

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

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**CAPE YORK  
INSTITUTE**

**Cape York Institute Submission to the Youth  
Justice Reform Select Committee**

**March 2024**

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## INTRODUCTION: A STRENGTHS BASED APPROACH

As a First Nations organisation and leading innovator of Indigenous-led solutions, CYI holds a unique perspective on youth justice and reform. Our recommendations are informed by a decades long mission of empowerment and development in Cape York. Cape York communities are amongst those in Australia suffering the most extreme and entrenched disadvantage in the country. For more than 15 years CYI has worked most earnestly with the people of Cape York, to build a reform agenda to disrupt the cycle, so Cape York *Bama* are able to have lives they have reason to value. To have choice. To do and 'to be'.<sup>1</sup>

We see there are pockets of extraordinary success.

When we look at young people from the most highly disadvantaged families in Cape York communities, we see some whose lives have transformed and who have broken the cycle.

**Even in remote communities the ever-widening gap can be very effectively closed in a young person's lifetime.** There is a positive deviation<sup>2</sup> among some Cape York young people away from the bleak trajectory predicted by the data and the dominant approaches. Through reform, this positive deviation can be supported and pockets of success expanded to include more and more young people.

Even best-case predictions of improved youth justice outcomes for our remote kids under Closing the Gap do not hope for parity this generation, the next generation, or the next. We cannot accept this is reasonable or inevitable. With 'best intentions', effort under Closing the Gap has continued to accumulate without progress. Inquiries, committees, and recommendations continue to have no impact. The status quo approaches of planning service delivery solutions from the top-down, and tweaking at the margins of consistently ineffective youth justice policy, have failed.

Doing more of the same will continue to condemn more and more of our children to a doomed cycle that propels them from school failure, into youth and then adult crime. We cannot continue to say to them, and to the victims of youth crime, that we may find the answers for these problems, perhaps in a generation, or two, or three. We can, and we must, do better.

That we see trajectory-defying clusters of successful young people from highly disadvantaged Cape York families and communities is highly significant—we must celebrate, codify, and diffuse this success. This is how we take a 'strengths based' approach—let's learn

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<sup>1</sup> Amartya Sen, 1999, *Development as Freedom* (Anchor Books).

<sup>2</sup> A focus on positive deviance in development identifies those doing something others are not doing but that is yielding results in addressing the problem in the context, where others are unable to succeed. See e.g. Richard Pascale, Jerry Sternin, & Monique Sternin, 2010, *The Power of Positive Deviants* (Harvard Business Review Press).

from those free of the life to which they would be condemned under current targets and dominant approaches.

Our recommendations draw from the reform successes we have seen, and from our determination to see all our children—**this generation**—supported to fulfil their potential. This is how communities and families who are being devastated by the youth crime crisis must be assisted.

## **BUILDING CAPABILITIES THROUGH OPPORTUNITY PLUS RESPONSIBILITY**

In Cape York, building on the wisdom of our past leaders, we have pursued a theory of change: **opportunity plus responsibility builds capability**. By focusing on opportunity plus responsibility we have seen the key capabilities needed to live a good life (e.g. education, health, employment capabilities) build. Moreover, through time we have seen these capabilities compound for some individuals and families, and this is when the gap truly closes.

For those under 21 years old, we have seen earning or learning is the key. Building education and work capability is vital. Opportunity plus responsibility will build these capabilities to address the youth justice crisis, and otherwise close the gap.<sup>3</sup>

- The gap, including in terms of youth crime, disappears for Indigenous people able to obtain a decent education. Education is a key that unlocks many other good things, including jobs, a real income, better health, and home ownership.
- Conversely, failed education too often continues to limit a person's choices throughout their life in the most devastating ways. Commonly, such young people are on a pathway to detention and later incarceration.
- Where young people disengage from school, entry level jobs are vital. We have seen real success when young people are supported to orbit to work opportunities away from their home communities.

### **To turn around the youth justice crisis in the shortest possible time:**

- **The most important and effective reforms are those that support opportunities plus responsibilities to build education and work capabilities for all those under 21.**

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<sup>3</sup> Don Weatherburn, leading criminologist and Director of the New South Wales Bureau of Crime Statistics and Research, in 2014 released *Arresting Incarceration: Pathways Out of Indigenous Imprisonment*. Weatherburn similarly concludes real improvements in the headline imprisonment rates will forever be elusive unless there is a clear focus on empowerment and development of 'human capital' so that over generations people have the means to lift themselves out of poverty.

