

Inquiry into Youth Justice Reform in Queensland

A submission to the Queensland Government - Youth Justice Reform Select Committee

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yourtown is a trusted provider of services for young people, with a focus on mental health and wellbeing, parenting and early childhood development, long-term unemployment, prevention of youth suicide, child protection, and support for those experiencing domestic and family violence. **yourtown** has evolved to helping hundreds of thousands of young people each year through a range of service offerings, supporting them through many difficult challenges.

Our services

- Employment, education, and social enterprise programs to help long term unemployed young people re-engage with education and/or employment
- Domestic and family violence refuge, accommodation, and therapeutic supports for women and their children, including post-refuge support
- Accommodation and therapeutic supports for young parents and their children at high risk
- Parentline, a telephone and online counselling and support service for parents and carers in the Northern Territory and Queensland
- Expressive Therapy interventions for young children and infants who have experienced trauma and abuse, or been exposed to violence
- Young Parents Program providing parenting support to help with child development, life skills and health and wellbeing activities in safe, supportive environments.
- Kids Helpline, providing professional counselling and support to 5–25-year-olds across Australia since 1991
- Kids Helpline @ School and Kids Helpline @ High School, which delivers early intervention and prevention programs through primary and secondary schools
- My Circle, a confidential, private, online peer support network for 13–25-year-olds to share information and build coping skills, and
- Mental health service/s for children aged 0-11 years old and their families, with moderate mental health needs.

Kids Helpline

yourtown's Kids Helpline is Australia's only free and confidential 24/7 phone and online counselling service for any young person aged 5 to 25. It offers children and young people a range of care options that are right for their needs and circumstances. Our commitment to being there anytime, and for any reason, has meant that we have responded to more than 8.8 million contacts from children and young people nationally in the 32 years since our service was first established, whilst also providing tens of millions of self-help interactions via our website and social channels. In 2022, our Kids Helpline counsellors responded to nearly 145,000 contacts from children and young people across Australia, including 5,026 crisis responses for children and young people at imminent risk of harm.

Family and Domestic Violence Refuge and Transitional Housing

yourtown's refuge offers supported accommodation for up to 12 weeks. A specialised team provides women and children with a safe and welcoming environment and creates opportunities for mothers to rebuild self-concept and experience control and empowerment over their lives. The wrap-around care also includes linking with transitional housing and community outreach programs for women and children exiting refuges. Transitional housing is a vital steppingstone for women and children moving towards long term, safe and sustainable independent living in the community. **yourtown**'s transitional housing offers a safe and supportive environment for 6 – 12 months, with support for legal and financial matters, accessing pre-employment support, and helping children into school. In 2022-23, we supported 73 mothers and their young children in our refuge and 14 families in our transitional housing.

Children and Families

yourtown provides accommodation and intensive individualised support to vulnerable young parents and their children through our San Miguel service. For over 40 years, San Miguel has provided a place to call home for vulnerable and at-risk families. In 2022-23, San Miguel supported 35 parents and 38 infants and young children.



Early Childhood Development Programs

We support vulnerable pre-school aged children to make a successful transition to school by using prevention and early intervention approaches to create health families and strong, child-friendly communities. This includes working with parents to better understand their child's barriers to reaching social development milestones, how to help them thrive at school, collaborative case management and support, and in-home help. In 2022-23, we supported 179 families in Queensland and Tasmania.

Employment Services

For over 20 years **yourtown** has been delivering specialist youth employment services. Our employment services programs, including Transition to Work, Skilling Queenslander for Work, Get Back in the Game, and ParentsNext, provide young people with training to expand their options and help them find sustainable employment. Over the last seven years we have secured more than 37,000 job placements for young people. During 2022-23 there were more than 4,000 commencements in our employment services in Queensland, New South Wales, and South Australia.

