for the banning of comments from groups that promote hate speech or vigilantism. Katherine has spoken about this today. We as a government just passed legislation to criminalise hate speech so that people cannot be vilified on areas of age, race or gender. Do you actively moderate the comments?

Mr Cannon: We do.

Ms Reading: I can answer that because I am one of the main moderators. Yes, we do. Obviously there is a lot of emotion that comes from victims, particularly ones who are the victims of repeat offences. It is interesting that is raised, because it is not one sided. That sort of language comes to victims as well. There are people who come onto the page to attack victims just as much as they come onto the page to discredit the government. We are not about trying to discredit the government. We are about trying to ensure that the government is held to account and that changes are made. We are a small group. We have had people come on and attack us for not letting comments through and for letting comments through.

We are people who go about our business. We are members of the community who care about what has happened. I am a mum. I work. I would rather be spending time with my children. What I would say is that we want to make sure there are enough comments that do get through and that we can reach out to people who do need help. There are people who reach out to me privately. We try and put them in touch with their local member. We try and put them in touch with the local police. These are the things that we are doing as a community. Quite frankly, I do not want to have to. I want the government to do what they are supposed to do. Yes, we are moderating the page. We are trying to ensure there is no hate speech, but I think that—if we are going on the record—you will find that across all pages, whether it is Voice for Victims pages or some of your own members’ pages as well.

Ms BUSH: Yes, we feel that obligation because defamation laws apply to us equally as well. I just want to come back to that, because we have talked about the unhelpful nature of some of the commentary. Whether people like the government or not is not what I am getting to. I have seen comments on your page which I will not table but that refer to children as scum, that refer to them as being grandfathered out, that talk about the death penalty, that talk about taking up spearfishing as a hobby under a comment about young people, that talk about Aboriginality and crime when there is no link to that, that talk about carrying weapons, again talking about scum and that they need a good slap. The question is: do you think you could do more in that space, and what are your obligations?

Ms Reading: Maybe with resources we could do a lot more, quite frankly, because you have two or three people who are trying to moderate hundreds of comments. I will just point out one more thing which I find incredibly frustrating. We have people who are trying to spam our page that we have linked back to the government and linked back to Labor Party members—quite frankly, I find it offensive—thirty people who try and spam the page without trying to accept the rules. There are people who come onto our page and abuse us for what we are doing. There are also people who 'like' all the Labor members' posts. As an individual, as a mum who would rather spend time with her family, no, I do not have the resources to make sure that every single one of those posts does not go through, because a lot of the time I am trying to moderate all the people who are trying to discredit us at the same time. Quite frankly, I am here to help give a voice to victims. I am not here to try and moderate some of the crazies out there, because they are on every page. I cannot believe that we could be sitting here and talking about positive things and you are having a go at our page.

Ms BUSH: I am not—

Ms Reading: Member for Cooper, I think you are.

Mr Cannon: Can I just raise a point. We would welcome the resources that you have to monitor and moderate our page. I will say this: you would find that most of those comments do not exist anymore and we are doing the best we can. We get home at 10 o'clock at night. There are three of us trying to find them and take them out. Facebook does not have a filter that can stop lots of this. I would welcome your government's resources to assist us, because we do have over 10,000 people in Queensland who find that page useful.

Ms BUSH: There is an auto moderation. You can set that up in a really easy way. I am not trying to have a go. I am very aware that this is part of the issue and that we are all obligated as agents in this space.

CHAIR: Member for Cooper, is there a question in this?

Ms BUSH: No, I will just leave that as a comment.

CHAIR: We will move on.

Mr HART: I am sorry you had to go through that, guys. That is terrible. When you see the government suggesting that a solution for victims might be to subsidise CCT cameras in your houses and alarm systems, does that fix the problem?

Mr Cannon: We have an approach: we have always said that whatever makes you feel safer or better through this, do it. We do not discredit the idea of car immobilisers and all these things that the government has thrown up, but we do think that those resources could be invested better elsewhere. Sometimes those bandaids are not going to go after the problem. I am sure that in Townsville there are communities that would welcome the \$15 million or whatever is allocated to immobilisers as a spend. I have to say that we do not discredit any person who is a victim who finds a way to make them feel safer—ever.

Mr HARPER: Is crime prevention important?

Mr Cannon: Is crime prevention important? It is paramount, and order is important, and what we have lost is order. Just on that point, crime prevention is not a camera. The point that I would raise is that often when ministers rollout their meetings in their community one of the things they say is that 40 per cent of these crimes are committed by opportunity. Our argument is that 100 per cent of the crimes are committed by a person who chose to commit the crime. Just because you have a camera and a big fence it should not discredit that a crime was committed against you.

Mr HART: How do the three different groups of you here feel about whether we should have court ordered intervention as far as educating these young criminals as to how to improve themselves? Is a voluntary program okay, or does it need to be court ordered at some level?

Mr Hamburger: The process we put to you in the presentation we gave is that all young offenders are appropriately assessed and that it is under the supervision of a court, and the court then makes decisions on options that could happen. It could be that one of those kids picked up at three o'clock in the morning had not committed a crime but had been at risk as far as the police are concerned. That child might finish up back home because they have a good family and everybody wraps around them. The court will act on a thorough assessment and make appropriate decisions, and then the child is supervised from that point on into an appropriate rehabilitation situation. You very rarely see bail used in that process because the child is brought into a controlled environment, and that comes back to zero tolerance. We do not want children running around the streets at 3.30 in the morning. The police do not want to be nursemaiding them. Police do not want them in watch houses. That is why we need assessment centres.

CHAIR: This is the last one, member, because we are running out of time.

Mr HART: I just wanted to ask Brett the same question.

Mr Nutley: I totally agree with an option of having an assessment centre instead of putting young people in a watch house. We have spoken about this quite thoroughly through the Indigenous community with Keith. We are all in agreeance—not all, but the groups that he has spoken to are in agreeance. Instead of being taken to a watch house at three o'clock in the morning, it would be better to take them to an assessment centre, because if there are any issues in the home they can also be assessed and addressed.

Mr PURDIE: Trudy, you mentioned that you have evidence that Labor Party operatives have potentially been spamming your page and trying to discredit your organisation and you mentioned what you are doing. I think this committee would be happy to have a look at that if you do have evidence of that. If people associated with any political party are trying to undermine what you are doing in relation to—

CHAIR: Is that a question on notice?

Mr PURDIE: Trudy, would just confirm that you have that? We are more than happy to accept that and investigate it as far as we can.

CHAIR: It is a question on notice.

Mr Nutley: Chair, may I just make a comment?

CHAIR: Yes.

Mr Nutley: I did a lot of work with committees over the years. I travelled with committees a lot. I think in this circumstance—I am talking as a constituent here—there really needs to be a bipartisan approach to make this work. I know that members argue and squabble and things like that—I have seen it; it is not new—but in this circumstance it is so important, especially for victims and communities where this is having a great impact, that all the members work together as one, please.

Mr HARPER: Well said, Brett.

Mr Cannon: I would say that this has to be beyond politics. Human beings are the consequence on both sides of this. That is the piece we come to you with. We come to you as a community saying, 'As a community, we are hurting.' You can argue the barometer of how much and who, but the reality is that one is too many. Human beings have to be at the forefront of this. Forget your allegiances, forget your colours, because if we do not get this right we are going down the path of another decade of the mess we are finding ourselves in right now.

CHAIR: Brett, you are very popular at the moment. I have two members and it is going to be quick.

Mr McDONALD: Good to see you again, Brett, and thank you for your support within your community. How important is hope and support within your programs in community? When there is no hope and support for that cohort, what is the alternative?

Mr Nutley: I could speak on that all day. To put it briefly, we are looking at all our youth. We have some really good young people coming through. There are high incarceration rates of our people in detention centres, and we do not want to see the next generation and the next generation and the next generation go down. I am only the blink of an eye in the scheme of things in this generation. We just want to make the next generations better. We do not want to see our people end up in all sorts of trouble with life expectancy and a whole range of things—educational standards and what have you. We need to nip it in the bud. We need to have these rehabilitation facilities. We need them run by Indigenous people in culturally appropriately ways. We do not need the money to go through church groups and QCOSS. I am not bagging QCOSS by any means, but it needs to go back to community and it needs to be delivered by community, by the elders and what have you. How that works out and how that pans out is a consultation process—what is going to be best practice and rolling it out—because every community is different. Not every community is the same.

CHAIR: Brett, obviously there is a lot of information. Is it possible that you are able to supply the committee with that through the secretariat?

Mr Nutley: Most certainly. We have been working with Keith along those same lines, but the cultural aspect of it, by all means. I would love you to come and meet with the elders I have been working with and see the ideas we have been coming up with, because a lot of it is culture. I cannot speak on behalf of culture without my elders being here, and I think there needs to be those conversations in that space.

