

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

**Submission No:** 50  
**Submitted by:** Women's Health & Equality  
**Publication:**  
**Attachments:** See attachment  
**Submitter Comments:**

Women's Health and Equality Queensland  
PO Box 70, Greenslopes 4120  
[admin@wheq.org.au](mailto:admin@wheq.org.au)  
(07) 3216 0976

Committee Secretary  
Youth Justice Reform Select Committee  
Parliament House  
George Street  
Brisbane Qld 4000

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

20/12/2023

## Re: Youth Justice Reform Inquiry

We welcome the opportunity to provide a submission to the Youth Justice Reform Inquiry ('the Inquiry').

Women's Health and Equality Queensland (WHEQ) are leaders in women's health, gender equity and the primary prevention of violence in Queensland. We provide counselling, therapeutic groups, and health services for women and gender-diverse people with experiences of violence, as well as professional education, community programs, health promotion and structural reform. With over 40 years of experience improving health outcomes and delivering statewide health and wellbeing services to women, our purpose is to advance the health and wellbeing of Queensland women.

We support the Inquiry's goals to examine ongoing reforms to the youth justice system and support for victims of crime.

## Early Intervention

Incarcerating children is not keeping our communities safe. Queensland detains more children each day than any other state and has the worst recidivist rate in Australia.<sup>1</sup> 95 per cent of young people that go to Cleveland Detention Centre allegedly reoffend within the year of their release.<sup>2</sup>

The earlier a child is exposed to the justice system the more likely they are to reoffend.<sup>3</sup> To keep the community safe, the Queensland Government should remove children and young people from the justice system and invest in services and supports.

Early intervention programs in Queensland support children and make communities safer for everyone.<sup>4</sup> Unfortunately, the Queensland Government is underfunding community led programs focused on prevention and diversion.<sup>5</sup>

---

<sup>1</sup> Productivity Commission 2023, *Report on Government Services 2023*, Part F, section 17: released 25 January 2023, Table 17A.26.

<sup>2</sup> Queensland Government. (2022). *Response to Question on Notice, No. 859*.  
<https://documents.parliament.qld.gov.au/tableoffice/questionsanswers/2022/859-2022.pdf>

<sup>3</sup> Sentencing Advisory Council (2016). *Reoffending by children and young people in Victoria* (p. xiii).  
[https://www.sentencingcouncil.vic.gov.au/sites/default/files/2019-08/Reoffending\\_by\\_Children\\_and\\_Young\\_People\\_in\\_Victoria.pdf](https://www.sentencingcouncil.vic.gov.au/sites/default/files/2019-08/Reoffending_by_Children_and_Young_People_in_Victoria.pdf)

<sup>4</sup> Justice Reform Initiative. (2023). *Alternatives to Incarceration in Queensland*. (pp.18 – 27).  
[https://assets.nationbuilder.com/justicereforminitiative/pages/337/attachments/original/1685393777/JRI\\_Alternatives\\_QLD\\_FULL\\_REPORT.pdf?1685393777](https://assets.nationbuilder.com/justicereforminitiative/pages/337/attachments/original/1685393777/JRI_Alternatives_QLD_FULL_REPORT.pdf?1685393777)

<sup>5</sup> Queensland Council of Social Service. (2023). *QCOSS: Queensland budget analysis 2023-2024, Investing in Queensland's Youth Services*. <https://www.qcoss.org.au/publication/state-budget-2023-2024-our-analysis/>

## Prevention

Community support and wellbeing programs for at-risk children, vulnerable youth and their families are crucial to preventing engagement with the youth justice system. The foundations of prevention programs should be healing centred and trauma-informed in their approach which aims to promote recovery from past experiences including child abuse or neglect and exposure to family violence. These programs need to take a socio-ecological approach considering health and wellbeing, food, housing, educational engagement, financial wellbeing, community belonging and engagement. These approaches thus reduce the risk of committing offences by addressing the drivers of youth offending.

## Respond to root causes

Children in the justice system have often experienced trauma, including as a result of being victim-survivors of domestic and family violence. There are high rates of disability and neurological conditions among children in the justice system. Many children in the justice system are from communities characterised by poverty and entrenched disadvantage.<sup>6, 7</sup> It is in these communities where we see the failure of a number of systems – including housing, education and social or community supports – to adequately protect young people from disadvantage and prevent them from coming into contact with the youth justice system in the first place. Currently, the needs of children and the root causes of problematic behaviour are not adequately addressed.