Social Enterprises

yourtown has worked with young people and employers to break down barriers to sustainable employment for more than 20 years. As a leader in work-based enterprises we provide young people at risk of long-term unemployment paid jobs in the following areas: construction, landscaping, and asset maintenance to help their transition to open employment. In 2022-23, 201 young people were employed in our social enterprises across Queensland, New South Wales, South Australia, and Tasmania, with 90% transitioning into longer term employment in the open labour market or progressing into education.

ParentsNext

We provide specialised support for parents with children under six years of age, to plan and prepare for their future employment in regional South Australia, from Port Pirie. Our primary goal for ParentsNext is to empower parents to embrace life changes, improve their skills and self-confidence, and achieve their education and employment goals. More than 1,200 young parents have participated in our ParentsNext program since it commenced in July 2018.

Parentline

Parentline offers free confidential phone and webchat counselling and support for parents and carers of children in Queensland and the Northern Territory. It offers a safety net for families by providing support when it is most needed. This includes after hours and weekends, where families feel isolated and where local services are unavailable. In 2022-23, parents and carers in Queensland and the Northern Territory attempted to contact Parentline over 12,000 times.



yourtown welcomes the opportunity to respond to the Queensland Youth Justice Reform Select Committee on Youth Justice Reform Inquiry (the Inquiry). We strongly support the Inquiry's goals to examine ongoing reforms to the youth justice system and support for victims of crime.

For over 60 years, **yourtown** has been supporting children and young people in Queensland. We support children, young people and families with mental health and wellbeing, parenting and early childhood development, long-term unemployment, prevention of youth suicide, child protection, and support for those experiencing domestic and family violence. Given our extensive experience on supporting children and young people with high exposure to social drivers behind youth offending, we are well-positioned to provide feedback to the inquiry.

Listen to, and implement our ideas

The current system isn't working, and must change. To achieve such change, it is critical that the Queensland Government listen to what young people and the sector having been saying for many years as to what is wrong, and what could work.

The sector and young people themselves have provided extensive feedback over an extended period, and it is time for the Queensland Government to act on the opportunities and priorities proposed within the youth justice system.

The voices of Aboriginal and Torres Strait Islander communities *must* be listened to and lead the change if we are ever to address the shameful over representation of their young people within the youth justice system. Without their full voice and empowered leadership, we will never develop a culturally safe youth justice system, nor end the systemic injustice.

The Queensland Government must shift the paradigm that underpins the youth justice system away from a punitive approach to a rights-based approach. Without a child rights-based approach underpinning the youth justice system it will be near impossible to achieve lasting change or significant improvement in the outcomes for children, young people, and the system.

To deliver an effective long-term solution to reducing youth offending and keeping the community safe, the system must:

- Ensure children have both recognition of, and access to their rights, in particular the right to participate, be heard and taken seriously (in legislation and in practice)
- Listen to and facilitate self-determination and leadership from Aboriginal and Torres Strait Islander communities to ensure culturally safe solutions
- Shift from a punitive crisis driven model towards a therapeutic, trauma informed, support-based model of early intervention and prevention, that addresses the root causes and social drivers of youth offending through:
 - a whole of government response encompassing youth justice, police, education, child safety, mental health, health, housing, children and families, disability services, employment and training, Aboriginal and Torres Strait Islander partnerships, and culturally diverse communities, and
 - appropriately funded, timely, holistic, community-based support
- Provide tailored support to meet individual needs. Children and young people at risk of offending are not a homogenous group and require individualised supports appropriate to their needs and the communities that they are from.
- Children and young people from all backgrounds should participate in policy decision-making that affects them, and in the development of supports and systems so services and programs are informed by their experiences and circumstances, and
- Raise the age of criminal responsibility to 14 years at a minimum.



Prioritise, recognise and provide access to young people's rights

The system should be designed to uphold, recognise, and ensure a child can access their rights. This includes amongst other rights: rights to their best interests being upheld; to nondiscrimination; to life, survival, and development; and the right to participate, be heard and taken seriously. All of these are fundamental to a child rights approach to youth justice.