CHAIR: I think we have a lot of questions around that. At yesterday's hearing I was asking about lore, and there is a lot we want to understand around that.

Mr HARPER: Thanks again, Brett; that is really well said. In Townsville we have the Townsville Aboriginal and Torres Strait Islander Health Service funding the Lighthouse, which is when young people are found on the streets by a co-responder. Instead of going to the watch house, if police make the decision they can divert them to can go either to the Street University, which has just opened up, or to the Lighthouse, which only has six beds. Can we expand on that? That is a safe place for people to go to. The numbers of youth who have gone through there, and it has been open for two years. Do you think the committee should make recommendations about expanding those types of services, residential places, so young people who are finding themselves vulnerable and do not want to be at home because of domestic violence, substance abuse, can go to these places where there is a residential component and be safe? That is my first question. Do you think we should expand on those centres?

Mr Nutley: I would have to probably have a closer look at that to make an informed comment, if you do not mind. It sounds like it is working, but there may be something, an add-on. Like I said, all communities are different with different spaces, different situations, so it would be difficult for me to comment on that.

Mr HARPER: We heard from previous speakers that Trevor Prior was put up in Townsville as doing a remarkable job, which they are cloning, but some elders do tell me there is a growing generational gap where there is no respect for elders. Can you comment on that?

Mr Nutley: Yes, that is happening. A lot of the elders and myself have been speaking about that with kinship, and also that respect for the older people is kind of going to the sideline. There are a lot of reasons behind that and a lot of elements. It could be drug abuse; it could be a whole range of things. I cannot really comment on that. I will say that it would be good if you did come and consult with the elders and have a look at the programs we are envisaging and have a look at what we are doing. We have youth working groups and youth justice groups working on Minjerribah in the Redlands. We are working with the local magistrate. They are coming to meetings and the police are also coming. We have a whole bunch of things happening like school holiday programs. They are little things we are doing on the smell of an oily rag. The thing is, at the end of the day, we want to protect people in the community so they do not have to be victims. I think that is the main focus of all of it. We do not want our children to be victims; we do not want people to become victims. We have to take an holistic approach.

Mr HARPER: Well said, mate. Thank you for being here.

CHAIR: One quick last question. I know we have run out of time, so my apologies to everybody. Keith, within the context of what you sent through in your presentation, that it is not legislative in nature and the majority of it can be implemented and does not require legislative change. You can take this on notice because I am mindful of the time. If any legislative change is required, what is that? Given what witnesses yesterday and this morning have said about their feelings around the removal of detention as a last resort, how do you view that? I have not seen that in any of your documentation. Is that something you have also been seeking, and what would that mean? It very much seems to contravene what other witnesses have been saying—and we have all spoken about it today—that serious offenders need to not be in community. We need greater safety. In your experience, what does that look like in terms of ensuring the system is consistent? If you would be able to do that as a question on notice, that would be great.

The other one is probably better for Ben and Trudy. I attended the National Victims of Crime Day recently. We met with a lot of victims who had nothing but praise for the Homicide Victims' Support Group and their amazing support. When we travelled last year or the year before with the legal affairs committee, the gap seemed to be in those crimes that did not involve homicide. That is part of what the Victims' Commissioner is doing, because apparently there is so much support there but it is hard to get that information. You are obviously feeding a lot of information to him.

Ms Reading: Yes, correct.

CHAIR: Because Jon is travelling and going to all stakeholders, so you are feeding in there as well?

Mr Cannon: Yes, correct. I have been to one of those roundtable meetings with Jon. Can I just say one thing. As a victim, we actually see many of these youths as victims as well. Being given bail and sent back to the same traumatic environment they came from is not a solution to get better. I

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have not met a victim who does not want better for many of these kids. We sometimes get tarnished with this brush that we are out for blood. None of us are. We want better for both sides, and hopefully we can do that today.

CHAIR: I think everybody does. I just want to point out that it is quite difficult. There are some training wheels going on with our committee. It is not the standard bipartisan nature, but I can guarantee you that it is very much our intent as we travel through in the coming days. I want to reassure you. I am very fortunate that we have very good members of our committee. Understandably, there is some emotion attached and there is a big task ahead, but I am very thankful that you have come here today. I am looking forward to being able to work with you all in the coming days. Thank you so much again for your understanding in these times. There are questions on notice. The secretariat will send that out. If we could have responses by Thursday, 7 December. I would just like to thank you all again very much.

Proceedings suspended from 1.24 pm to 1.45 pm.

ATKINSON, Mr Bob AO APM, Private capacity

CHAIR: Good afternoon, everybody. I now welcome Bob Atkinson AO, APM. That is a mouthful. Bob, would you like to make an opening statement and then the committee will no doubt have a lot of questions to ask you?

Mr Atkinson: Thank you, Chair. Really what I would prefer to do, if it is okay, is just thank you all for the opportunity to be here and thank you for the work you are doing. I will take your questions and if there is time at the end and it was, in my humble view, necessary or appropriate, perhaps make some closing comments rather than make an opening statement. Is that okay?

CHAIR: That would be fantastic. Thank you so much.

Mr HARPER: Welcome, Bob. Thank you for your considered work in terms of your report about changing the story that, from memory, you handed down in in 2018?

Mr Atkinson: The report on youth justice was in July 2018.

Mr HARPER: We had you in Townsville a number of times you when you were doing that. In that report you recommended a variety of changes to the youth justice system. Are you aware of any recommendations from that report that are still outstanding and should be prioritised for implementation?

Mr Atkinson: No. The one that jumps out that is still outstanding, which is a very contentious issue, is the minimum age of criminal responsibility. Can I just talk about that for a moment?

Mr HARPER: Yes.

Mr Atkinson: At the time, we recommended that the government consider raising that. As everyone knows, at the moment the age is 10. There has been a push nationally in some quarters for it to be increased to 14. We recommended that the government support in principle raising it to 12, subject to national agreement—we thought that was important; an impact analysis; and needs-based programs and diversions for eight- to 11-year-olds who were at risk of entering the youth justice system. In particular, we thought that was important for eight- and nine-year-olds from dysfunctional families where their older siblings were already under notice or in custody. That is five years ago now. If it were today, I think I would add two other things to that. If the minimum age of criminal responsibility were to go to 12, it might be better to limit it in a hybrid system to property crime only. For crimes of violence, 10- and 11-year-olds would still be criminally responsible, but for property crime they would not be. Another condition and rider would be—and we put this in terms of what we called the four pillars—public confidence. The community would need to be ready and confident in such a move. My sense of it, for what it is worth, is that that would not be the case at the moment—that is, to raise the age of criminal responsibility in Queensland at all.

Mr HARPER: Thank you, Bob; wise words indeed. In terms of the serious repeat offenders that we are seeing, are there any other reforms you would consider important for our committee to recommend going forward to try and address that small cohort of repeat offenders causing most of the issues in communities?

Mr Atkinson: Regrettably, of course, most of those young people will be incarcerated to keep the community safe. The recidivism rate, as I understand it, is very high for that group. Once they have been in detention, they are highly likely to come back. That does not mean under any circumstances should we give up. The widest range of programs that is possible for that cohort I think would be desirable. I am just not sure, to be quite honest, how it is at the moment. In the past I have been told that if they are on remand it is not possible to order a program and that sometimes people are on remand for a long time then they plead guilty and are released because of time served and no program might have started. Perhaps we need to revisit that. If a magistrate remands someone in custody, it might be possible at the same time to have a lawful order that they commence a program. There is the brutal reality, of course, that a child born with fetal alcohol syndrome into a dysfunctional family is likely to be on the books of the child safety, education and health departments. When they turn 10, they are probably on the books of the police department until they turn 18. It does not mean that at 18 they are going to be a model citizen; it just means that they will transition from being a child by law into an adult. The degree of difficulty of this I do not think can be understated.

Mr HARPER: There is no easy solution and this is complex; is that what you are saying?

Mr Atkinson: I do not think there is, sadly. That does not mean that we give up. In fact, we should reintensify our efforts. It does mean that there is no easy solution and no quick fix when we are talking about this hardcore group. It is going to be a long-term issue. I think we have a reasonable understanding of the dynamics and circumstances that these young people come from. In many

cases they are born with fetal alcohol syndrome into a family where there is all forms of abuse, exposure to domestic violence and no proper role modelling. The early years are so important for development in terms of exposure to language and vocabulary. Those things are really non-existent. That does not excuse or justify the criminal behaviour for a moment, but to better our understanding of those things and those contributing factors the more likely we are to improve the capacity to prevent these things happening, to intervene early and then do all we can in terms of the hardcore group in turning them around.

Mr McDONALD: Thank you, Mr Atkinson, for being here. It is great to be here. I place on record for the committee that I was a serving police officer under Commissioner Atkinson. It is great to catch up with you again, Bob, but we have no personal connection—only professional. In regards to the review that you undertook in the youth justice space, the report was an interim report. Have you continued to work in the youth justice space for the government?