## First Nations led solutions

First Nations young people are overrepresented in the justice system, which is a systemic issue stemming from ongoing racism, discrimination, a history of genocide, trauma from colonisation, generational poverty, and social disadvantage<sup>8</sup>. The Inquiry must explore First Nations designed and led initiatives for Aboriginal and Torres Strait Islander children and their families to reduce overrepresentation in the justice system and to ensure Queensland meets its Closing the Gap justice targets. Furthermore, it is essential that there is consideration of the rates of Fetal Alcohol Spectrum Disorder (FASD), for which there is a higher prevalence among some First Nations communities. With approximately 36% of young people in youth detention diagnosed with FASD<sup>9</sup>, it is more evident than ever that people with FASD need appropriate support within, and to avoid the youth justice system altogether. This falls into a similar pattern as the failure of support systems as evidenced above.

## Children out of watch houses

Watch houses are not appropriate for any young person. The Queensland Government must urgently get children out of watch houses, reduce the number of young people in detention and fund an alternative to the justice system for all children and young people. The alternative must be evidence based, healing-centred, culturally safe, therapeutic and non-punitive.

---

<sup>6</sup> Queensland Government. (2023). *Youth Justice Summary Census 2022*.

[https://desbt.qld.gov.au/\\_data/assets/pdf\\_file/0019/17083/census-summary-custody.pdf](https://desbt.qld.gov.au/_data/assets/pdf_file/0019/17083/census-summary-custody.pdf)

<sup>7</sup> McArthur, M., Suomi, A., & Kendall, B. (2021). Review of the service system and implementation requirements for raising the minimum age of criminal responsibility in Australian Capital Territory (p. 7). *Australian National University*. [https://www.justice.act.gov.au/data/assets/pdf\\_file/0006/2072364/Raising-the-Age-Final-Report.PDF](https://www.justice.act.gov.au/data/assets/pdf_file/0006/2072364/Raising-the-Age-Final-Report.PDF)

<sup>8</sup> Milroy, H., Watson, M., Kashyap, S. & Dudgeon, P. (2021). First Nations peoples and the law (2021) 50 *Aust Bar Rev* 510

<sup>9</sup> Bower C, Watkins RE, Mutch RC, et al. (2018). *Fetal alcohol spectrum disorder and youth justice: a prevalence study among young people sentenced to detention in Western Australia*. *BMJ Open* 2018; 8:e019605. doi: 10.1136/bmjopen-2017-019605 <https://bmjopen.bmj.com/content/8/2/e019605.citation-tools>

## **Children and Youth Services in Brisbane**

There is a lack of funding for holistic support services for children and youth services across Queensland. This includes early intervention in primary school for timely free and accessible paediatric services, disability support services, domestic and family violence support for children, accommodation, cultural healing and support, and mental health and counselling services. There is also a need more broadly for co-designed youth hubs to increase social engagement and community connection. This significant gap is particularly evident in regional, rural and remote areas of Queensland and exacerbates the incarceration of young people, who are without access to appropriate support services, particularly for prevention and early intervention.

Therefore, we call for the funding of children and youth services that focus on prevention and early intervention, adequately address the root causes of offending and are evidence based in their approach. These services that can provide counselling and therapeutic support will be well placed to support at-risk or vulnerable young people from entering the justice system with a trauma-informed lens that demonstrates understanding and compassion for victim-survivors of domestic, family and sexual violence. This lens is essential, with the understanding that many young people at-risk of incarceration or entering the justice system have experienced trauma and/or some form of violence in their lives.

In April 2023, findings from the Australian Maltreatment Study showed that nearly two-thirds (62.2 per cent) of young Australians have been abused, neglected or exposed to domestic violence before the age of 18. By providing a trauma response to supporting these young people, the risk of repeated and escalated offences is reduced, ultimately keeping young people and communities safe.

## **Next Steps**

To support the Inquiry's goals to examine ongoing reforms to the youth justice system and support for victims of crime, we call for the following to be considered as essential elements:

- Prevention is crucial. Essential within this is providing access to health and specialist care, supporting education engagement and community connection, and financial wellbeing, particularly for young children and their families where wellbeing and/or behavioural risk factors or other vulnerabilities are present.
- Early intervention programs are crucial to ensure children and young people receive appropriate support to reduce at-risk or vulnerable youth committing or re-committing offences or engaging with the youth justice system.
- Incorporating trauma informed and healing centred approaches are central to these programs, and other intersections of the youth justice system. There is ample evidence which disproves the benefit of incarceration for young people (including increased recidivist rates), therefore community based interventions and programs must be funded to create safe communities in Queensland.
- It is also essential that the youth justice workforce is appropriately trained and supported in these approaches. Women's Health and Equality Queensland are experienced in healing-centred approaches, co-design with young people for health and wellbeing outcomes, and community and workplace education, meaning we are well placed to support capacity building activities.

Thank you for the opportunity to provide a submission to the Inquiry.

Yours sincerely,

Women's Health and Equality Queensland