However, in practice, these rights are often limited both in terms of recognition and access. Generic approaches within youth justice do not consider what is in the 'best interests' of an individual child but squeeze each child into a 'one size fits all' type mould. Further, children are often excluded from participating in decisions about them or being heard and taken seriously. This occurs not only in the early intervention stage, but also throughout a youth justice pathway from contact with police through to sentencing and/or incarceration.

To ensure a child rights approach, child rights should be legislated within the youth justice laws; but also required as part of best practice in facilitating access to their rights, particularly when in contact with the youth justice system.

Include young people in reviewing and co-designing the system

Listening to and letting the voices of young people inform the system's design, is central to a rights-based approach.

The voices of young people at risk of engaging in or exhibiting offending behaviour are generally not heard when supports and systems are designed. It is usually the experts who are consulted, but not the 'potential users' of the system. Young people at risk of offending are more likely to be the target of negative press and stigma, than have their voices and stories heard, or to be engaged in co-design processes. The current system works for some, but not for others, and many who come into contact with the system find it highly traumatising. There needs to genuine listening to young people about their experiences and learnings, and what would work, what wouldn't work, what would trigger them, or scare them, and most importantly, what would help them.

We need to think differently about how to address the complex problems of youth crime and change the trajectory of young people engaging in offending or risky behaviour. **yourtown** strongly recommends the Government use human-centred design¹ and undertake co-design² approaches to reform the youth justice system, working with young people at risk, or in contact with the criminal justice system.

Aboriginal and/or Torres Strait Islander led solutions

It is of ongoing concern that Queensland continues to have such significant overrepresentation of Aboriginal and Torres Strait Islander youth in contact with the youth justice system.³

Aboriginal and Torres Strait Islander people should lead the design, and development of a reformed youth justice system. The Queensland Government should be accountable particularly to these communities for implementation of policy, legislation, and early intervention and community programs regarding youth offending, as well as models for incarceration,⁴ The voices of our Aboriginal and Torres Strait Islander young people and communities are essential to ensure our youth justice system finally addresses the systemic injustice of their overrepresentation. Their leadership in guiding a reformed system focused on

¹ A problem-solving technique that places real people at the centre of the development process, enabling the creation of products and/or services that resonate and are tailored to the audience's need

²Design process that is participatory, in which community members are equal collaborators

³ In 2021-22 Aboriginal and Torres Strait Islander young people aged 10-17 were 21 times as likely as non-Indigenous people to be under supervision; and 23 times more likely to be in detention. Youth justice in Australia 2021-22, Queensland - Australian Institute of Health and Welfare (aihw.gov.au)

⁴ Youth Justice Reforms Review Final Report (2022). Youth Justice Reforms Review (dcssds.gld.gov.au)



early intervention with incarceration as a last resort, is essential if we are ever going to build a better service system (beyond that of just youth justice) that is culturally safe and responsive for young Aboriginal and Torres Strait Islanders.

Community controlled organisations should also be funded through long term contracts to deliver early intervention supports, and funded to evaluate their programs to contribute to research and knowledge of what works for their communities. It is well known that supports delivered by Aboriginal and Torres Strait Islander communities have greater success in preventing and responding to offending among Aboriginal and Torres Strait Island young people.⁵ Community-led interventions can overcome the significant barrier of lack of trust that Aboriginal and Torres Strait Islander young people experience when interacting with government or mainstream services and agencies.

yourtown strongly supports increased funding for proven, strengths-based solutions led by Aboriginal and Torres Strait Islander communities that address the underlying social and economic issues and intergenerational trauma impacting our Indigenous young people. This is essential if Queensland is to successfully address the overrepresentation of Aboriginal and/or Torres Strait Islander young people in contact with the criminal justice system. A highly successful example of an Aboriginal and Torres Strait Islander led initiative is the Murri Court. It is effective because it instils community ownership,⁶ and taps into the respect and influence of local Elders within their community to mediate positive and sustainable legal responses. The therapeutic model is also more in keeping with Aboriginal and/or Torres Strait Islander values and understanding. Other key components contributing to its success include: comprehensive assessment of young person's circumstances which is made available to court; including the young person's family, Elders and other influential people as part of the sentencing process; and linking the young person to appropriate support services based on their assessment and offence as managed by a Murri Court coordinator.⁷ Currently there are only 15 locations for Murri Courts in Queensland, and yet 131 locations that Magistrates Courts can hear cases throughout Queensland. There should be increased investment to extend the availability of Murri Courts on a more equitable basis throughout Queensland.