Mr Atkinson: Yes, to a degree. The first report was in 2018. I have it here. There were 77 recommendations. I can talk more about that if you wish. The second one was after a series of fatal road crashes towards the end of 2019 and the beginning of 2020. All of those had three aspects that were the same. They involved fatalities. They involved young people in that the 10- to 17-year-old cohort driving stolen vehicles dangerously. There were four young people killed in Townsville, a couple—she was pregnant—killed in Alexandra Hills—and in Townsville a young woman on her way home from work was killed. As a consequence, the government introduced eight legislative changes and nine policy initiatives. I was asked to do a review of those after they had been operational or effective for six months. I did that and then later I was asked to—when I say ‘I’ in all of these things I was fortunate that I was given some incredibly knowledgeable and capable people to work with—review electronic monitoring devices after they had been functional for 12 months. They were the three things. I should declare as well that I am currently on the ministerial advisory board.

Mr McDONALD: Your report identified the increase in serious repeat offenders since 2018, what reasons do you give for that, from your experience? For what reasons do you think that cohort is increasing?

Mr Atkinson: I apologise for this. I have been gone from the police department for over 11 years, so I am not up to date on the statistics. I do not disagree that what you are saying is absolutely correct, but, equally, I am not in a position to have the current statistics both about crime and the cohort and the extent to which the numbers have increased. I have been told that for that cohort of serious recidivist offenders who are committing an enormously large proportion of the crimes the number varies—some say 400, some say 700, some say 500. I am not in a position to accurately quantify that. I think that perhaps we as a broader community have inherited this situation. There are probably a combination of factors that have led to it. They would obviously include social issues. It is impossible—and I do not think anyone would—to pretend that this is inexplicably linked as well, not entirely, to the disproportionate representation of First Nations 10- to 17-year-olds. It certainly was when we did this report, and I doubt very much that that has changed.

It is worth considering—and maybe this is something for the future—and my sense is that a lot of these things are, not always, are linked. Issues such as fetal alcohol syndrome, dysfunctional families, child abuse in all its forms, exposure to domestic violence, substance abuse and suicide for young people are linked. If we were able to—and I know this is idealistic—look at all of these issues and deal with them comprehensively with a similar approach, that could be a good way to go forward, accepting that again these things will take a long time. For what it is worth, that consistent approach I think would function around probably four things: prevention, to the greatest extent possible; early intervention; response; and then it would vary. In the domestic violence framework the four things are: prevention; early intervention; response; and recovery for the victim. In this case it would not be recovery; it would be rehabilitation of the core group. I hope that makes sense. Again, it is idealistic, but the linkages are quite often very clear.

Mr McDONALD: It is clear for me from evidence provided to the committee that there has been an increase in that cohort of serious repeat offenders and also the number of victims captured in that. For me it seems to an issue about the word ‘detention’. At the moment when you say detention, it is detention into a watch house, detention into a jail. We heard from PeakCare earlier that if it were a consistent staffing model with high, intensive rehabilitation in a detention facility outside of the community then that would be very welcome. Do you have any thoughts around that?

Mr Atkinson: We should be prepared to try things. I absolutely agree with the importance of evidence-based responses and strategies. I do not think we should be frightened to try things, as long as they are sensible and cost-effective. Even if they do not work we can say, ‘Well, we tried that and in these circumstances it didn’t work and we now know more than we did before.’ We should have

the courage to be prepared to try things. I do not think you can get away from the fact that if we as a society take a child into custody or detention or restrict their freedom—and regardless of the facility that is what we are doing—we then have a responsibility for that child's safety. That is an onerous responsibility given the dynamics of the mental health status of some of these young people.

Mr TANTARI: A moment ago you mentioned some of the reforms you looked at in your report in 2021 and you talked about eight changes and nine policy initiatives. Do you have it at hand to explain what they were and out of those initiatives what worked and what may not have worked?

Mr Atkinson: In the review I was again assisted by some outstanding people, including someone named Toni Craig who was with the department at the time. I can run them by you if you wish. In terms of the legislation, there was: electronic monitoring and presumption against bail—personally I think that was probably the most significant of the legislative changes. Basically, that was that if a child was on bail for a serious offence and allegedly committed a further serious offence, they were not then again entitled to bail without showing cause to the magistrate as to why they should be given bail. That was a reversal of onus as I understood it. There was also: a parent or guardian or other person's willingness to support a young person on bail; four, the principle that the community should be protected from serious recidivist offenders written into the legislation; five, that offending on bail was an aggravating factor in sentencing; six, unable to remand in custody solely because of inadequate accommodation or family support; seven, which was interesting, was hooning; and, eight, which again I think has been an outstanding piece of work, metal detection wands for finding knives and other similar weapons on people. Do you want me to run through the policy initiatives?

Mr TANTARI: If you can, thank you. Is that okay, Chair?

Mr HARPER: We have time.

CHAIR: Okay, I will allow it.

Mr Atkinson: There was: one, youth co-responder teams, which I think has been an excellent concept; two, intensive bail initiative; three, extended conditional bail program; four, additional court resources; five, additional legal aid resources; six, youth justice after-hours services; seven, child safety court liaison officers; eight, youth justice police prosecutors; and, nine, an enhanced capacity for youth justice court officers. As I mentioned, this report was only predicated on the first six months of functionality of those legislative changes and policy initiatives.

Mr PURDIE: Before I get to my question, one of those points you talked about was bail and then someone committing an offence whilst on bail and there was a recommendation to then oppose bail. Can you explain that to me again?

Mr Atkinson: My understanding of that legislative change is that if a juvenile person aged 10 to 17 was charged and on bail for a certain category of offence, which essentially was a serious offence, and they allegedly committed a further serious offence whilst on bail, their right to bail was changed in the sense that they were not entitled to bail and they had to show cause to the magistrate as to why they should be given bail.

Mr PURDIE: At that point it would be a presumption against bail?

Mr Atkinson: Yes, that is my understanding. I am not a lawyer, but that is my understanding. I think without doubt more people were remanded in custody as a result of that change.

Mr PURDIE: Thanks. I will go back to how I was going to start. I want to thank you, as others have, not only for your report but also for dedicating your adult life to law and order and to safer communities. I, too, was a police officer when you were the commissioner and I remember how hands on you were. Correct me if I am wrong, but daily at 6 am or at dawn you would be briefed about crimes all around the state that were happening and you were seen to be across crime around the whole state. To get to my question, over the last couple of days on this committee we have heard some people talking about how youth crime over the last decade or so has been decreasing and that it is potentially only a perception that crime has increased. We are now seeing regular occurrences in places like Townsville of young offenders stealing police cars, chasing police and ramming police. Police are being given code 1 priority jobs from VKR to retreat and return to the police station and take refuge from young offenders who are chasing them and ramming them. This is a regular occurrence in some communities across Queensland. When you were commissioner—and I am mindful it was 11 years ago—and you were briefed daily about crimes that were happening, did you ever hear stories that night after night young offenders were chasing police and they were being given priority code 1 jobs to return to the station and hide from young offenders in stolen cars?

Mr Atkinson: No, I was not, but I have been gone for over 11 years. Can I make a few comments?

Mr PURDIE: Certainly, please.

Mr Atkinson: Thank you for asking. I think what has happened is there has just been an evolution of things from sets of circumstances. The first is that the police pursuit policy in Queensland and also in other jurisdictions has gone through three iterations. The first was that the person in the car who would not stop for the police and engaged in a pursuit was the bad guy and the police were the good guys and anything was allowed. The second iteration was, 'Hang on, if the police know who it is and it's an unregistered vehicle, is that worth putting the lives of other people in jeopardy?' The third iteration happened essentially as a result of a combined coronial inquest into a number of police pursuits where the people in the vehicle being pursued had crashed or had crashed into others and lives had been lost. I cannot remember exactly when it was, but Michael Barnes was the State Coroner at the time. His recommendation, which the government accepted and the police were then duty-bound to follow as it was government policy, was that the only time the police should engage in a police pursuit is in life endangering circumstances—in other words, if a hostage is in the boot of the vehicle or they know that the person is armed and is going off to kill someone; extreme circumstances.

For every action there is a consequence. If I could go back to car theft for a moment, which I think you are touching on obviously, there was a time—and people of my vintage would remember it—when it was easy to steal a car. The term was hot-wire and it was very easy to do. That is impossible now. The consequence is that they now break into the house to steal the keys. Hopefully one day technology will advance to the point where it will be impossible to steal a motor vehicle, but we are not there yet. Hopefully, technology will overcome that issue.

I think three things have happened. The first is the policy, which people who do this sort of thing you are talking about are well aware of. Secondly, today there is very much—and I am not saying this is a bad thing—an awareness of people's legal rights. Thirdly, the cohort of people who engage in this behaviour have no sense of responsibility or guilt or community responsibility whatsoever and in many cases they have no fear of apprehension or consequences or fear of detention. We are dealing with a very challenging environment in this space.