## CAPE YORK REFORMS: POCKETS OF SUCCESS CLOSING THE GAP

Cape York reforms demonstrate the power of building education capability by supporting families and young people in our most disadvantaged places through responsibility and opportunity. These reforms support:

- parental responsibility, by saving money to support children's education
- crucial Year 12 completion opportunities
- foundational educational responsibilities and opportunities needed in primary and beforehand to underpin more of these Year 12 completion opportunities
- alternative pathways to the failing dominant approaches so more Cape York young people can attend good high schools in cities and regional centres that can provide an opportunity to break the cycle
- orbiting young people to essential entry-level job opportunities
- empowering local communities to respond to youth crime.

### **Reform supports parental responsibility: Poor families save for education**

Cape York innovation shows even the poorest families who rely on welfare will prioritise and save for the lifelong education of their children—from birth to graduation—when infrastructure is available to facilitate this key parental responsibility. It is a myth that Aboriginal and Torres Strait Islander families do not value the education of their children.

Student Education Trusts (SETs) have been progressively introduced across some Cape York communities so parents and carers can voluntarily lock away savings for a child's education in a trust account. Money can be withdrawn for education expenses, e.g. uniforms, books, camps, and boarding school costs (any unused funds can ultimately be put toward a house deposit). SETs were first introduced in Aurukun, Coen, Hope Vale and Mossman Gorge from 2008 under Cape York Welfare Reform. More recently, SETs have been made available to all users of the Pama Platform, an online financial management tool with lockable accounts developed by Cape York Institute to expand the reach of our capability building agenda.

Through SETs, parents take responsibility for their children's education and ensure children do not disengage due to lack of resources or the stigma of being too poor to afford things.

From across the small, highly disadvantaged communities involved, more than \$4M has been put aside by families in SET accounts for their children's education. In Coen alone—which is a leading Indigenous community in terms of education outcomes—where there are only about 100 residents, more than \$1M has been saved in SET accounts. Before Pama Platform broadened availability (so it is essentially available everywhere) half of the families

(48%) in the communities where SETs were available chose to support the education of their children in this way.<sup>4</sup>

Saving for education in (select) Cape York communities' Student Education Trusts



**To turn around the youth justice crisis in the shortest possible time:**

- **Reforms must build parental responsibility, including by providing infrastructure so families can lock away savings to support the lifelong education of their children.**

## **Reform supports vital opportunities: Year 12 completion**

Over 15 years, the lives of 450 Cape York young people have been transformed by the Cape York Leaders Program and scholarships which have supported Year 12 completions (with an ATAR or VET qualification) at some of Queensland's best boarding schools. This represents an extraordinary 94% success rate among students in the program who are from some of Australia's most disadvantaged places—the young people involved have positively deviated from the anticipated closing the gap trajectory for those born in remote communities.

In stark contrast to the 94% success of the Cape York Leaders Program:

- across Australia, only 47% of Indigenous students graduate Year 12 with an ATAR or VET
- in remote communities, such as those in Cape York, it is as low as 5%.

The opportunity of a high-quality secondary education would otherwise be out of reach for the families involved in the Cape York Leaders Program. The program helps to ensure students catch up and close the gap that exists for those coming from remote schools (this

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<sup>4</sup> In communities where SET has been available for longest, this percentage is far higher, showing the uptake of SET increases over time.

gap exists even for those arriving with a history of reasonable primary school attendance and achievement). The scholarship support program:

- assists with school and boarding fees, mentoring, and tutoring support
- combines parental responsibility, as parents make financial contributions.

By providing access to some of the best schools, we are placing Cape York kids in schools that expect their students to build on the advantages they have. Our kids attending these schools are able 'to ride on the coattails' of advantage. Because everyone is aspiring to complete Year 12, and to university or skilled vocations, the Indigenous kids from our communities are inspired to do the same.