Early Intervention and Prevention

The only way to change the trajectory of young people at risk of contact with the youth justice system, is by ensuring that the right support is provided to them, at the right time. Most importantly, the 'best time' is long before potential contact with police or the youth justice system.

Incarceration should only ever be an absolute last resort. The Queensland Government acknowledges the literature that shows that detention 'is not an effective option other than to protect the community from offenders who pose a serious risk to community safety'.⁸ However, the current youth justice system appears designed to punish rather than protect some of our most vulnerable community members, namely children as young as 10 years old. It appears that the current response of the Government is incarceration (hence the need to keep building more detention centres and watch houses) rather than investing that money in early intervention programs. This is not keeping our communities safe and only serves to

⁵ Pooley K. (2020). What are the characteristics of effective youth offender programs? Trends and issues in crime and criminal justice, 604. Canberra: Australian Institute of Criminology

Ipsos Aboriginal and Torres Strait Islander Research Unit, Brisbane Public Affairs Unit, Guerzoni, M., & Martin, K. (2019). Evaluation of Murri Court: Prepared for the Queensland Department of Justice and Attorney-General. <u>Evaluation of Murri Courts.ald.gov.au</u>

⁷ Morgan, A., & Louis, E. (2010). Evaluation of the Queensland Murri Court: Final Report. AIC Reports: Technical and Background Paper 39 Evaluation of the Queensland Murri Court: Final report (aic.gov.au)



diminish public confidence in the system even further.^{9,10} This is even though early intervention is proven to be far more cost-efficient in achieving outcomes, and far cheaper than building youth detention centres or watchhouses, and finding, training and retaining staff to work in those institutions.

Early intervention programs can support children and make communities safer.¹¹ Children and young people at risk of contact with the youth justice system are well known to be a vulnerable cohort, often with complex and intersecting social needs. To prevent or address potential offending, the root causes of offending need to be addressed. The system should be designed to account for impacts upon the behaviour of children given their individual context and (often multiple) social challenges that they face whether environmental, domestic violence, health, developmental, disability, employment and/or education, as well as past trauma. A youth justice system fit for a 21st Century Queensland needs a flexible service system that can respond to these increasingly complex needs.

The system should be shifted from a focus on punitive approaches to focus upon delivering therapeutic early intervention programs, including after school and diversion programs, safe accommodation options; alternative police responses; multi-disciplinary panels, and funding community organisations to deliver them. Not only should this provide support for at risk children, but also support should be provided to their families to address the root cause of social issues within their home environment that may trigger offending behaviour, at the same time as bolstering protective factors. For example, some of the underlying factors that can lead to youth offending include homelessness, poverty, education, substance abuse, mental health issues and the effects of trauma, including intergenerational trauma.

There are many community-based programs that are known to work. These should be funded long term to provide funding certainty and protect programs from a change of government or policy. One example could be funding after school community diversion approaches that are open overnight. These approaches need to work in conjunction with other school-based programs, including school refusal interventions (e.g. Regional Youth Engagement Services comprised by guidance officers, youth support workers, transition support officers, Aboriginal and/or Torres Strait Islander officers) that address the root causes of children and young people refusing to attend school. Another consideration is funding justice reinvestment approaches centred around early intervention and therapeutic support to improve social outcomes in areas beyond youth justice, such as education or employment, generating multiple benefits across the whole system of social supports. Consideration could also be given to incentivising prevention and early intervention through results-based contracting and commissioning. This approach requires a whole of system coordination, particularly for those in contact with the youth justice system, including warm referrals to other services in different service systems to ensure that no one falls between the cracks or is left without support across the system as a whole.