Mr PURDIE: Just to clarify: as an ex-police officer and from the frontline police I still talk to, it appears that the balance of power on our streets in communities across Queensland has tipped in favour of young offenders whereas it used to be the case that police would pursue or apprehend young offenders who are in a stolen car who would often try to elude police because they did not want to get caught. Now those young offenders are stealing cars and chasing the police. I think everyone would agree that the balance of power has been tipped. Are you suggesting that that is potentially because of the pursuit policy and also these young offenders are well aware of their legal rights as to what they can and cannot get away with?

Mr Atkinson: It is my personal opinion that there are three things—and I am not being critical of the pursuit policy. I very much doubt if police themselves or even the Police Union would want to go back to a situation where there is a pursuit and as a result someone drives through a red light and kills a family coming the other way. I doubt that is the case. Secondly, there is the complete lack of any sense of social responsibility and consequence; and, thirdly, there is also a lack of any sense of fear of consequence.

The most serious thing we can do as a community is take away someone's freedom and put them in custody or detention. When someone does not have any fear or concern about that or, in some cases, that environment is a safer and better environment than the one they live in, we as a community have a major problem, and we do. I am sure we will get on top of it over time, but the degree of difficulty and the complexity of it cannot be understated.

Ms BUSH: Good afternoon. It feels like it is a bit of a 'love Bob' session from everyone, but we all love Bob. I worked very closely with Bob when I was the CEO of the Queensland Homicide Victims' Support Group and Bob was our patron, so thank you for all of the work you have done and all of the support you have given me over the years. I think we have all heard throughout the last couple of days the recommendations that you put forward in 2018: intervene early, keep children out of court, keep children out of custody and reduce reoffending. In relation to those principles—and I do not want to put words in everyone's mouth—there seems to be a broad suggestion from everyone that those principles and pillars are still relevant today but there is perhaps now a cohort of young people who need some more intensive supports and interventions to drive down their particular crime. Do you have any views on those particular offenders, anything that you think could be tweaked, done differently, scaled up or intensified to really target that cohort?

Mr Atkinson: Thank you for the question. If I had my time over, although I think it is in the text, I probably would have said prevention and early intervention, because prevention at the earliest possible stage is just so important. Again, I have never pretended to be an academic expert in this space—and there are people who are—but my sense of it is that we could divide young offenders into three groups. The first group are the ones who shoplift or do something like that and get caught and are cautioned. They are remorseful and the family is horrified and we never hear about them again. That cautioning process works very well. At the other end and the other extreme of it is the group that as I understand it you are focused on, which is the hardcore repeat offenders, serious crime cohort, but in between there is another group as well.

There are some wonderful programs out there and there are some people doing some outstanding work with this middle group. It is very difficult because how do you measure what is prevented and never happens for a young person who engages in one of these many programs and as a result does not go on to fall into that serious crime cohort? In particular, I think we should target the ones who are at risk of falling into that group—and I am not quite sure how you would do it—but also target the eight- and nine-year-olds from dysfunctional families if that were possible to prevent them following in their siblings' footsteps. In terms of the hardcore group, most of them as we know reoffend and end up back inside. I do not know the statistic, but I imagine many of them go on as adults to end up in the adult prison.

I think about this a bit. I have not got any answers, but I wonder at times if mentors might not be a way to go. The cost per individual to keep them in youth detention is horrendous. Maybe there could be mentoring to engage people and say, 'Would you mentor these three or four after they get out? They will be on some sort of probation order for 12 months while you mentor them and keep in touch with them.' You could pay someone to do that. That is just a thought.

Another one, which might sound silly and maybe it is already being done, I do not know, but in every cohort of young people who commit crime there is probably someone in the worst possible way who is a leader, an influencer. Perhaps it is possible to identify those people and perhaps turn them around through some program. I think a lot of the people who go on the journey with this are influenced by someone else. We are all influenced by people who are seen and recognised as having a leadership role. I think we should be—and again I am being repetitive I am sorry—prepared to try things and see if they work and accept that there is no quick fix or simple, easy solution to this.

Can I just throw this into the mix. Maybe it is time to look at this more broadly. If someone in your family is killed by someone driving a stolen car dangerously, is there any great difference between whether that person is a juvenile, or a child at 17 or an adult at 18? The consequences are still horrendous. Maybe it is time to do a couple of things and look at age groups: zero to seven; eight-year-olds and nine-year-olds who are about to turn 10, the age of criminal responsibility; 10 to 12; 13 to 17; and 18 to 21. Let us look at it more holistically perhaps and in the other jurisdictions that have similar issues, like the Northern Territory and Western Australia.

Ms BUSH: Thank you.

Mr HART: I want to clarify a question from the member for Lockyer. When the government published the review into the changes in the youth justice system last year, they called it an interim response. It sounded to me like you are not doing any further reviewing. Do you know whether anybody else is doing any further reviews?

Mr Atkinson: No, I am not in a position to know that. I do not know.

Mr HART: I learned something new this morning, which happens quite regularly. Were you aware that when people are released from the youth justice system they are only managed for 72 hours afterwards? Do you think that is the best outcome for future offending?

Mr Atkinson: No, I was not aware of that and I am not in a position to provide a sensible comment. I thought there were a number of young people who were on orders that would involve far more constant supervision and contact than a 72-hour time frame. With the greatest respect, Sir, the department would be the ones to provide the answers to that.

Mr HART: That is fine. In relation to your comment about the age of responsibility moving to 12 and that it possibly should only apply to property law in the future, why have you moved to that position?

Mr Atkinson: This report was released in July 2018, so that is over five years ago. As we all know, the world we live in moves at a very fast rate of change and the circumstances five years on are different to what they were then.

Mr HART: Are you concerned about the public response to that? Is that what your main concern is?

Mr Atkinson: I do not think there is any doubt that the public are very concerned about youth crime with the hardcore recidivist group, which as I understand it you are focusing on. With the greatest respect, I think the development of your committee is indicative of that.

Ms BUSH: I want to talk about that middle cohort. I have a particular interest in girls in the prison system. We obviously are in the unenviable position of having the most incarcerated girls of any jurisdiction. We have Sisters Inside appearing so I will talk to them also. What can we be doing differently in terms of a justice response for girls in particular, who often are not the perpetrators of violent crimes?

Mr Atkinson: Quite clearly, the second of Margaret McMurdo's reports related to that issue. This is something that deeply troubles me—that is, the environment today with the misuse of technology in terms of boys accessing violent pornography and the messaging that accompanies that in terms of that is how you treat women or girls, as well as the ability of people like Andrew Tate to be influential to young teenage boys in that regard. I think that is a challenge.

I am not sure on this. I joined the police department in 1968. Whilst there are probably more cases today of girls in that 10- to 17-year age group who are engaged in criminal activity, I think at an earlier time girls and women were doing that but the police tended to overlook that if the males would plead guilty. I think that was an aspect of policing at an earlier time. I do not think this is entirely a new phenomenon; it was probably always there to some extent.

I was greatly privileged to be one of the six commissioners on the Royal Commission into Institutional Responses to Child Sexual Abuse. I do not think it is any surprise that the Australian Child Maltreatment Study that was released in April this year and led by Professor Ben Mathews from QUT identified five areas of child maltreatment: physical abuse, sexual abuse, emotional/psychological abuse, neglect and exposure to domestic violence. His finding was that the worst of those is child sexual abuse, together with severe emotional/psychological abuse—in other words, saying to the child, 'I wish you'd never been born. You've ruined my life. I hate you.'

From the royal commission, I would think that many if not most of these girls who are in detention have been the victim of abuse. That is where we start I think—to try to prevent that. As we know, for people who have been the victim of sexual abuse, it can be very difficult for them to identify that and report it, particularly in a dysfunctional family. If you went to the police and reported that your uncle or stepfather had been sexually abusing you, the consequences of that could be worse for you than if you had not reported it at all. Again, there is no quick fix or simple solution to what are incredibly complex and difficult problems. I hope that answers the question.

Ms BUSH: Thank you, yes.

Mr McDONALD: In regards to your two reports—the 2018 report and the 2021 report—are you aware of any recommendations from either of those reports that remain outstanding?

Mr Atkinson: No, I am not. The minimum age of criminal responsibility is still a work in progress, as it is nationally. Please do not think I am being flippant when I answer this question, but if you are tasked to do a report and make recommendations, that is your job. After that, your job is concluded and it is up to the government of the day to look at those recommendations and say, 'We agree with that, we partially agree with that but we don't agree with that.' It is not your role to become involved in the process afterwards.