#### Cape York Leaders Program Year 12 completions



**450**  
graduates in 15 years

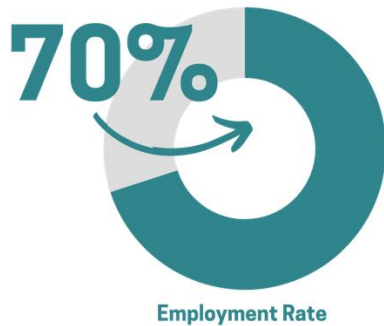
**94%**  
school  
completion



It costs to get our remote kids into good schools, but this is less than it costs to house them in youth and adult detention—and to pay for generations of children in out of home care. Instead, school leavers avoid being a cost altogether and become taxpayers. Outcomes for Cape York Leaders Program's Year 12 graduates confirm the broad range of closing the gap benefits flowing from Year 12 completion success. For example, these young people get jobs, remain healthier, settle in homes and earn more than their peers who missed out and will be expected to receive welfare. Program participants and school leavers quickly 'repay' money invested in supporting their education when they obtain jobs and pay taxes on their income.



## Cape York Leaders Program Graduate Employment and Earning



The Cape York Leaders Program currently supports approximately 150 Cape York students to access high-quality boarding school opportunities, but demand from eligible students exceeds the number of places available. This unmet demand means some of our kids are missing out and key opportunities to close the gap for this generation are simply left to go wanting. This is not good enough. Wherever a student has a reasonable level of attendance and achievement in primary school—meaning they are likely to have the foundational capabilities required to succeed in a good secondary school program (with extra support provided by the program)—it is unconscionable they cannot access the opportunity required for demonstrated success. Instead, they are often relegated to the dominant educational pathways for remote kids, despite these being proven failures.

### To turn around the youth justice crisis in the shortest possible time:

- **There should be a guarantee that the demand from all eligible Cape students who deserve the opportunity of good quality secondary education at boarding schools, will be met.**

**Successful Year 12 completion is a powerhouse for closing the gap, and such demand cannot be left to go wanting.**

## Reform supports educational foundations needed for Year 12 completion

We can accelerate Year 12 completions and closing the gap to keep kids out of crime, through providing the early foundations needed in primary school and even beforehand. We have seen the powerful impact of reforms in this area, including through:

1. early low cost, highly effective pre-Prep literacy interventions
2. improving primary school attendance and achievement.

### *Improving literacy*

Literacy is fundamental to crime prevention and breaking the cycle.

*Show me an Indigenous child in detention and I'll show you a child not taught to read.  
Let's learn the lesson of the importance of effective instruction and literacy for  
disadvantaged young people.*

**Noel Pearson**

Firstly, we must ensure our kids can begin school at the starting line, rather than already behind.<sup>5</sup> It is devastating that so many of our children miss out on proven effective early educational interventions.<sup>6</sup>

Too many of our kids miss out on the limited number of kindy places available in remote communities—meaning their early childhood education cannot be enhanced. In Hope Vale for example, there are only about 25 kindy places, and up to 20 children each year miss out. These are exactly the kids who need some support to ensure they do not commence Prep already behind the starting line.

There are evidence-based literacy interventions that are not costly and that are well proven to be highly effective. These must be provided both in kindy and more importantly to those who miss out on a place at kindy in all highly disadvantaged communities. For a brief period in Aurukun, prior to 2016, such an evidence-based pre-Prep literacy program was provided. When it was involved at Aurukun, the Cape York Academy provided a pre-Prep literacy program so students, who often begin their education as non-English speakers, were better prepared to start formal schooling. This included a 20 minute Direct Instruction program component, providing a highly systematic and explicit evidence-based language intervention. **See Textbox on Aurukun's highly successful pre-Prep literacy intervention which outlines the results.**

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<sup>5</sup> Currently evidence shows children in our most disadvantaged places in Australia begin school behind, and become further and further behind with every year of schooling. See e.g. [Grattan Institute](#) on widening gaps.

<sup>6</sup> This is despite the well-known challenge of overcoming extreme and entrenched disadvantage, including educational disadvantage afflicting our children in remote communities. This is an area in which there is clear and compelling 'what works' evidence about effective instruction and highly-effective educational interventions, which is yet to be in any way rigorously applied.

### Aurukun's 2015 pre-Prep literacy intervention

Aurukun's pre-Prep program operated for 3.5hrs each morning, 5 days a week. The program was designed to include rotations of outdoor play, health transitions (teeth brushing, nose blowing, hand washing), indoor activities.