These services should also be funded for quality evaluation. We need quality evaluations to build the evidence base and determine 'what works' and what doesn't. While many early intervention programs can provide anecdotal evidence of 'what works', they are rarely evaluated, or funded to do so. Appropriate funding should be provided along with the

⁹ Queensland detains more children each day than any other state and has the worst recidivism rate in Australia Productivity Commission 2023, Report on Government Services 2023, Part F, section 17: released 25 January 2023, Table 17A.26.

¹⁰95% of young people that go to Cleveland Detention Centre allegedly reoffend within the year of their release Queensland Government. (2022). Response to Question on Notice, *No.* 859.

https://documents.parliament.gld.gov.au/tableoffice/questionsanswers/2022/859-2022.pdf ¹¹ Justice Reform Initiative. (2023). Alternatives to Incarceration in Queensland. (pp.18 – 27).

https://assets.nationbuilder.com/justicereforminitiative/pages/337/attachments/original/1685393777/JRL_Alternatives _QLD_FULL_REPORT.pdf?1685393777



funding to deliver the program to ensure that an evidence base is developed for what works within community based early intervention and prevention programs and approaches.

It is recommended that the Queensland Government enter into partnerships with research bodies or Universities to ensure quality, and ethical evaluations that can build a reputable evidence base both within Australia and internationally of what works within the youth justice sector.

Develop a trauma responsive system

Research has shown that if a child undergoes a strong and prolonged stress response, it can lead to lifelong problems in learning, behaviour, and physical and mental health.¹²

Yet children and young people in the Queensland justice system have often experienced trauma (including intergenerational trauma) or being victim/survivors of domestic and family violence. They also have high rates of disability and neurological conditions and are often from communities characterised by poverty and entrenched disadvantage.^{13, 14} Many young people engaging in offending behaviour are manifesting trauma-related behavioural problems. In 2016 between 50-66% of young people in youth justice systems across Australia were estimated as having experienced childhood trauma.¹⁵

Currently, the needs of children and young people and the root causes of problematic behaviour are not adequately addressed within our youth justice system. Firstly, funding should be directed towards delivery of holistic, community-based supports and services to address disadvantage. This includes providing programs/approaches for: families to build parenting capabilities; engaging and supporting children to stay in school; linking young people with training and employment pathways; addressing family violence and housing instability; and identifying and responding to at-risk children and young people and their health, mental health, disability, and behavioural and developmental needs. These programs and supports should have warm referrals, and no police contact. The common features in successful programs in reducing offending behaviour include opportunities for paid work and a dedicated case manager assisting young people to access appropriate and relevant support.^{16 17 18}

Tailored solutions

Central to a child rights approach is upholding the best interests of the child (Article 3, Convention on the Rights of the Child (CRC)). This Article promotes demonstrative commitment to a child's well-being, including their physical, emotional, and educational needs. Determining what's best for a child requires careful consideration and assessment, and the need for ensuring that they have protection and care necessary for their well-being and needs.

Children as young as 10 can be caught within the youth justice system. Provision of individualised care and support tailored to the individual needs of the young person in

¹² Dean A (2018) The intersection between the child protection and youth justice systems, AIFS (Australian Institute of Family Studies)

¹³ Queensland Government. (2023). Youth Justice Summary Census 2022.

https://desbt.ald.gov.au/ data/assets/pdf file/0019/17083/census-summary-custody.pdf

¹⁴ 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. <u>https://www.justice.act.gov.au/data/assets/pdf_file/0006/2072364/Raising-the-Age-Final-Report.PDF</u> ¹⁵ Atkinson Report on Youth Justice (desbt.gld.gov.au) page 38

¹⁶ Deloitte Access Economics (2018). Transition to Success: Evaluation Report. <u>Transition to Success: Evaluation Report</u> (desbt.ald.gov.au)

¹⁷ Nous Group (2023). Final Report: Evaluation of Intensive Case Management. <u>Final report - Evaluation of Intensive</u> Case Management (desbt.ald.gov.au)

¹⁸ Deloitte Access Economics (2012). Evaluation of Skilling Queenslanders for Work: Department of Education, Training and Employment. <u>Report - Evaluation of Skilling Queenslanders for Work, 23 July 2012 (aed.ald.gov.au)</u>



contact with the youth justice system, is one way of better meeting the requirements of Article 3 of the CRC.