Mr McDONALD: We have advice from the department with regards to that so we are working on that. In regards to your model that you mentioned before of the three different groups—and I recognise the lower offending group and the middle group are being well supported and some of the statistics say that 81 per cent do not reoffend—I want to talk about the third group. You mentioned in your presentation twice before about the consequences. What sorts of changes could we make to see that third group change their mindset so that they realise there are consequences for their behaviour? I know it is a big issue. Do you have some personal insight into that?

Mr Atkinson: That is a really interesting question. I think the consequence that drives many people is reputational harm. The first obviously is good character, then reputational harm, and then the entirely horrific thought of going to prison is not applicable—especially if the family history is that most people have been in prison and your role model is someone who has just been released for armed robbery at 30 years of age. That is just not going to work.

Perhaps one answer to that is if somehow there could be influence that supported behavioural change—whether that was from a mentor. The difficulty, as we all accept and as the comment was made earlier, is that if they are in detention and are in a program but then they go back into the family dynamics where the whole thing started, you just go back to square one. The influence in that dynamic is very difficult. Somehow it could involve perhaps a mentor or some program that was ongoing. We are not going to have utopia with this. Inevitably, some of these people are going to end up in adult prisons—I do not think there is any doubt about that—but we should minimise that to the greatest extent possible. I think we should do that obviously as a society. If we did it even just from an economic perspective, it would be worthwhile to minimise the impact in terms of the victims and the cost to the community of the criminal justice system and keeping them in custody.

CHAIR: I am mindful of the time and I know there are some more questions. There are a couple of questions I would like to ask and it might give some food for thought. I am glad you raised the issue of the 17-year-old and 18-year-old. I asked earlier in the day about the difference between someone at 17 years and nine months versus someone at 18. In different submissions, we had a recommendation that this committee should also look at adult crime because there is that fine line. Do you believe that would be a sensible recommendation for the government to put forward in the role of this committee? You mentioned FASD. For someone at 17 with FASD compared to someone with FASD at 18, 19 or 20, the same would apply in terms of our understanding and lifetime support.

Mr Atkinson: Personally, I think that would be a very sensible thing to do to examine that. In fact this 2018 report came about because Queensland was the only jurisdiction in Australia where 17-year-olds were regarded as adults. I think there were about 60 people who were 17 years old in adult prisons, and in 2016 Queensland decided to bring Queensland into line with the rest of Australia. From 12 February 2018, I think it was, 17-year-olds went from the adult system into the youth justice system and that probably contributed to the numbers as well. The minister at the time—Minister Farmer—was a new minister in the portfolio and she decided it was an opportune time to look at the system and that is how this report came about.

CHAIR: I would like to clarify we are working on the broad range, and I understand the hearings and a lot of the questioning is around the particular cohort that is causing the angst and the trauma in the community. However, the terms of reference mean we can go into every realm and I think that is important, including right back into schools. It is very broad. You said that this particular cohort are not fearful of being imprisoned and that sometimes that is the preferable space. Within the community, there is that perception that increasing penalties or removing detention as the last resort is going to change what is happening in our communities with this cohort. You have basically said that they are not fearful of imprisonment. Will increasing sentencing or removing detention as a last resort remedy immediately what is being experienced?

Mr Atkinson: I struggle to feel qualified to fully comment on that. The independence of the judiciary I think is something we should be proud of and value greatly. To my mind, imprisonment or custody has always been the last resort. What we said back in 2018 with this report—that the four pillars were bookended by two basic principles: that community safety was paramount and that public confidence was essential—I do not think has changed at all. I would have thought that a magistrate or a judge that felt that community safety was at risk would have no hesitation perhaps in remanding the person in custody, whether it is a child or an adult. I apologise for this, but in terms of this proposition that detention is not to be the last resort, I do not fully understand what that is about, I really do not. Maybe I have missed the point, but I just do not see that that is going to make a lot of difference. I may well be wrong there. It may be that this proposed change is something that is worth considering or implementing.

CHAIR: Within the legislative process or within the court process, you did mention having a lawful order to commence programs—basically, it is mandatory; you are being directed to go and do that. Do you feel there is anything within the court process that should be changed or anything within legislation?

Mr Atkinson: What I have been told in the past, and it may well be irrelevant now, is that if they are on remand they cannot be put on a program because they have not been convicted of anything. It might be against the principle of justice, but perhaps one way around that, or to address that issue, is if a magistrate or a judge decides to remand a person in custody, 10 to 17, juvenile age, that that decision is automatically consistent with the start of a program, even though they have not been convicted. It would be an interesting development in the law, but I think it would certainly be worth considering.

Mr PURDIE: Taking you back a couple of steps, and I think Michael Hart touched on this before, earlier today you spoke about the recommendation you made in 2018 about raising the age of criminal responsibility. Since then your position has softened on that to two points. One is to limit it to property crime offences only. The second point you raised at the start, which went to Michael's question about public confidence, is that there needs to be public confidence in that. You are now saying in the last five years the world has moved quickly and you do not think there is any public confidence for that, but what else have you seen, mindful you are not the commissioner but you are still active in this space, that would lead you to believe that the public would have no confidence with that at the moment and to change your position to property offences only?

Mr Atkinson: Clearly we have a serious issue to deal with in terms of this cohort, obviously, in particular, in terms of violent crimes such as robberies and the other one is the theft of motor vehicles and the dangerous driving of those motor vehicles and in some cases the tragedies that unfold from that in terms of the loss of life. I do not think anyone would doubt that. There are a couple of questions in there, I think. It depends where you are. Not often, but every now and then I get asked to talk to a group of people, whether it is a service club or some group, about this issue because of the 2018 report. My sense of it is that whilst people are very concerned, they are also very interested and they are also aware that there is no quick and easy fix to this issue. That is different if you are an observer to being a victim. Obviously if you are a victim of serious crime then you are in a very different category, very understandably. My heart, with my background of 44 years in the police department, is with the victims, but my head says that the more we know about this and understand it, the more we will be able to, hopefully, develop prevention and response strategies that will be effective.

Mr PURDIE: You do not necessarily prescribe to the view that youth crime is decreasing, but the perception of it is increasing by acknowledging that we do have a serious issue that needs to be addressed?

Mr Atkinson: My understanding is that crime is decreasing except for certain categories: domestic violence. It may be with domestic violence that it is simply that more people are reporting it. I think that is highly likely. The other category I think is violence. My understanding is that it is. One of the things I learnt fairly quickly as the police commissioner was that there can be the reality of statistics and there can be the community view and perception. People's view and perception is their reality. It can be a waste of time sometimes talking about statistics.

Can I give you an example of what I mean? Early in my term as commissioner there was a homicide charge that got a lot of publicity. In talking about this I said Queensland has the same population as Chicago. In Queensland there are about 50 to 60 murders a year and the rate of murders has probably gone down because that number has been consistent for a long time—so with a population increase the rate has gone down. In Chicago they had a campaign to try to cut the number of murders in half—same population as Queensland. That would have meant that from 2,000 murders it would have gone to 1,000. I might as well have talked to that wall because people do not care about Chicago. It is the same population as Queensland but it is very different.

These issues are difficult and people's reality is their reality. I do not think the problems we face here are different to what are faced in other jurisdictions. I feel confident that we have the capacity in Queensland, even though it will take time, to get on top of this issue, but I do believe it is linked to other issues and it is unavoidably linked, not entirely, to, as I do not think anyone would dispute, the disproportionate representation of First Nations young people in the system, whether that is the child safety system, whether it is educational failures, whether it is youth crime and whether it is detention and incarceration.

Ms BUSH: Picking up on the comments from the member for Ninderry about community confidence. My focus, as you know, will always be squarely on victims of crime by nature of the fact that they are already a victim, they are already feeling that sense of injustice and loss and confusion and there are things that exacerbate that feeling and there are things that can help, like coming from a strength-based approach, promoting public confidence, helping people navigate, dispelling myths. You have had some pretty big roles. You have also bureaucratically been in the service. How important is it, when you are working with victims, that you are working from that approach?

Mr Atkinson: I think it is critical, I really do. It is understandable that people feel abandoned. All of this costs as well. So many times people say the government has got to fix this and do something about it, but you think at times, 'Well, where does community responsibility end and the government has to take over and how do they do that, through legislation or trying to influence them?' I think there is enormous scope for that. It was mentioned earlier, and you were the CEO of Homicide Victims' Support Group, that the appointment of the Interim Victims of Crime Commissioner in Jon Rouse has

been a really good step forward. I think there is a lot that can be done in that space, even if it is just—it is not 'just'—even if it is support and explaining to people how the system works and keeping in contact with them so they do not feel as though they are never told what happens.

CHAIR: You said at the beginning that you might give a closing statement. How long do you think you will need? I have two members who still want to sneak a question in.

Mr Atkinson: Sixty seconds. You have covered it all, really. I just wanted to again thank you and, whilst it may not be possible, I think that a bipartisan approach to this would be terrific. Governments come and go. There is planning—short, medium, long-term; maybe short would be one parliamentary term; medium, two—eight years; and long-term, 12 years and beyond. Planning goes across all dimensions, so prevention, early intervention response and then trying to avoid recidivism. There is the long-term approach and linkages to other issues too.