Importantly, rotations also included 20mins of a gold standard Direct Instruction oral language program designed to teach young children (pre-kindergarten) basic vocabulary, concepts and sentence forms used in typical classroom instruction.

Students completed the DISTAR language program, and after mastering 30 lessons they progress to the *Sigs K Language Program* that was then taught in Prep, giving students a head start on the language skills necessary to begin reading from their first day of Prep.

The results were very significant and completely trajectory-defying.

In Aurukun, the Australian Early Development Census (AEDC) has consistently showed that students in their first year of schooling were developmentally at risk or vulnerable at far higher rates than the rest of the country, with school readiness generally poor. Further testing conducted by Cape York Academy at Aurukun has shown how far children ordinarily commence behind the starting line, with as little as 4% of Prep students on track to read independently by Year 2 under the dominant approach.

The Aurukun School saw a dramatic shift when children had the opportunity to participate in the pre-Prep program.

- In 2015, 5 of 23 students attended pre-Prep 3-5 days a week and completed the program. These students were able to start reading on their first day of Prep. This was the first time this had occurred in Aurukun and was also a first across the Cape York Academy's other campuses (including Coen and Hope Vale where no pre-Prep literacy interventions were available).
- By Week 5 Term 1 of 2016, all Prep students across the Academy were able to start Direct Instruction's *Reading2* which was far earlier in the year than had ever occurred before, showing gains were also made for the 17 students who attend the pre-Prep program less frequently.
- In 2016, 85% of Aurukun's Prep students were on track to read independently by Year 2.

**Such proven highly effective pre-Prep literacy interventions can cost as little as \$200 per child per year.** An amount of investment that is dwarfed by the vast sums of money spent each year detaining young people from Queensland's most disadvantaged families. Families

for whom the education system has failed to provide a decent education, putting them on an all too familiar trajectory to youth crime.

Other ideas that could further build on the reform success we have seen, and reinforce a focus on literacy outcomes to improve youth justice outcomes, include:

### **1. Coronial reporting on educational history and literacy status in all youth deaths**

Given highly disadvantaged young people are more likely to die in manner that results in coronial inquiry, every coronial inquest into the death of youth should be required to report on the educational history of the deceased young person, and in particular their literacy status.

### **2. A literacy guarantee for all students attending state schools**

The Queensland Government should offer a literacy guarantee for all students attending state schools. The guarantee would set out clear milestones for literacy acquisition and specify the support that will be provided to ensure every student has the opportunity to meet those milestones.

#### *Improving primary school attendance and achievement*

School attendance at primary schools in Queensland's remote Indigenous communities remains disgraceful. The State must renew its focus on closing this devastating gap if our children are to be supported to achieve their potential.

Full attendance must be the expectation and communities must be empowered, incentivised, and held to account to drive up attendance. A child not at school cannot learn. A child not at school has their chances and choices in life unacceptably cruelled and constrained from the beginning. A child not at school in our communities, is likely on the path to youth crime.

Reforms in Cape York to empower local Cape York community leadership to drive up attendance have had some substantial success, but this success has not been supported, grown and built upon as required. For example, the Family Responsibilities Commission (FRC) which was introduced in four Cape York Welfare Reform communities from 2008 showed that empowering local Indigenous people to take action can produce exceptional results. Under Queensland's *Family Responsibilities Commission Act 2008 (Qld)* powers of the State are shared with local Commissioners who can conference, and case manage parents and families. If needed and appropriate, Commissioners can impose income management including in response to poor school attendance.

- The early years of the FRC saw school attendance in Aurukun rise to more than 70%, the highest in its recorded history (it has now receded back down to dismal levels, with the latest available data showing attendance of 35% in Term 3 2023). In an [independent evaluation, linked data analysis](#) of individuals and their children, showed that FRC

conferencing subsequently improved the school attendance of the children of the families conferenced.

- FRC communities of Coen, Hope Vale and Mossman Gorge continue to remain leading performers on the poorly performing 'leader board' of remote Indigenous school attendance.

Since the FRC innovation, the State has been missing-in-action in terms of responding to chronic non-attendance of primary school children, which is a key driver of youth crime. We do not see any action taken by either the Education Department or Child Safety when children suffer chronic non-attendance, despite the highly negative lifelong impact this is likely to have on these children. We are not aware of a single family where the best interests of the child have been supported by action being taken to the fullest extent possible, to ensure improved school attendance. The lack of any effective use of the prosecution mechanism is a case in point.

