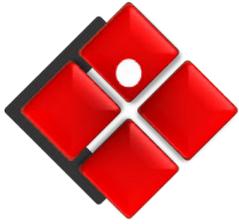


## Youth Justice Reform Select Committee inquiry into youth justice reform in Queensland

**Submission No:** 20  
**Submitted by:** PeakCare Queensland Inc  
**Publication:** Making the submission and your name public  
**Attachments:** See attachment  
**Submitter Comments:**



PeakCare  
Queensland Inc.

Committee Secretary  
Youth Justice Reform Select Committee  
Parliament House  
George Street  
BRISBANE QLD 4000

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

Dear Committee Secretary,

**RE: Preliminary submission to Youth Justice Reform Select Committee**

Thank you for your invitation to participate in the Committee's public hearing scheduled for Wednesday 22 November 2023.

As Queensland's peak body for the child and family sector, PeakCare values the opportunity to support the Committee in its inquiry to examine ongoing reforms to the youth justice system and support for victims of crime.

While PeakCare will be providing a more fulsome submission prior to the nominated closing date, please find below information to support PeakCare's contribution to the upcoming hearing.

**ABOUT PEAKCARE**

PeakCare is a not-for-profit peak body for child and family services in Queensland, providing an independent voice representing and promoting matters of interest to the non-government sector, children, young people, families and communities.

Across Queensland, PeakCare has more than 50 member organisations. These include small, medium and large, local, state-wide and national non-government organisations which provide prevention and early intervention, generic, targeted, and intensive family support to children, young people, adults and families. Member organisations also provide child protection services, foster care, kinship care and residential care services for children and young people and their families who are at risk of entry to, or who are in the statutory child protection system.

A network of registered supporters also subscribe to PeakCare. Supporters include individuals with an interest in child protection, youth justice, and related services, and who are supportive of PeakCare's policy platform around the rights and entitlements of children, young people and their families to safety, wellbeing and equitable access to life opportunities.

## **ABOUT PEAKCARE'S SUBMISSION**

Given the overlap of children and young people at risk of entry to, or in the youth justice system, with those engaged with the child protection system, PeakCare has a strong interest in youth justice reform including appropriate, proportionate, effective, timely, and holistic responses and interventions for children, young people and their families which also keep communities safe. With a longstanding history in advocating for better understanding and management of the complex intersection between the child protection and youth justice systems, PeakCare's motivation in lodging this submission reflects the following:

- the need to address both the welfare and justice needs of children and young people who have been or who are in contact with the child protection system and the youth justice system, particularly those who are subject to dual (interim or finalised) orders
- ensuring local access to prevention and early intervention services, responses and programs for children, young people and families to 'nip problems in the bud' or 'turn their lives around' – the right service at the right time from the right provider for the right amount of time
- children and young people's rights and entitlements (and that of their families) to understand and participate in administrative and judicial decision-making
- congruence in legislative frameworks and the administration of youth justice, child protection, and intersecting service systems (e.g., education and training, youth development, family support, housing and homelessness, legal services and legal aid, health, alcohol and substances misuse) directly or indirectly delivered across Queensland Government departments and their agents
- the impacts and opportunities presented by adopting specialist and other reforms to court processes and policing practices across Queensland
- developing specific strategies to address the disproportionate representation of Aboriginal and Torres Strait Islander young people in the youth justice system, and
- the importance of underpinning policy directions and reforms with research evidence, undertaking appropriate evaluation and acting on evaluation findings in a progressive and transparent manner.

## **STOP YOUTH CRIME – GET SMARTER NOT TOUGHER**

On 28 January 2023, PeakCare published an open letter to the Queensland Parliament. This open letter was supported by more than 60 organisations and individuals who are concerned about preventing youth crime, reducing re-offending and achieving greater community safety. This open letter is provided as an invitation to the Committee to consider smarter approaches for preventing, addressing and responding to youth crime based on the following nine opportunities.

### **Stop politicising youth crime**

Queensland communities deserve evidence-based solutions to youth crime that actually work. They do not deserve political point-scoring about who is the toughest on crime. A bi-partisan approach based on getting smarter, not tougher, will produce better outcomes for everyone in keeping communities safe.