CHAIR: I have the member for Burleigh and then the member for Cooper again. Sorry about that. We just dropped that on you.

Mr Atkinson: There is also annual reporting and goals. I think we need to set goals. We need to do this.

Mr HART: In your 2021 review at table 55 you have given a list of the number of families of high-risk young offenders receiving support through an outsourced youth justice service. In 2018 that number was zero. In 2019 it was zero. In 2020 it was two, which is apparently one per cent of those serious young offenders, and in 2021 it was zero again. Did your review have a look at why the government has failed to provide that support?

Mr Atkinson: I think the short answer would be no. This was a six-month assessment of how it was going.

Mr HART: Is it important for the families to get that support?

Mr Atkinson: I am not trying to avoid the question, but it was a substantial report and I just think that that is a judgement that I am not qualified to comment on at this point in time.

Ms BUSH: I feel like I should have left the best question for last, but I have not. This one is actually quite dry. I apologise in advance. You mentioned the marrying up of services. In the early intervention and prevention space, having worked in departments as you have, I recognise how big and bureaucratic that can be and I think that comprehensive prevention and early intervention would be predicated on better information sharing and data linking between the departments. What are your views on that, quickly?

Mr Atkinson: I could not agree more.

Mr HARPER: Can I disagree and make comment. You would be aware of the Stronger Communities Group Early Action Group. I received a briefing from them last night. They have been established now in Townsville for some time. I am sure there was involvement through your report and with Major General Stuart Smith and there is an existing memorandum of understanding between each of those departments around that intensive case management—child safety, youth justice.

CHAIR: Is there a question?

Mr HARPER: No, I just wanted to point out that that does exist.

Mr McDONALD: There are other jurisdictions that deal with youth offenders according to the crime that they have committed, some who are dealt with as an adult because it is a serious, adult-type crime. Do you have any thoughts about that?

Mr Atkinson: Only two. On the one hand, I think we should look to similar jurisdictions. We should be brave and courageous to try everything possible. Again, if it does not work then we know more than we did. Equally, on the other side, we have to be really cautious when we say, 'Over in Vancouver or Texas or New Zealand they are doing this and it works.' Sometimes when you scratch the surface it does not and, secondly, it is a very different environment to Queensland. On the one hand, we need to try things but, on the other hand, we need to be cautious in terms of reports about things that are wonderful in other places.

CHAIR: Thank you so much for your time and your wisdom. It is deeply appreciated. There were no questions on notice. I think everyone would have their own key points to take away, but you said something earlier about figures. We can get caught up in statistics. I think there was also a comment from a witness earlier. It does not matter whether we are dealing with 400 or four. We have

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to keep focused and that for every single person we need to be working to see an end to recidivism and to do everything we can. I think we have to be mindful and to not get caught up in statistics and whether they are correct. We have to be focused.

Mr Atkinson: Yes, I agree. Thank you for the opportunity to be here today and for what you are doing.

CHAIR: Thank you so much.

MABO, Boneta-Marie, State Youth Program Manager, Sisters Inside Inc.

WHARTON, Ms Ruby, Community Development Officer, Sisters Inside Inc.

CHAIR: I now welcome representatives from Sisters Inside Inc.: Boneta-Marie Mabo, State Youth Program Manager, and Ruby Wharton, Community Development Officer. I invite you to make a short opening statement and then the committee would love to ask you lots of questions.

Ms Mabo: First of all, I would like to acknowledge the traditional owners of this place—the Yagara and Turrbal peoples—and acknowledge that sovereignty was never ceded. My name is Boneta-Marie. I am a Munbarra, Meriam and Nywaigi woman. Debbie Kilroy, the CEO of Sisters Inside, sends her apologies. She is currently sick and probably watching from her hospital bed right now.

Sisters Inside is an independent community organisation based in Queensland which advocates for the criminalised, imprisoned women and girls and their families. Our advocacy is informed by the work alongside these women and children to address their individual needs. Our work is guided by our underpinning values and visions. We believe that prisons are an irrational response to social issues that serve to further alienate socially marginalised groups in our community, especially First Nations women and girls. Criminalisation is usually the outcome of repeated and intergenerational experiences of racism, violence, poverty, homelessness, child removal and unemployment resulting in complex health issues and substance use. First Nations women and girls are massively incarcerated due to systemic racism at the core of the Australian legal system.

Sisters Inside believes that the complete abolition of childhood incarceration is necessary to create a safe and just society that truly serves the best interests of children. Children need connection to country, family and community. These connections cannot be built or maintained if children are in prison. Children need free and non-criminalising access to education, health and social services. Most importantly, they need a community and a home where they feel loved and cared for as a child, where they have connection and are seen and heard and not treated as a number and locked away.

Successive governments have failed children, especially First Nations children who are continually targeted by the racialised, gendered violence of policing. Massive resources are provided to the police. If we continue to fund the police and prisons, the more harm we will see on children and on our communities. We know that punishment and surveillance does not keep communities safe. Police need to be defunded and those resources need to be redirected back into the community. Communities and NGOs have the answers and we have the programs that work.

At Sisters Inside we run a successful program called. In the last financial year we supported 66 girls who were considered the most difficult criminalised girls. Of the 66 girls, 47 were First Nations and 15 were girls of colour. Of those 66 girls, only 12 went back to prison and, of those 12 girls, 11 were under a child protection order. The data is clear that it is the state that fails these girls. The more they are supported in the community by community the more they are directed away from the youth justice system. This is why communities need to be funded, not police and prisons.

Criminalised children are victims and they are victims because of the failures of government policies. We have 400 children that the state continually labels in the most horrible way. Their brains are not fully developed, yet we take away the most necessary basic human needs of being connected and feeling seen that enables healthy brain development. We must value children over property. Racial capitalism has failed us all. Property cannot be the only thing that we value most in our communities.

CHAIR: Ruby, would you like to say anything before we go to questions?

Ms Wharton: No. I support everything that Boneta-Marie has articulated here just now.

Ms BUSH: Thank you so much for coming in today and for making the time. I know you are very busy with everything that you do. Thank you to Debbie also if she is watching. I hope she recovers quickly. I will lead with something that interests me which is Hawaii. They have set the target of getting all girls out of prison. In fact, they may have achieved that. In respecting the fact that it is a different context to Queensland, learning from Hawaii, what was their approach and how did they achieve that?

Ms Mabo: I think it was like a whole system supporting everything. In this place we think in silos and we work in silos, and we do not actually connect what is connected. We must understand that everything is connected. When we bring everything together that is a part of these young people's life and the criminalisation of these young people then we can follow the lead of Hawaii and end the incarceration of children.

Ms Wharton: That is right. The importance of inclusive-based models is the imperative of the foundation of the work that we do at Sisters Inside. Although there is the Yangah Program, we have many other programs that accompany that—the Work Pathways Program, for example, and we have recently been funded for an employment program. The participants of those programs are the older participants of the Yangah Program, which proves that there is a progression of self-professionalism and development and an interest in other things outside of their immediate world. They do have ideas and hopes and dreams for themselves. It is important to have inclusive support-based models otherwise everything that we do at Sisters Inside is exclusive on the back of Sisters Inside and our work to build credit and the extent of support that we provide for those young people. It really benefits the child and the young person in a greater way than any prison, police or other organisations in the mix.

Ms Mabo: We also know that, as individuals, we know what is best for us. If we have somebody who supports us every step of the way in what those choices are for ourselves, we actually feel better and have better outcomes in general. That is the same with children. It is no different. They are just little humans.

Ms BUSH: Inclusive-based practice: would you mind unpacking that a little for those of us and viewers who might not understand what that looks like in practice?

Ms Mabo: We work from the inclusive support model. That means that everything that we do for a young person or a woman we support at Sisters Inside is actually developed by the person we are supporting and walking alongside. They know what is most important for them, the goals that they need to achieve and in what order they need to achieve them. Once we have that and people's needs are met in the way that they need them to be met then things happen in a more organic way that benefits them. That is it in a nutshell.

Mr McDONALD: Thank you, ladies, for being here. We appreciate the detailed submission that you have given to us. We have heard from some victims this morning. In fact, Brett, who used to be the liaison officer here, gave us some examples. One of the things that we have been able to identify is that communities where there is hope and support and family and on-country programs are really successful. There is big success in that area. The cohort of high-risk or serious repeat offenders, which is the new terminology, is growing up. For the committee's benefit, could you outline some of your thoughts around that cohort where there is less hope, less support, less family and fewer on-country opportunities?