Further our system needs a greater focus on cultural safety and responsiveness. Under Article 30 of the CRC, the Queensland Government has responsibilities in relation to ethnic, linguistic, religious minorities, as well as young Aboriginal and/or Torres Strait Islanders. Children and young people at risk of offending are not a homogenous group, particularly Aboriginal and/or Torres Strait Islander children and young people from Culturally and Linguistically Diverse backgrounds. Each one requires tailored supports to meet their needs and respect and recognise their right to enjoy and live out their own cultures (Article 30 CRC). There should be targeted programs for both these cohorts of young people in contact with the youth justice system, as well as other minority groups in keeping with their culture, age, gender, and circumstances; and culturally appropriate early intervention programs for those deemed at high risk of contact with the system.

Raise the age

The Queensland Government must amend the law and raise the age of criminal responsibility for all types of offences to at least 14 years of age.

The earlier a child is exposed to the justice system the more likely they are to reoffend.¹⁹ Research also clearly demonstrates that early contact with the youth legal system increases the likelihood of:

- **Poor future justice outcomes:** (the younger they are at their first point of contact with the youth justice system, the longer their involvement in the system is likely to be)
- Interruption to education: children in contact with the youth justice system are less likely to complete their education, and less likely to thrive into the future, and
- Trauma and mental illness: incarceration and criminalisation cause documented long-term impacts on mental health and often compounds pre-existing trauma.²⁰

Raising the age of criminal responsibility will break the cycle of crime and deliver permanent and positive change to the Queensland community.

In addition, the Queensland Government should immediately remove children younger than 14 from the justice system and invest in services and supports. Children under the age of 14 should not be held criminally culpable for offending behaviour, as their behaviours are often the result of developmental immaturity, experiences of trauma, and intergenerational, social, and environmental disadvantage beyond their control. Criminalising children at an early age and relying on a punitive crisis model only entrenches disadvantage, reinforces trauma, and fails to address the underlying societal and environmental factors that lead to offending and re-offending. Raising the age of criminal responsibility to 14 would represent a significant step in shifting the focus of the youth justice system from criminalising disadvantage to addressing the causes of disadvantage.

Raising the age of criminal responsibility should also be accompanied by investment in strengths-based supports and services to address drivers of disadvantage that lead to anti-social behaviour in under 14-year-olds.

¹⁹ 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

²⁰ Save the Children 54 Reasons, dandolopartners, & McDougall, J. (2023). <u>Putting children first: A rights respecting approach to youth justice in Australia. https://www.savethechildren.org.au/getmedia/4befc9d7-c9de-4088-b591-547714fc8673/Putting-children-first-A-rights-respecting-approach-to-youth-justice-in-Australia_April-23.pdf.aspx</u>



Developing media guidelines for responsible reporting on youth related crime

The media often simplifies the complex social narrative surrounding youth offending. Developing media guidelines could help guide a more positive involvement of media in addressing the overall problem of youth crime. For example, given the way our society is informed by what they view in the media, the media could play an integral role assisting families to find support. The media have been receptive to guidelines about responsible reporting of suicide prevention and mental health. The same principles of reporting facts and sources of support could be beneficial for families and community members who are unsure of where to find support for their children and young people who are at risk of offending behaviour.

We would welcome the opportunity to explore these ideas with you in further detail. Should you require further information about any issues raised in the submission, please do not hesitate to contact Tracy Adams, **yourtown** CEO via email at <u>advocacy@yourtown.com.au</u>.