### **Take notice of the facts**

Queensland already has some of the toughest laws and the highest number of children imprisoned in Australia. Despite decreasing youth crime rates, the number of children held in Queensland detention centres continues to increase.

In 2021-22, with detention centres overflowing, around 470 Queensland children – some as young as 10 – were held in adult watchhouses for periods of up to 14 days. A watchhouse is not a fit place for a child.

Locking children up does not free communities from crime. There is overwhelming evidence that youth detention does not work to deter crime, rehabilitate, or make communities safer. In fact, the experience of being incarcerated increases the likelihood of children offending. Almost all children who are imprisoned in youth detention in Queensland reoffend within 12 months of their release.

We can never imprison our way to a safer community, but there is plenty of evidence about how we can reduce crime.

### **Protect our children – more than any other age group, they are the victims of crime**

While we are all concerned about children who break the law, please remain aware that children, more than any other age group, constitute the majority of crime victims. Many of the children who find themselves on the wrong side of the law have been the victims of crimes far more serious than any offences they have committed.

Many have grown up learning that adults are not to be trusted. Is it any wonder that they have little respect or trust in authority figures and the justice system? It takes time, persistence and skills to regain the trust of these children.

### **Let First Nations Leaders lead**

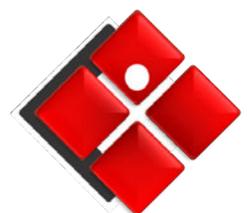
The gross over-representation of Aboriginal and Torres Strait Islander children in detention - over 70 per cent - continues to draw shame on the world stage. When First Nations leaders and organisations have been able to design and manage responses to youth crime within their communities, the results have been impressive.

Governments need to get out of the way and let First Nations leaders lead. This means making a genuine commitment to self-determination by First Nations peoples and resourcing of their communities to deliver local responses that they, more than anyone else, know will work best.

### **Properly resource our teachers and schools**

By the time children enter detention, over 50 per cent have not been attending school. It is within the classroom that anti-social behaviours usually begin to emerge. Non-attendance at schools and high rates of suspensions and exclusions are frequent precursors to children's involvement with the youth justice system.

Better resourcing of teachers and schools with the programs and supports they need to keep children engaged in schooling will help stop problems before they start.



## **Take account of children's disabilities and mental health concerns**

Many children in the youth justice system have severe disabilities, including fetal alcohol spectrum disorder. There are no systematic screening or assessment processes in place to identify disabilities of children involved with Queensland's youth justice system, meaning we are currently detaining children with undiagnosed disabilities and providing no appropriate supports when children leave detention – a recipe for reoffending. Failure to consider neurodisabilities and mental health concerns of children encountering the youth justice system means all current solutions are doomed to fail.

## **Tackle our social problems**

Research by the Queensland Family and Child Commission and others has found that most children in detention have experienced violence within their homes, poverty, homelessness or the absence of a safe place to call home, and/or exposure to alcohol and other substance misuse.

We must address these issues by tackling child poverty, collectively ending youth homelessness, addressing the impact of family violence on children, and increasing the number and range of specialised youth mental health services, alcohol and drug treatment services, child protection, family support, early education and mentoring programs.

Ban social media outlets from posting both children's illegal exploits and 'hate messages' from vigilante groups – both are inciting children to commit offences.

Get tougher on the causes of youth crime - it will represent a far better, less costly and more effective investment of taxpayers' dollars in achieving community safety.

## **Hold children accountable for their behaviours in ways that work**

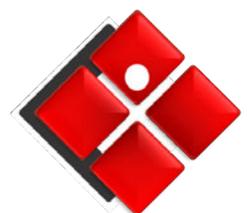
Threats of harsher punishments do not deter children from offending. The incarceration of children is the single biggest predictor of children entering into a lifetime of crime.

Why is it that there has been a significant reduction in the use of restorative justice approaches in recent times? In many instances, restorative justice very effectively brings children and the victims together face-to-face to help children understand and take responsibility for their behaviour and work out the ways they can repair the harm. It is just one example of getting smarter, rather than tougher, in using solutions that work. There are many more.

