

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

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To the Queensland Youth Justice Select Committee

The issues that face the Youth Justice System, and those young people connected to it, are very complex and have been for many years. If I could ask for one change it would be to please raise the rate of criminal responsibility from 10 years to 14 years of age. The human brain does not mature until well after teenage years - some reports as late as mid twenties for the frontal lobe (the decision-making part of the brain). Even 14 is too low, but better than 12 or 10.

Jailing children is a waste of public money because it causes more harm and increases youth crime in the long term.

Early intervention is critical for children and families who may be suffering from trauma/ disfunction, to help children overcome disadvantage and keep them out of the youth justice system

Making children do a structured program is helping them take responsibility for their actions. It's not letting them off the hook. It's not about blame - it's about being responsible for their actions and giving them other tools and options to keep them away from a life of crime. Often, if a victim is able to do so, it can be very helpful for a young offender to meet a victim face to face, to see and understand the impact of their actions on others.

I worked as an Education Officer in a maximum security adult prison for some years. Despite the best intentions of many, including myself, there was little success in rehabilitation within the prison system. I was also the Dept of Corrective Services representation on the Qld Crime Prevention committee in the early 2000's. We were having the same discussions then as now. While it was recognised that early intervention with families would help the future lives of many children who lived with trauma and dysfunction, it always seemed too hard...it cost too much to provide meaningful support to families and children.

I understand this is a very political issue but it's time to completely change the pathway for some children in need. Yes some people will always need to be detained away from the community for the safety of others. This should be the very last resort.

It would also save a heap of money because detention is the most expensive and least effective option for decreasing crime. Early intervention and true meaningful rehabilitation programs would make QLD a safer society and would save taxpayers a lot of money

This week there are two inquiries into the deaths of two young Aboriginal men in custody. One in NT and one in Victoria. Both deaths were horrific and could have been avoided. The overrepresentation of First Nations people in prison is shocking and has become worse since the report of the Royal Commission into Black Deaths in Custody was presented to the government in 1991. The Queensland government must take real and serious action to stop the over incarceration of First Nations people and stop them dying needlessly.

If Not Now Then When?

If Not You Then Who

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20 October 2023

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CC. The Hon. The Premier Anastacia Palaszczuk : ThePremier@premiers.qld.gov.au
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The Hon. Mark Ryan: Minister for Police - police@ministerial.qld.gov.au

Dear Minister Farmer,

The Burleigh Labor branch would like to acknowledge that the introduction of the Human Rights Act by the Queensland Labor government in 2019 was a very positive step forward that we are very proud of.

However the members of the branch are extremely concerned that the Queensland Labor Government recently passed legislation to overrule the Queensland Human Rights Act, which has the effect of allowing children to be held in Police adult watch houses indefinitely. This is the second time since the Act's inception that the Palaszczuk Government has over-ridden its own legislation, the first time relating to youth bail laws, and, now, the most recent concerning provisions.

The law had previously required that a child detained in a watch house be taken to a youth detention centre "as soon as practicable" Our understanding is that this change allows police to transfer a child from one police watch house to another, or to a holding cell at a police station.

The law also allows the government to declare a police watch house or an adult jail as a "Youth Detention Centre" to permit incarceration of a child there. It sunsets on 31 August 2027, although the government can extend this for an additional 12 months.

Previous youth detention practices had the capacity to ruin children's lives – children we know who are more likely to have experienced trauma in their short lives. Statistics show that these practices impact particularly on Indigenous children. Despite less than 5% of Queensland's Population identifying as Indigenous, Indigenous children account for 62% of Queensland's youth detention population and they made up 84% of those placed in solitary confinement between July 2021 to June 2022. This is unfathomable. There will certainly be increased detrimental effects on children under these legislative changes.

Another serious concern Burleigh members have is that the incarceration of children, particularly those who suffer long periods of solitary confinement, means that they will not have

appropriate access to educational opportunities they are entitled to under the Human Rights Act 2019.

In addition the previous announcement to increase bail penalties for young offenders contradicts the research evidence and policy directions outlined in Queensland's *Youth Justice Strategy 2019-2023: Changing the Story*.

Specifically, the research shows that children and young people who enter the system are more likely to continue to commit offences and the Strategy made a commitment to keep children out of custody. This has predictably led to an increasing demand for places to house young offenders. Currently Queensland has the highest rates of Out of Home Care and the incarceration of young offenders of all Australian states. This is shameful for any government, and particularly a Labor Government.

The Queensland Labor Government has taken actions which are against the Labor Party's values. Indeed you said yourself four years ago:

"If we do not address the causes of offending and reoffending, then all we will be able to promise Queenslanders is that we will build more and more detention centres now and into the future and we will never break the cycle. This requires leadership." *State Parliamentary Estimates Hearings 2019*

You would be aware that the Queensland Family and Child Commission's report, *Changing the Sentence* concluded the youth justice system should focus on prevention and early intervention, specialised services for young people in the system committing most of the crime, and the young people should be viewed through a rights and well-being, rather than a criminal, lens.

Attorneys General of all states and territories (COAG) met in 2019 to consider raising the minimum age of criminal responsibility in Australian jurisdictions. They set up an Age of Criminal Responsibility Working Group to report on the issue that was tasked with providing a report with recommendations to the COAG in 2020. However, in July 2020, COAG indefinitely postponed their decision on the issue, and when the Council next met in March 2021, the minimum age of criminal responsibility was removed from the agenda. Our members can't help but feel this was driven by political expediency rather than justice outcomes. It is definitely not driven by the well being, support and rehabilitation of children in trouble or, for that matter, human rights.

We are seeking an update on the progress of the Youth Justice Strategy and action the Queensland government has taken in response to the Commission's report, particularly in the four focus areas:-

- intervene early
- keep children out of court
- keep children out of custody
- reduce re-offending.

Since the COAG removed the matter of increasing the age of criminal responsibility from their agenda in 2021 what action, if any, has the Queensland government taken to increase the Age of Criminal Responsibility from 11 - 14 years. And what is the forward plan for reducing youth incarceration, particularly of Indigenous children

Yours sincerely

Anne Carlin

President, Burleigh Labor Branch



Queensland Human Rights Act 2019

Section 26: Right to protection of families and children

“Protection of children

The Act recognises that children are entitled to special protection. It recognises that children are more vulnerable because of their age. ‘Child’ is not specifically defined in the Act, but is broadly understood to be someone under 18 years of age.

Children are entitled to all of the rights in the Human Rights Act 2019 (except in certain cases, for example the right to vote under section 23(2a)).

The right to protection of families and children means that the government should adopt special measures to protect children. It also means the best interests of the child should be taken into account in all actions affecting a child. What will be in each child’s ‘best interests’ will depend on their personal circumstances.”

Right to Education

Section 36: Right to Education

Every child has the right to have access to primary and secondary education appropriate to the child's needs.