A person may be prosecuted and fined by the State if they do not fulfil their legal obligations regarding enrolment and attendance of their child at school. In Queensland such prosecutions are rarely, if ever, pursued. We understand there is great reluctance to prosecute parents in such highly disadvantaged families and we agree prosecution should be an option of last resort. However, we also understand the prosecution process is necessary and can be used as an effective tool to back up other efforts for the sake of preserving children's futures and life chances. The lack of consequences for parents in even the most extreme cases of chronic non-attendance or non-enrolment, is an ongoing concern for the future of Indigenous children in remote communities.

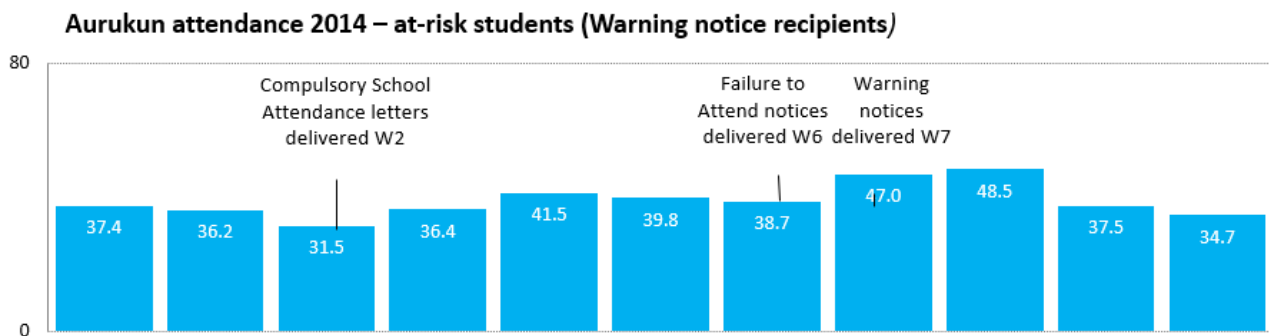
Requiring people to take responsibility, to comply with basic social norms, is vital for breaking the cycle of disadvantage for children. Thinking through 'If I do X, Y will happen,' is an important part of the process that leads to making better choices. We need elements of contingency to change behaviour. It can't just be opportunities only.

Under the *Education (General Provisions) Act 2006* (Qld) an extensive process must be followed to prosecute a parent for their child's non-attendance of school. The prosecution process where parents fail to support the most basic and necessary education of their child through attendance is laid out in guidelines published by the Director-General of the Department of Education. An authorised officer must:

- record unexplained absences
- make reasonable attempts to contact parents to investigate any reasonable excuses
- offer support to families and record all relevant conversations and meetings with parents
- consider an exemption or the appropriateness of a flexible arrangement
- after two weeks the issue a form 4 failure to attend notice
- issue a warning notice, form 5, if there are no changes
- then seek the Director General's consent to prosecute.

We see no effective use of this process, which is failing our children in remote communities. We have seen firsthand it does have some potential to be used effectively to change behaviour and support children.

Through our own reform efforts in Cape York, attempts were made to utilise the prosecution process. In 2014, when the Cape York Academy was running the school at Aurukun, the school initiated the process as required under Queensland law. Initial letters sent, form 4 failure to attend notices were delivered, and then form 5 warning notices were provided as follow up. The figure below shows that increased school attendance did result



However, there were several problems encountered:

1. There was no follow through with any prosecutions, so parents quickly came to understand the process was meaningless.
2. Case Managers, who were employed by the school and had been working with the families to provide support to improve attendance, were relied on to deliver letters and notices. This undermined the Case Managers' relationships with parents, and we recommend in the future this 'compliance' or consequence function should be separated from those who are seeking to provide on the ground support who must be trusted by parents and families.

The State will continue to fail Indigenous children from remote communities, and the victims of the ongoing and escalating youth justice crisis, for as long as it does not reinvigorate school attendance reforms.

We recommend:

- 1. The appointment of a School Attendance Commissioner to report chronic school absences to the parliament**, deidentified, on a school-by-school basis every 6 months. The School Attendance Commissioner could also be responsible for providing advice to the Education Department about school's adherence of schools to absentee policies and advice/recommend or direct the prosecution of parents for cases of sustained non-compliance.