## **Divert children under the age of 14 from the criminal justice system**

The younger children are when they first have contact with the justice system, the more likely they are to go on to re-offend. Effective responses involve children quickly discovering the consequences of bad behaviour, whilst also providing guidance to not repeat their mistakes. Children, especially very young children, do not understand or benefit from fronting courts and waiting months while the wheels of justice slowly turn. There are much more effective ways of holding children to account in ways that are timely and well-matched to a child's age and stage of development.

Any evidence-based policy to keep the community safe should include significant investment in strategies that work to divert children, especially those younger than 14, from the criminal justice system.

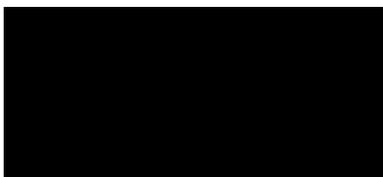


## SUMMARY

PeakCare is committed to working with members of the Queensland Parliament on both the immediate and longer-term strategies needed to reduce youth crime. We are hopeful that the outcomes of this inquiry will help to realise a bipartisan generational youth justice strategy that could be our north star for a safer and more inclusive Queensland. A strategy that is resilient enough to weather the inevitable storms that will come and adaptive enough to know we must also fix the issues here and now if we want our communities to feel like better days are ahead.

We know the drivers putting young people on a collision course with the youth justice system significantly overlaps with risk factors for involvement with the child protection system and the number of children and families involved with both the child safety and youth justice systems reflects an ongoing failure to address the real systemic causes. Until there is a clear long-term strategy for addressing these, Queensland's children, young people, families and communities will continue to be the victims.

Yours sincerely,



**Tom Allsop**  
Chief Executive Officer  
Peakcare Queensland Incorporated  
(Pronouns: he/his)

20 / 11 / 2023

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# STOP YOUTH CRIME – GET SMARTER NOT TOUGHER

We are organisations and individuals concerned about preventing youth crime, reducing re-offending and achieving community safety. As you deliberate about youth crime, we respectfully urge you to consider the following:

## STOP POLITICISING YOUTH CRIME

Queensland communities deserve evidence-based solutions to youth crime that actually work. They do not deserve political point-scoring about who is the toughest on crime.

A bi-partisan approach based on getting smarter, not tougher, will produce better outcomes for everyone in keeping communities safe.

## TAKE NOTICE OF THE FACTS

Queensland already has some of the toughest laws and the highest number of children imprisoned in Australia. Despite decreasing youth crime rates, the number of children held in Queensland detention centres continues to increase.

In 2021-22, with detention centres overflowing, around 470 Queensland children – some as young as 10 – were held in adult watchhouses for periods of up to 14 days. A watchhouse is not a fit place for a child.

Locking children up does not free communities from crime. There is overwhelming evidence that youth detention does not work to deter crime, rehabilitate, or make communities safer. In fact, the experience of being incarcerated increases the likelihood of children offending. Almost all children who are imprisoned in youth detention in Queensland reoffend within 12 months of their release.

We can never imprison our way to a safer community, but there is plenty of evidence about how we can reduce crime.

## PROTECT OUR CHILDREN – MORE THAN ANY OTHER AGE GROUP, THEY ARE THE VICTIMS OF CRIME

While we are all concerned about children who break the law, please remain aware that children, more than any other age group, constitute the majority of crime victims. Many of the children who find themselves on the wrong side of the law have been the victims of crimes far more serious than any offences they have committed.

Many have grown up learning that adults are not to be trusted. Is it any wonder that they have little respect or trust in authority figures and the justice system? It takes time, persistence and skills to regain the trust of these children.

## LET FIRST NATIONS LEADERS LEAD

The gross over-representation of Aboriginal and Torres Strait Islander children in detention - over 70% - continues to draw shame on the world stage. When First Nations leaders and organisations have been able to design and manage responses to youth crime within their communities, the results have been impressive.

Governments need to get out of the way and let First Nations leaders lead. This means making a genuine commitment to self-determination by First Nations peoples and resourcing of their communities to deliver local responses that they, more than anyone else, know will work best.

