

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

Submission No: 171
Submitted by: The Royal Australasian College of Physicians (RACP)
Publication:
Attachments: See attachment
Submitter Comments:



RACP
Specialists. Together
EDUCATE ADVOCATE INNOVATE

**Submission to the Queensland Youth Justice
Reform Select Committee – Inquiry into
Youth Justice Reform**

February 2024

About The Royal Australasian College of Physicians (RACP)

The RACP trains, educates and advocates on behalf of over 20,000 physicians and 9,000 trainee physicians, across Australia and New Zealand, including **3237 physicians and 1480 trainee physicians in Queensland**. The RACP represents a broad range of medical specialties including general medicine, paediatrics and child health, cardiology, respiratory medicine, neurology, oncology, public health medicine, infectious diseases medicine, occupational and environmental medicine, palliative medicine, sexual health medicine, rehabilitation medicine, geriatric medicine, and addiction medicine. Beyond the drive for medical excellence, the RACP is committed to developing health and social policies which bring vital improvements to the wellbeing of patients.

RACP Queensland Committee Contact:

Ms Tracey Handley, Senior Executive Officer (Queensland), via RACPQLD@racp.edu.au

RACP Policy & Advocacy Contact:

Mr Samuel Dettmann, Senior Policy Officer, via policy@racp.edu.au

We acknowledge and pay respect to the Traditional Custodians and Elders – past, present and emerging – of the lands and waters on which RACP members and staff live, learn and work. The RACP acknowledges Māori as tangata whenua and Te Tiriti o Waitangi partners in Aotearoa New Zealand.



Introduction

The RACP welcomes the opportunity to provide a submission to the Queensland Parliament Youth Justice Reform Select Committee. This submission has been developed by the [RACP Queensland Committee](#), which represents Queensland physicians and trainees on a range of educational, professional development and advocacy issues.

Our submission focuses on:

- Involving paediatricians at service reform and service delivery levels
- Raising the age of criminal responsibility to at least 14 years
- Housing children and young people in purpose-designed facilities with suitable supports
- Health checks on entering the youth justice system
- Comprehensive paediatric assessment when clinically indicated
- Prioritising First Nations leadership, both at the system reform and the health service delivery levels for children in the Queensland criminal justice system.

The RACP approach

The RACP urges a **focus on health issues** when considering approaches to youth justice.

Children who interact with the criminal justice system and the child protection system usually have complex health and social needs. Many inequities start at, or before, conception, continue in early childhood, and increase along a clear social gradient.¹ The greater a child's disadvantage, the worse their health, development and well-being tends to be. These gaps widen as children grow older, resulting in adverse adult health, educational and vocational outcomes, with increased premature mortality and morbidity. This can have an intergenerational effect with inequity passed on to the next generation.² A child's health and wellbeing can also be affected by historical trauma from earlier generations. Poor access to services compounds inequities. Intensive early support and interventions are needed to prevent inequities rather than responding to crises as they happen.³

The RACP is of the view that youth justice reform should occur with appropriate input and advice from experts in [Paediatric and Child Health](#), and [Adolescent and Young Adult Medicine](#), both at the system design and reform levels, and at the ongoing clinical service delivery level.

Article 24 of the United Nations Convention on the Rights of the Child calls for the right "to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health."⁴ This right belongs to all children, including those in and at risk of contact with the criminal justice system. The same article contains requires parties to "strive to ensure that no child is deprived of his or her right of access to such health care services."

RACP policy contribution to the Inquiry

Many of the Inquiry's terms of reference go beyond the expertise of the RACP. The RACP and its Fellows have knowledge, expertise and experience in health including the social determinants of health and related matters. A focus on health and wellbeing and the social determinants of health

is critical to any successful reform of the criminal justice system as it applies to children and young people.