This proposal would ensure schools are focused on doing everything possible to devise and implement novel solutions for their local communities to support improved attendance.

**2. Alternatively, in FRC communities the FRC Commissioner should be empowered to exercise the same powers as suggested for the School Attendance Commissioner.**

If there is no willingness to establish a School Attendance Commissioner for the benefit of all disadvantaged children in the State, the existing 'infrastructure' and authority of the FRC Commissioner should be supported to perform this function for the FRC communities. For example, the FRC Commissioner could advise the Director-General of Education when parents are failing to engage with the FRC's conferencing and decision making, referral, and case management and monitoring processes, to recommend as a matter of last resort that the prosecution process be initiated.

**To turn around the youth justice crisis in the shortest possible time:**

- **There must be a focus on lifting literacy, including through early intervention, and a renewed focus on lifting primary school attendance and achievement. This should include:**
  - **Low-cost, evidence-based literacy interventions, that are well proven to be highly effective both in kindy and for all those children who miss out on a kindy place in highly disadvantaged communities.**
  - **Coronial reporting on educational history and literacy status in all youth deaths.**
  - **A literacy guarantee for all students attending state schools.**
  - **The appointment of a School Attendance Commissioner to report chronic school absences to the parliament, or alternatively, in FRC communities the FRC Commissioner should be empowered to exercise the same powers as suggested for the School Attendance Commissioner.**

**Reform supports alternative pathways so more Cape York young people can attend good secondary schools in cities and regional centres**

Through reform we have seen education and work capability grow as school retention to Year 12 grows—as university enrolment and graduation increase, and these students attain jobs and incomes, they begin to approach parity. However, we estimate annually only around 200 Cape York students have the opportunity to attend high-quality secondary boarding schools away from home on the Cape York Leaders Program or other boarding school programs. To break the cycle of poverty and disadvantage, better opportunities are also required for more than 700 other secondary-aged young people who are not supported

to be away at boarding school and who do not have this trajectory-defying opportunity to close the gap. The pocket of success represented by the Cape York Leaders Program is in sharp contrast to the lack of results being achieved via dominant secondary education pathways of: 1. Regional high schools and 2. In-community 'high-tops' secondary provision.

(It is acknowledged that there are some other options in addition to these two dominant approaches, such as AFL House (Girls and Boys), Djarragun College, and the Girl Academy, and these do provide better alternatives for those kids who are unlikely to be able to succeed at an elite boarding school). However, these alternatives are not available on the scale that is required.)

### **1. Regional high schools**

There are three regional secondary schools in Cape York: Weipa, Cooktown and Bamaga. All are failing. Our regional high schools fail to provide good educational results. Under-achievement is accepted and expected—meaning our students attending regional high school cannot access the good education opportunity they need and deserve to break out of disadvantage.

While hundreds of young people from Cape York have been able to break out of disadvantage because they were afforded and uplifted by the opportunity to attend schools outside the region where advantaged kids succeed—this is not the case for students who cannot leave the region and who attend our regional high schools.

### **2. In-community 'high-tops'**

Some Cape York communities provide a 'high tops' secondary schooling option. However, it is simply impossible to provide real secondary education at such a small scale. Unlike primary, secondary education needs scale.

'High-tops' secondary provision provides no real high school education, reinforces low expectations, and delivers no outcomes. 'High tops' are a pretence at secondary school provisioning. As has been the case for decades—attendance and achievement via this option is woeful. Attendance in Term 3 last year at Aurukun's 'high-top' facility was 21%, and there were 87 kids of high school age in the community. These 'high top' facilities are a cruel deception. They are pretend facilities: the department pretends to provide a high school education while the community pretends to send their kids to them.



**To turn around the youth justice crisis in the shortest possible time:**

- **Alternative pathways are needed to bypass the dominant failing ones and support more Cape York young people to attend good secondary schools in cities and regional centres.**
  - **For example, ‘Home Away From Home’ options could provide family stay opportunities as an alternative model to boarding school.**

## **Reform supports orbiting to essential entry-level job opportunities**

Dominant education pathways continue to overwhelmingly fail 700+ secondary-aged kids in Cape York, who disengage in very large numbers, and who do not achieve a decent education. Responding to those who have disengaged is a difficult area, where action is most urgently required to respond to the acute youth justice crisis impacting too many families and communities.