## PROPERLY RESOURCE OUR TEACHERS AND SCHOOLS

By the time children enter detention, over 50% have not been attending school. It is within the classroom that anti-social behaviours usually begin to emerge. Non-attendance at schools and high rates of suspensions and exclusions are frequent precursors to children's involvement with the youth justice system.

Better resourcing of teachers and schools with the programs and supports they need to keep children engaged in schooling will help stop problems before they start.

## TAKE ACCOUNT OF CHILDREN'S DISABILITIES AND MENTAL HEALTH CONCERNS

Many children in the youth justice system have severe disabilities, including fetal alcohol spectrum syndrome disorder. There are no systematic screening or assessment processes in place to identify disabilities of children involved with Queensland's youth justice system, meaning we are currently detaining children with undiagnosed disabilities and providing no appropriate supports when children leave detention – a recipe for reoffending. Failure to consider neurodisabilities and mental health concerns of children encountering the youth justice system mean all current solutions are doomed to fail.

## TACKLE OUR SOCIAL PROBLEMS

Research by the Queensland Family and Child Commission and others has found that most children in detention have experienced violence within their homes, poverty, homelessness or the absence of a safe place to call home, and/or exposure to alcohol and other substance misuse.

We must address these issues by tackling child poverty, collectively ending youth homelessness, addressing the impact of family violence on children, and increasing the number and range of

specialised youth mental health services, alcohol and drug treatment services, child protection, family support, early education and mentoring programs.

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Get tougher on the causes of youth crime - it will represent a far better, less costly and more effective investment of taxpayers' dollars in achieving community safety.

## HOLD CHILDREN ACCOUNTABLE FOR THEIR BEHAVIOURS IN WAYS THAT WORK

Threats of harsher punishments do not deter children from offending. The incarceration of children is the single biggest predictor of children entering into a lifetime of crime.

Why is it that there has been a significant reduction in the use of restorative justice approaches in recent times? In many instances, restorative justice very effectively brings children and the victims together face-to-face to help children understand and take responsibility for their behaviour and work out the ways they can repair the harm. It is just one example of getting smarter, rather than tougher, in using solutions that work. There are many more.

## DIVERT CHILDREN UNDER THE AGE OF 14 FROM THE CRIMINAL JUSTICE SYSTEM

The younger children are when they first have contact with the justice system, the more likely they are to go on to re-offend. Effective responses involve children quickly discovering the consequences of bad behaviour, whilst also providing guidance to not repeat their mistakes. Children, especially very young children, do not understand or benefit from fronting courts and waiting months while the wheels of justice slowly turn. There are much more effective ways of holding children to account in ways that are timely and well-matched to a child's age and stage of development.

Any evidence-based policy to keep the community safe should include significant investment in strategies that work to divert children, especially those younger than 14, from the criminal justice system.

Collectively, we remain firmly committed to working with members of the Queensland Parliament on strategies to reduce youth crime. We are especially committed to working on strategies that are smarter, not tougher, in protecting Queensland communities and keeping them safe.



The figures referred to within this letter have been drawn from the Children's Court of Queensland Annual Report 2021-22. Please refer to the 'Orange Paper #2 – a ten-point evidence-based plan for investment to address youth offending' first published by the Youth Advocacy Centre in 2020 – it provides a good starting point for getting smarter, not tougher.



- |                 |                           |              |   |                     |   |                        |                     |                 |                       |
|-----------------|---------------------------|--------------|---|---------------------|---|------------------------|---------------------|-----------------|-----------------------|
| Alyssa Venning  | Assoc Prof Heather Fraser | Carol Ronken | Dr Meg Perkin<br>FASD & ASD Consultancy | Dr Michelle Newcomb | Dr Natasha Reid<br>Senior Research Fellow                         | Dr Shane Warren        | Dr Terry Hutchinson | Elena Marchetti | Hon Margaret White AO |
| Jean Carruthers | Jennie Briese             | John Homan   | Prof Christine Morley                   | Prof Karen Healy    | Prof Silke Meyer<br>Leneen Forde Chair in Child & Family Research | Rev Dr Wayne Sanderson | Sam Pattison        | Sandy Patton    | Scharryn Kneen        |