

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

**Submission No:** 123  
**Submitted by:** Dr Terry Hutchinson  
**Publication:** Making the submission and your name public  
**Attachments:** See attachment  
**Submitter Comments:**

**Submission**

**Queensland Parliament**

**Youth Justice Reform Select Committee**

**10 January 2024**

**Dr Terry Hutchinson**

## ***Dr Terry Christine HUTCHINSON***

Dr Terry Hutchinson was appointed an Adjunct Professor at Southern Cross University in November 2017. Prior to this, Dr Hutchinson held the position of Associate Professor in Law at Queensland University of Technology, being a member of Faculty 1987-2016, and a Visiting Fellow 2017. Dr Hutchinson's research revolves around a sound use of the evidence base particularly in relation to children and youth justice, and she recently completed a funded Australian Institute of Criminology project (CRG 19/16-17: Examining Process: Court appearances via video link for young people in detention in Queensland). Dr Hutchinson has published extensively in the area of postgraduate legal research training. Her research manual *Researching and Writing in Law* (Thomson Reuters, 4th ed, 2018) has an international readership.

[REDACTED]

[REDACTED]

Thank you for the opportunity to provide a submission addressing the terms of reference of the Committee.

**1. Youth Crime is Decreasing Overall**

There was a 5.8% decrease in the number of unique youth offenders in Queensland in 2020-2021 (lowest number in a decade) compared to the previous year and since 2011-2012, the number of unique child offenders has decreased by 26.8%. This trend has continued with the latest figures available. The statistics are clear. Youth crime is not on the rise in Queensland.

**2.** However, it is well established that **a small proportion of young offenders account for a large amount of the offences.** Those categorised as Serious Repeat Offenders under the 2022 amendments to the legislation, account for 17% of young people convicted and 48% of the charges.

**3. Despite this, detention numbers are increasing because of the recently introduced bail offences which:**

- make it an offence for children to breach a condition of their bail undertaking;
- create a separate sentencing regime for children who are declared 'serious repeat offenders' to enable more punitive sentencing; and
- establish discretionary minimum sentencing requirements for breaches of certain conditional release orders.

**4.** Keeping children in **detention is expensive** – and the **recidivism rates are high.**

In Qld the cost per average day per young person per day in detention was \$2086 in 2021-22 comp to \$1573 in 2014-15. (Total \$218 million)

The national figure is \$2720 per day.

**5. The young people in detention are themselves some of the most disadvantaged in Queensland.**

Predominantly male (over 90% 2021) and some are as young as 10 (10-13yo 9%);

On an average day, First Nations children constitute over 70%;

85% (2019-20) are on remand rather than in sentenced detention;

60% (2021) experienced or been impacted by domestic and family violence;

**57% had received 'a child protection service in the 5 years from 1 July 2014 to 30 June 2019';**

**27% under Active Child Protection Order;**

42% living in unstable or unsuitable accommodation;

**63% disengaged from education, training and employment;**

84% used at least one substance; 41% used ice or other methamphetamines;

45% mental health and/or behavioural disorders (diagnosed or suspected);

25% disability (assessed or suspected eg FASD, language disorders, hearing, sight);

40% (2021) had at least one parent who had spent time in adult custody; and

Some were themselves parents of young children.

**6. We are talking about very small numbers under 14 years of age.**

Children sentenced for offences committed while they were under the age of 14 years are a very small proportion of all sentenced cases. Raising the age of criminal responsibility as is occurring in other states of Australia is warranted. Many children coming into contact with the police and the courts are charged with minor offences including shop lifting and fare evasion. Raising the age of criminal responsibility is not simply about keeping 10–13-year-olds out of detention centres. It is directed to providing alternative options so children, particularly those charged with minor infractions, will not be introduced into the criminal justice context and tagged as ‘trouble’ for the rest of their lives. **Research confirms the long-term negative results achieved through early treatment in the justice system.**

**7. Providing Local Community Services and Bolstering Family Support**

At present there are a plethora of services available for children when they become involved in the youth justice system. However, these services only become available once the child is charged or before the courts. **The better option is for the services to be made available before that crisis point.** Basic services such as the provision of school breakfasts and lunches and improved public transport especially in regional areas may well divert children from minor offending, while encouraging them back into the all-important school environment. There needs to be provision for school based alternative programs for children suspended from regular classroom activities. The community needs to address the provision and requisite supports for a safe stable family home environment and accommodation. This needs to be happening well before a child is 10 years old.

**8. Using Information from the Research Base**

Current research has also pointed to examples of the many local community-based programs that could be set in place in particular that undertaken by the Justice Reform Initiative. <https://www.justicereforminitiative.org.au/reports> All communities are different and have their own needs so local involvement is imperative in determining what would best work in various areas and for specific children. This issue is not specific to Queensland and programs have been instituted in the other Australian states as well as internationally to address early childhood support leading to better outcomes. The Queensland Multi Agency Collaborative Panels have been working well. Could these be implemented at an earlier point prior to any involvement with the youth justice system?

There are other matters needing to be addressed in terms of youth justice reform. Within its powers to call for documents and records, the Committee should query:

- The statistics on the number of children who are suspended or excluded from school who then come into contact with the youth justice system during their exclusion term.
- Documentation on the programs and therapeutic assistance provided to children and families where the children are suspended and excluded from school especially those under the age of 10.