1. The RACP strongly supports raising the age of criminal responsibility to at least 14, with no exceptions. We are joined in this position by (among others) the Australian Medical Association⁵ and the Australian Indigenous Doctors' Association.⁶ It is inappropriate for children aged 10 to 13 to be in the youth justice system.⁷
2. We have called for national agreement on this vital reform,⁸ and commended jurisdictions that have committed to raising the age of criminal responsibility.⁹ The RACP and its Queensland Committee have called for a higher minimum age of criminal responsibility in Queensland.¹⁰
3. The RACP opposes the incarceration of children of any age in adult facilities.¹¹ Incarceration should only ever be in purpose-designed and purpose-built environments where proper health care (including specialist medical care) and suitable social supports are provided.
4. The RACP urges the Committee to support the recommendations made in the RACP's position statement on the Health Care of Children in Care and Protection Services.¹² The recommendations outlined in this statement complement the RACP position statement on the Health and Well-being of Incarcerated Adolescents.¹³ Recommendations to health services (p. 10) and state and territory governments (p. 11) are particularly relevant to the health and wellbeing needs of children and young people in youth justice settings. These include:
 - a. Healthcare navigators / co-ordinators, comprehensive assessments and management plans and access to local health professionals as needed
 - b. Adequate training of health professionals working in these contexts
 - c. Commitments to working with First Nations communities, particularly community-led healthcare providers
 - d. Investment in specialised, multidisciplinary services
 - e. Supports for children when leaving youth justice settings.
5. The RACP recommends Queensland implement effective and timely health assessments of all children and young people entering custodial settings, and developmental disability/delay assessments by paediatricians when clinically warranted.¹⁴
6. The RACP has long been concerned by the over-representation of Aboriginal and Torres Strait Islander children and young people in the criminal justice system, including in incarceration. As a founding member of the Close the Gap Campaign we see youth justice reform as a critical part of efforts to ensure better health outcomes for Aboriginal and Torres Strait Islander people.¹⁵ Our commitment to respecting and promoting Indigenous leadership,¹⁶ is the basis of our recommendation to prioritise Indigenous leadership, both at the system reform and the health service delivery levels for children in the Queensland criminal justice system.

Key RACP publications

The following RACP publications address the health needs of children and young people in contact with, or who are at risk of contact with, the youth justice system:

- [Inequities in Child Health Position Statement 2018](#)
- [Submission to the Council of Attorneys General Working Group reviewing the Age of Criminal Responsibility July 2019](#)
- [Prioritising Health - RACP 2020 Queensland election statement](#)
- [Submission to the Community Support and Services Committee's Inquiry into the Criminal Law \(Raising the Age of Responsibility\) Amendment Bill 2021](#)
- [The Health and Well-being of Incarcerated Adolescents 2011](#)
- [Health Care of Children in Care and Protection Services Position Statement 2023](#)
- [Submission to The Royal Commission into the Protection and Detention of Children in the Northern Territory 2016.](#)

¹ Hertzman C. The Biological Embedding of Early Experience and Its Effects on Health in Adulthood. *Annals of the New York Academy of Sciences* [Internet]. 1999 Dec [cited 2024 Jan 12];896(1):85–95. Available from: <https://pubmed.ncbi.nlm.nih.gov/10681890/>

² Nicholson J, And Berthelsen N, Wake D. Socioeconomic inequality profiles in physical and developmental health from 0-7 years: Australian National Study. *Journal of Epidemiology and Community Health* [Internet]. 2010 Oct 19 [cited 2024 Jan 12]; Available from: <http://eprints.gut.edu.au/38393/1/c38393.pdf>

³ This paragraph is a brief summary of an overview in the RACP's position statement on childhood inequities, see The Royal Australasian College of Physicians. *Inequities in Child Health Position Statement* [Internet]. 2018 [cited 2024 Jan 12]. Available from: https://www.racp.edu.au/docs/default-source/advocacy-library/racp-inequities-in-child-health-position-statement.pdf?sfvrsn=6ceb0b1a_6

⁴ United Nations, Australian Treaty Series 1991 No 4. Convention on the Rights of the Child [Internet]. 1989 [cited 2024 Jan 12]. Available from: <https://www.austlii.edu.au/au/other/dfat/treaties/1991/4.html>

⁵ Australian Medical Association. Media Release: AMA Calls for Age of Criminal Responsibility to be raised to 14 years of age [Internet]. 2019 [cited 2024 Jan 12]. Available from: <https://www.ama.com.au/media/ama-calls-age-criminal-responsibility-be-raised-14-years-age>