Ms Wharton: One thing that I can speak to there is that we have seen the rise of criminality accompanied by really dangerous policies that have actually coined the phrases 'repeat offenders' and 'serious repeat offenders'. One really important element that we are quite concerned about at Sisters Inside is the terminology. Calling a 14-year-old a 'serious repeat offender' when they have actually just had a lack of resources and a lack of support is a pinnacle of the problem. If we identify those children to be serious offenders, we are identifying them as threats to our own safety. I seriously do not understand that for a child who is a ward of the state and is in the care of the state, who has had no opportunity to continue pursuing education or other things such as accessing medical help to be able to begin diagnosis processes. It brings us to this point where we are calling children 'serious repeat offenders'. Then we are placing dangerous policies on them that actually prevent them from any kind of progression.

In our submission, we gave a case study of a young person in Cairns where that is very much the case. In his findings, the judge acknowledged that this young boy had been through so many trials and tribulations and that punishment was no longer needed for that child; what was needed for the child was for services to jump in on inclusive models and support processes and actually engage that child so that that can be prevented. I guess it comes down to all of us in this room today and how we can actually engage and what we can do better in our own workplaces and our own communities to deliver those things and make sure that those services reflect the children within those communities. I do not know if that answers your question in the way that you wanted it to but that is something that we are very much conscious of here at Sisters Inside.

Ms Mabo: Also, if there was more funding to communities that walk alongside these children who are the most—whatever you want to call them. If there was more funding, because the majority of services that are out there actually deem these children to be too difficult because of their needs. When more money is placed back into the community for those young people, you would definitely see a completely different output of what they are doing and what we are doing as adults.

Mr McDONALD: Thank you for the work that you do. The last witness we had was Bob Atkinson. He made a very good observation that when youth offenders are on remand they may not qualify to be able to undertake some programs. Have you had difficulty in that space? Maybe there should be more health interventions.

Ms Mabo: When you think of a prison, I do not think very many positive things will come out of that because you are actually restricting a child. Just think about a fish in a fishbowl: it does not grow beyond that size. It is the same with humans. We are not going to develop any more or become better or do anything in those kinds of situations. That is why we are calling for the abolition of child incarceration because it does not serve anybody in our community. When children are on remand—they just should not be. I feel like we can care for them in our community but we have to do the work as the community.

Ms Wharton: One program that Sisters Inside had run over 10 years ago and was funded by the federal government was called the 1, 2, 3 Program. It was an intensive program where we supported three women and their families. One support worker was allocated to each of those families to do school pick-ups, school drop-offs and all the other intensive things that it takes to make a family household run. Those children are adults now with their own children who have been completely disengaged from all those systems. Those are the things that work. It is hard work to do and the funding needs to exist for people and organisations to be able to carry out that work and make that sustainable change. Where those families are completely disengaged and never come back—I can remember the people and the faces and the organisations that were there for them, the amount of work that went into those things and the changes were fruitful. It has been fruitful for not only that generation but their whole community and extended families.

Mr HARPER: Thank you, ladies, for the work that you have done. You have articulated the success of the Yangah Program that involved 66 people—changing lives. It has to be commended. I am from Townsville and we have an over-representation of First Nations people in the Cleveland Youth Detention Centre. We need to absolutely do everything we can to try to change that. A certain percentage of young offenders are already in the child protection or child safety system and progress through to make contact with the youth justice system. What do you think is needed to reduce the risk of children who are known to the child protection system coming into contact with the youth justice system?

Ms Mabo: Of the 66 girls, probably half of them are in care. I was just making a note that the girls who end up back in prison still were in care. We have applied for funding for Yangah over the years. We were originally funded six years ago but they took away our funding in Townsville. It would work the same way that we work here if we were funded in Townsville.

Mr HARPER: Which department was that?

Ms Mabo: Youth Justice, I think it was.

Mr HARPER: Thank you for that. That informs us and that is something that we need to look at. We need to keep working in that space.

Mr PURDIE: Thank you for your attendance today. You said a few times today that you would love to see a society where no child is incarcerated. I do not think you would find anyone disagreeing with that, certainly not on this committee and among everyone we have spoken to. Would you be supportive of periods of detention that were not necessarily incarceration? We think of jail, watch houses and maximum security. We heard earlier today that some of these kids are in their cells for 23 hours a day. We have also heard from a lot of stakeholders, who are in a similar situation to you and are working on the front line, who talked about compelling some of those young offenders, or children in general, to comply with the orders and get back to culture and country and change their behaviour. A lot of people have suggested that there needs to be some sort of compulsion around that; that there needs to be some period of detention to make that happen. Are you supportive of that or are you not supportive of any punitive measures at all?

Ms Mabo: No, not punishment or anything punitive. When we think about young people, if they are detained, in whatever way that is not a prison, it is still restricting their freedoms. They have no choice to go and do—not whatever they want but to be free. It is still going to function in that way, no matter what we do. Over generations, since the colonisation of this place, we have had systems that are child prisons but named different things, from hospitals to reformatory schools. There are all those different names for things but they are all prisons, they all function the same way and they all create the same harm. Even if we are talking about this and it is going to change and not be a detention centre or whatever, it will still have the same impact.

We need to move away from thinking in those ways by actually investing in the child and their needs. We already have systems like youth justice that are full of youth workers who could provide services, not in a punitive way, that could be completely different—not necessarily as part of the state and be called ‘youth justice’. We have the workforce; we just need to change how we do things and actually support children in their lives. When they are fully supported they are not going to commit crimes and they are going to feel included in our communities.

Mr PURDIE: I appreciate that. I understand your answer.

Ms Wharton: Just to build on Neta-Rie’s statement, we do not necessarily need to punish the child for the circumstances that they are born into. To punish the child because of those circumstances seems a bit counterproductive from the framework that we have at Sisters Inside. When we support a young person, we not only support that young person; we support their mother or their father or whoever their primary carer is to ensure that they are able to adequately care and supervise and be an engaged parent to their loved young person. In addition to that, we engage with the younger siblings of that family group to ensure that they also do not continue to engage in antisocial behaviour around whatever role models are there. We do not need to punish somebody because of the circumstances that they are born into.

I believe that we can be creative, much like Hawaii, and actually be eager to engage in inclusive support models where we can actively bring down not only child safety numbers and punishment; we can also create life and give life to that young person. If I can for a moment: my little brother was considered one of those violent young people. He is now a 24-year-old person who has not committed an offence in over six months and is sober. That is purely on the basis of an inclusive support model. If it were not for us being able to build relationships with other services across his time since being a young person, he definitely would be in a different place now.

I guess what we have to do as a part of this community is to have the courage to not be the police officer ourselves for this young person but actually to be that support person that they really seek and need. I imagine that not a lot of kids are committing murder. We do not really need to go down that road for driving offences or for drug offences. We can actually address the root causes.

Mr TANTARI: Following on from what the member for Ninderry said regarding potential periods of incarceration, I have an issue personally regarding a comment that you made. I have read through your submission on the Youth Justice and Other Legislation Amendment Bill, which you have also submitted here. You talk about perpetuating a narrative on children and the tension within the community when you frame children as a threat. Do you not agree that somebody who commits a heinous crime, such as murder or rape or any of those other crimes, does need a period of detention?

Ms Mabo: I do not think laws and prisons keep communities safe. I think it is people that keep communities safe. I think if we reframe and rethink about how we are going to move forward in the future, there are going to be fewer murders and rapes because we are actually caring for the future by caring for the children that we are continually criminalising by breaches of bail—things that are actually not necessary. When we think about how to change, if we want a future without harm, we actually have to take care of the children now who are the victims of all sorts of horrible things.

Mr TANTARI: Maybe I did not frame it correctly. I understand what you are saying clearly, particularly with children who may be continuous offenders. If a child commits a heinous crime straight up, do you disagree that we should be giving some form of incarceration or sentencing to those children?

Ms Mabo: We all need to be safe in our communities, but I do not think incarceration is the answer.

Mr HART: So what is the answer?

Ms Mabo: Like I said before, there is not a bandaid—

Mr HART: You do not want to lock them up. What is the answer?

Ms Wharton: Context matters. Context matters immensely in the ways that people are charged with offences. Children who commit murder or those who you guys are very concerned about who commit heinous, violent acts, I often wonder what their home life was like and who raised them to be that way, or what circumstances led them to be that way. I feel that if I did not address those circumstances and I put that child in a prison cell where they could only leave their cell for two hours each day and they are engaging with other very antisocial people within that space and place, I would argue is that a better environment for that child to be within. If we actually wanted to address those issues of behaviour, we would not want them in a violent institution where they can learn further violent behaviours.

Mr HART: I get all that and I totally agree with you; we do not want to see our kids in jail at all. If we do not have any children in jail in the future, that would be fantastic. What about right now? If somebody murders someone tonight, what do we do with them?

Ms Wharton: We obviously go through the legal system that is currently here, and there are organisations like Sisters Inside that would support them through a legal process and through getting healing. We—

Mr HART: You still have a pass rate and that is—

CHAIR: Member for Burleigh, can you ask the question? We are nearly becoming argumentative.