It must be understood that in remote communities the usual entry points into the world of work do not exist. There are no fast food or retail chain jobs. There are no mums and dads, or family friends who can give a Cape York kid their first break in a workplace. In such circumstances, disengagement from school is a pathway to long-term unemployment, welfare dependence, and worse.

It is a nonsense to suggest that Cape York kids should not be encouraged to orbit away from their home communities, just as every other young Australian is encouraged to do. Regardless of where they travel, their home will always remain a place of special connection, and there is no risk they will lose their culture and connection through travel, just as there is no risk of other young Australians losing their culture and connection when they venture to London or elsewhere for work.

*Our vision in Cape York Peninsula is that our children be able to ‘orbit’ between two worlds and have the best of both. It is the ultimate purpose of our reform agenda that our younger generations achieve their full potential, realise their talents and creativity, and have the confidence and capacity for hard work to enjoy the best of both worlds.*

**Noel Pearson**

The downward spiral that begins with school failure need not be a life sentence. However, in Cape York we have seen lives transformed even for this most difficult cohort through orbiting them to entry-level work opportunities and supporting them to succeed. See **Textbox on orbiting young people into entry level work opportunities and supporting them to succeed.**

### Orbiting young people into entry level work

From the Bush has supported >50 young people across northern Australia, including those involved in juvenile crime, to orbit to fruit picking and meatworks jobs since the mid-2000s. Young people are supported to succeed as workers, including by 'house parents' who provide supervision at work and in the residences in which the young people stay. The young people benefit from:

- leaving home
- experiencing new residential and workplace relationships and norms
- the structure of a full-time job and being surrounded by peers working hard
- joining the workforce, learning new skills, getting off welfare, earning and saving money.

They contribute to regional economies in areas where there are labour shortages, and they bring new skills, attitudes, and resources (e.g. by saving for a car) back home.



### To turn around the youth justice crisis in the shortest possible time:

- Reforms must respond to the large numbers of young people disengaged from school, who have no access to job opportunities in their remote communities.

These young people must be supported to orbit to entry-level job opportunities away from home, such as fruit picking or shelf stacking.

## **Reform supports empowering local communities to respond to youth crime**

Effective State law-and-order services are only one part of the response required. In the absence of other necessary community-led solutions to build responsibility and opportunity, relying on law-and-order solutions will only continue to worsen youth justice outcomes.

The Family Responsibilities Commission (FRC) continues to operate in Aurukun, Coen, Doomadgee, Hope Vale and Mossman Gorge. It is Queensland's best example of the kind of shared decision-making governments have committed to under Closing the Gap—power has been shared with local Indigenous people so they can act, make decisions and support individuals and families in their own communities, to improve outcomes for children. The FRC provides a community-led responsibilities agenda—communities involved have opted into a higher standard to allow early community-based intervention by the FRC, enabling Local Commissioners to act where community members are not meeting their basic responsibilities, where otherwise no such community-led action would or could be taken.

Evidence of individual and family outcomes for FRC clients shows the FRC's success in building personal and family responsibility. There is huge unrealised potential for the FRC to play a key role in addressing the youth crime crisis.

Indeed, after repeated community calls for expansion of the FRC's jurisdiction, including to enable FRC Local Commissioners to act on youth crime, in 2014 amendments to the *FRC Act* introduced a new trigger in s. 43 for Children's Court convictions (the youth justice trigger).

### **Strong and ongoing demand for FRC's youth justice trigger**

**Community demands for the FRC's youth justice trigger have been repeatedly communicated and documented, including in a series of annual community consultations led by the Queensland Government, and reported to the Cabinet in the lead up to the introduction of the youth justice trigger in 2014. More recently the Alliance of the Gugu Yimithirr People provided a resolution again seeking the youth justice trigger be activated.**

**Community demand for the FRC's youth justice trigger reflects the widespread view that:**

- 1. The FRC's model of local authority and self-determination can enable local communities to better respond locally to youth crime.**
- 2. Community-led and community-based action is vital given the chaos and devastation caused by the ongoing youth crime crisis, and the fact there are no signs the 'business-as-usual' government-led approaches can break the cycle and prevent very high levels of reoffending.**

The youth justice trigger is intended to allow community-led and community-based action when a young person is convicted of an offence by the Children's Court—so FRC Local Commissioners can conference and make decisions in relation to such youth justice matters.