⁶ Australian Indigenous Doctors' Association. Media Release: Indigenous Doctors deeply concerned about raising the age of criminal responsibility to 12, urge AGs to follow medical advice [Internet]. 2021 [cited 2024 Jan 12]. Available from: <https://aida.org.au/app/uploads/2021/11/20211117-AIDA-Raise-the-Age-media-release.pdf>

⁷ RACP submission to the Council of Attorneys General Working Group reviewing the Age of Criminal Responsibility July 2019 [cited 2024 Jan 12]. Available from https://www.racp.edu.au/docs/default-source/advocacy-library/b-20190729racp-submission-cag-review_final-gm-approved.pdf

⁸ The Royal Australasian College of Physicians. Media Release: Governments must listen to child health experts - Physicians call for national agreement to raise the age of criminal responsibility [Internet]. 2023 [cited 2024 Jan 12]. Available from: <https://www.racp.edu.au/news-and-events/media-releases/governments-must-listen-to-child-health-experts---physicians-call-for-national-agreement-to-raise-the-age-of-criminal-responsibility>

⁹ The Royal Australasian College of Physicians. Media Release: Physicians commend Tasmanian Government for announcing it will raise the minimum age of criminal responsibility [Internet]. 2023 [cited 2024 Jan 12]. Available from: <https://www.racp.edu.au/news-and-events/media-releases/physicians-commend-tasmanian-government-for-announcing-it-will-raise-the-minimum-age-of-criminal-responsibility>

¹⁰ The Royal Australian College of Physicians Queensland Committee. Submission to the Community Support and Services Committee's Inquiry into the Criminal Law (Raising the Age of Responsibility) Amendment Bill 2021 [Internet]. 2021 Oct [cited 2024 Jan 12]. Available from: <https://documents.parliament.qld.gov.au/com/CSSC-0A12/CLRARAB202-31E4/submissions/00000073.pdf>

¹¹ See page 5, The Royal Australasian College of Physicians. *The Health and Well-being of Incarcerated Adolescents* [Internet]. 2011. Available from: <https://www.racp.edu.au/docs/default-source/advocacy-library/the-health-and-wellbeing-on-incarcerated-adolescents.pdf>

¹² The Royal Australasian College of Physicians. Health Care of Children in Care and Protection Services Position Statement [Internet]. 2023 Jun [cited 2024 Jan 12]. Available from: https://www.racp.edu.au/docs/default-source/advocacy-library/health-care-of-children-in-care-and-protection-services-australia-position-statement.pdf?sfvrsn=6325d21a_4

¹³ The Royal Australasian College of Physicians. The Health and Well-being of Incarcerated Adolescents [Internet]. 2011. Available from: <https://www.racp.edu.au/docs/default-source/advocacy-library/the-health-and-wellbeing-on-incarcerated-adolescents.pdf>

¹⁴ For detail see pages 5 and 7 of our submission to the Don Dale Royal Commission, The Royal Australasian College of Physicians. Submission to The Royal Commission into the Protection and Detention of Children in the Northern Territory [Internet]. 2016 Oct [cited 2024 Jan 12]. Available from: https://www.racp.edu.au/docs/default-source/advocacy-library/a-20161028_the-royal-australasian-college-of-physicians---submission_nt-royal-commission.pdf?sfvrsn=86f41a1a_6

¹⁵ The Royal Australasian College of Physicians. Media Release: Efforts to Close the Gap must include raising the age of criminal responsibility to 14 [Internet]. 2022 [cited 2024 Jan 12]. Available from: <https://www.racp.edu.au/news-and-events/media-releases/efforts-to-close-the-gap-must-include-raising-the-age-of-criminal-responsibility-to-14>

¹⁶ See The Royal Australasian College of Physicians. Indigenous Strategic Framework 2018-2028 [Internet]. 2018 [cited 2024 Feb 15]. Available from: <https://www.racp.edu.au/docs/default-source/default-document-library/indigenous-strategic-framework.pdf>, and The Royal Australasian College of Physicians. Medical Specialist Access Framework: A Guide to Equitable Access to Specialist Care for Aboriginal and Torres Strait Islander people [Internet]. 2018. Available from: https://www.racp.edu.au/docs/default-source/policy-and-adv/medical-specialist-access-framework/medical-specialist-access-framework.pdf?sfvrsn=25e00b1a_0