Mr HART: No, sorry, I do not mean to be argumentative—

Ms Mabo: I understand that you want a bandaid for something right now, but we have to think about it long term because this is actually a long-term issue. We are creating a lot more children as criminals by incarcerating them for things like breaches of bail. We are thinking about the majority of children who are actually being inflicted more pain and harm right now by the choices that we make as adults, especially in this building. It is not necessarily a bandaid right now that we have to do; we have to think about our future. That is where investing in our communities is important and not in police and prisons because the more prisons and the more police we have, the more they will be filled and then our future will probably be more harmful.

Mr HART: When you were talking earlier about defunding police, what does that look like?

Ms Mabo: How many resources have we put into police? It has not created safety in our communities. We have to think about how we do things differently because what is done currently is not working. You are talking about crime rates rising and all these things, but we are funding more police and it is not creating any safety. We have to think about things differently because if we continually do the same thing and nothing changes, what does that look like for us as the adults who are supposed to be here for these children who are trying to better their lives and better our future and make our communities safer?

Ms BUSH: Boneta-Marie, just to pick up on that, I do not want to put words in your mouth, but for my own thinking, I wonder if what you are describing is similar to a justice reinvestment model where the quantum of funding that would be happening down here at the corrective services end is reinvested upstream into a health model, better education, better wraparound services, working with the family to resolve family issues rather than working with individuals, from a community and person-centred approach. I wonder if that is the model you are touching on a little bit.

Ms Mabo: Yes, exactly. Stop putting more funding into police and redirect it to communities.

Ms BUSH: There are lots of examples of justice reinvestment here in Australia where those things have been trialled and have had local place-based really good results.

Ms Mabo: Yes.

Mr McDONALD: I think we have learned a lot over the last couple of days and there have been some really great experts talk to us, and I have changed my mindset because of the conundrum we have. When you say 'detention', the only option right now because there has not been investment in consistent, supported and highly intensive rehabilitation programs for kids outside of the community is a form of detention. However, we are hung up on the fact that detention right now is either going to the watch house or jail. So, let's change that world because we are talking about the higher risk offenders. I am sure you would agree that if you are taking children out of community, having good support, having hope and some family and country programs, with that intensive rehabilitation, albeit in a detained setting, not in jail though, in a detained—

Ms Mabo: It is still a prison, though. It is still a prison. You just have to look back in history, seriously. I suggest maybe you all take a look at history and how we have spoken about it. In Queensland especially, our first prisons for children were called industrial schools, then they were called reformatory schools and then they were hospitals. The name has changed continually over the colonisation of Queensland, so if we are going to talk about it as a rehabilitation centre, it is exactly the same thing. It is going to create the same harm. Please do have a look into the history of incarceration of children in this place.

Mr McDONALD: I did not use the term 'incarceration'. I used completely different terminology.

Ms Mabo: Incarceration, detention, prisons—all the same thing.

Mr McDONALD: You might be interested that over the last four years the rate of funding to police has actually been decreasing. In fact, there are 200 fewer police this year than there were last year.

CHAIR: Do you have a question?

Mr McDONALD: Were you aware of that?

Mr HARPER: Can we just move forward and work together?

CHAIR: A question? No. We are moving on. You mentioned Hawaii, and I will not say the words that you say should not be used, but I will talk about those who are creating danger in our communities and it is very fearful. I cannot speak for every community, but I know that it is very difficult for my community to comprehend because when we talk about children, they think of someone who is 12 and under. When they are confronted with someone who is 17, very enormous and has repeatedly committed crimes that are violent, the sense of—and in this interim period, I totally hear what you are saying that we have to move into another space. I think there has been some confusion arising in some of these hearings that we are not looking parallel at the different scenarios. We have to morph into changes for the future and we have to implement things. What will come out of these hearings, no doubt, will be a series of recommendations. We have heard a lot of similarities. However, at the same time there is a very small cohort who have already been through different programs at different stages over a number of years. For the interim period, we have heard some really good suggestions about how, as we are working in all the other spaces, we can work with these youth in a space that has rehabilitation, full wraparound services, full support and works with the families. What I am trying to understand about the Hawaiian model is what is actually happening for that cohort. Are they in some space that involves monitoring 24/7 or are they not being in any way constrained?

Ms Mabo: They are not in any way being constrained. What is happening is that every youth service, all police, everybody in that community that would usually have direct contact to criminalise children or they would cross paths, they all work together to be able to change the trajectory of each and every one of those children. When we talk about supports that are available to most young people, especially here, there is only limited time that young people are supported. At Sisters Inside, there is no end date. For as long as a young person needs support, we are supporting them, and that might look like years. That is the thing that I think is a missed point. Yes, there are funded services, but the duration of those funded services are not always adequate to actually support that young person through their life and through the tumultuous parts of their life where they need the most support.

CHAIR: We have heard that. Again, I am not talking about what is happening right now. We have heard a lot of what is needed if we are to move into that space where all the things which have been identified as missing are to be addressed, but I am still trying to understand a model that you are relating to where there is no supervision, especially taking into account fetal alcohol syndrome disease, which we have heard a lot about, and other comorbidities, including the home space. What happens of a night? If there is not some kind of supervised constraint, how is that managed?

Ms Mabo: I think that there is a misunderstanding about what most children experience and lack of supervision or supervision. When you think about a child in care, they are supervised but their environments are not necessarily safe. To say that a child needs 100 per cent supervision is probably not necessarily true. It is about the environment that is created around that young person that is probably more to the point of what creates the issues.

CHAIR: Yes, and I am not contesting that. I am still trying to get to the particular point of what does that look like for those who have already gone through the system, who are 17 years old, who are classified by law as a child, but in all other ways, to the community, are a big adult who has presented a danger to their community. In this interim period, while all this other work into the future is going on, what is to happen? In Hawaii, do they just live at home or do they live with friends?

Ms Mabo: I think all the community has come together and it is addressing all the other social issues that have got that child to that point. That program in Hawaii has been decades in the making. It has not been just a quick fix; it has been over a long time. That is why I say we need to invest in our future by investing in our communities because it is the same thing. We cannot talk about right now because that is just the bandaid for now; we actually have to think about the future. That is why I was talking about it being a long game, not a short game. We just have to change the way we think about these things.

CHAIR: I think everybody totally agrees. When I talk about the now, we have communities that are being impacted and they are struggling. I am sure a lot of victims, as we have heard in these hearings, understand what we have to do, but when I am talking about the now, it is that number of

offenders who currently, across Queensland, are repeatedly putting others in danger, whether it is stealing cars or whatever that be. How are they monitored now whilst they are having all of those supports into the future?

Ms Wharton: I guess surveillance is a bit of a tool that we all use in our own day-to-day life. Whether we have security cameras at our houses or we have dash cams in our cars, we have a range of different ways that we can surveil people. In the ways that First Nations communities live, we have relationships with people that we do not even like within community. We have an understanding of who's who in the zoo, for want of a better phrase, but we know who exists within our community. We can understand that building a personal relationship or just building some kind of relationship with those in our communities builds more safety.

I have a lot of comfort knowing that I know my neighbours in my exclusive apartment floor and I feel safe in knowing that I can always depend on my neighbours if something happens. Having said that, I do not know everything about their lives, but I know that they are there, that we live in the same community, we have the same or similar values and, for the most part, we want safety and care. In a community where there are 50 adults that can help to support or just make a young person feel comfortable, they will often find that that young person will not feel comfortable hurting them. It is not something that is tangible right now because it has not been something that has been tried and tested. We had the opportunity to spend a small amount of time with the warden from Hawaii up in Cairns at the Lowitja O'Donoghue conference, and the conversations that we had with him were very much around relationships that we have within our own stakeholders and community. He spoke very highly that if he did not have that in his community, the work would not have been able to be done.

It sounds like it is a lot of work. We will not have the clear answers because each community has agency and has a different demographic. Townsville would be very much different to Burleigh Heads and much like Noosa to many of the other different areas. I think we have really strong values within our communities where there was a prison for children to be built on the Sunshine Coast and the Sunshine Coast community rallied to not have that. In those spaces we see that there are other opportunities. Just because there was not that prison for children, that does not mean we throw the baby out with the bath water. There was an opportunity for that community to address those things within that area, and that was not a conversation until just this time last year, 5 October, when Palaszczuk announced that there were to be two new prisons built for children. It comes down to us being able to have the courage to not only have relationships with those who we really like within our community but also those with whom we disagree. That is the constituents.

CHAIR: Fantastic. Thank you so much. There being no further questions, I want to thank you both so much for taking the time to be here. It has been deeply appreciated. I wish you well. The work you do is wonderful. Many of us have met with you before during different inquiries. Keep up the good work. I now declare this session closed. Thank you so much to Hansard and to all members of the committee. Safe travels home, everyone.

The committee adjourned at 3.33 pm.