The youth justice trigger is intended to facilitate greater parental/carer responsibility and support for a young person's offending, and also better responsibility and support for the child, as the FRC can mandate supports to assist the family and divert the child from a future of court interactions and juvenile detention. The youth justice trigger:

- operates in conjunction with the FRC's ability under s. 47 and s. 49 of the *FRC Act* to exercise its powers with respect to 'relevant persons', meaning the FRC can ensure parents or carers are conferenced and supported in response to a youth justice notice
- allows income management orders, mandatory referrals and/or case plans to be made for parents where appropriate.

Since the introduction of the youth justice trigger in 2014 it has been the intention of the FRC partners (including the Queensland Government who enacted the amendment and have made no move to repeal it), that the FRC be actively engaged in responding to youth crime.

Unfortunately, however, these intentions have not been realised. The Queensland Government has been unable to operationalise the youth justice trigger. The FRC has received no youth justice notices to enable FRC Commissioners to conference and make decisions in relation to youth justice offending, since 30 June 2016. The precise details of the administrative/bureaucratic roadblock continue to remain unclear. CYI understands it may be due to issues of statutory interpretation arising after amendments were made in 2016 to the *Youth Justice Act 1992* (Qld) affecting the general prohibition on publication of identifying information about a child in s. 301 of that Act. These amendments were not specifically related to the FRC. The FRC, CYI and the communities involved were not consulted when the amendments were made and have not been consulted subsequently to resolve the issue. It should be noted that the FRC is not subject to the usual privacy and information sharing concerns, as all the necessary legal and procedural safeguards are in place, and it continues to receive child safety and other notices.

Administrative or legislative changes must be made as required so that the longstanding intentions and desires of the communities involved can be realised by operationalising the youth justice trigger. The FRC has repeatedly highlighted this issue, including in their Annual Reports and to the Parliamentary Committee that provides oversight of the *FRC Act*. It is extraordinary that given the serious youth crime crisis afoot, and the willingness and desire of communities to step up and take responsibility for more effective responses and action, the Queensland Government has not acted to enable this locally led response in some of the state's most disadvantaged places.

**To turn around the youth justice crisis in the shortest possible time:**

- **Communities must be supported to take greater responsibility, so they play an active role in changing outcomes at the local level for their most disadvantaged young people. This should include urgent action being taking to:**
  - **Make any clarifying legislative amendment needed, or take any other administrative action required, to operationalise the FRC's youth justice trigger as desired by FRC communities, and as intended by the Queensland Government and FRB partners since 2014.**

## **FURTHER REFORM NEEDED TO ACCELERATE SUCCESS**

To respond to the youth justice crisis and the 700+ secondary-aged young people across Cape York communities for whom there is no serious or likely pathway to close the gap, and who will be grossly disproportionately represented in Queensland's ongoing youth crime statistics, reform effort must simultaneously:

- 1. Reduce the size of this cohort over time. This can be done by providing the necessary foundations to further accelerate the Year 12 completion success, including through pre-Prep literacy interventions, and a renewed focus on lifting primary school attendance and achievement.**
- 2. Respond to the 700+ secondary-aged young people across Cape York communities for whom there is no pathway available that can provide them with any reasonable prospect of closing the gap. This must be done by expanding the pathways through which these young people can be supported to succeed at good schools, and by orbiting them to entry level work opportunities.**

In truth, neither government or the community knows what to do to halt, and then reverse the escalating trajectory of youth crime. Overcoming entrenched disadvantage of the kind that is driving this problem is a complex, context specific task. It must be tackled in place, as change must occur on the ground, in local communities and in the homes of our most troubled families. Top-down strategies and plans devised in Brisbane will continue to fail.

Those with power, must engage those without in local and regional communities. Together government and Indigenous people must try novel context specific solutions and learn by doing, in partnership. This is the way to better outcomes. A great place to start for remote communities is to focus on the positive deviation away from expected Closing the Gap trajectories which is occurring through reform efforts. Let's identify, celebrate, codify, and diffuse this success.