



Queensland Program of Assistance to Survivors of Torture and Trauma (QPASTT)

Submission to Australian Childrens' Commissioner investigation to Youth Justice and Child Wellbeing Reform

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The Queensland Program of Assistance to Survivors of Torture and Trauma (QPASTT) is pleased to contribute to the National Children's Commissioner's investigation into Youth Justice and Child Wellbeing Reform. While in Queensland, people from refugee background are not a large proportion of our state's population, the community's concerns about youth justice and children's wellbeing are pronounced and significant. The disproportionately high and growing representation of young people from refugee background in the youth justice system is an indictment on systemic failures for young people and their families as they seek to establish a new life in Australia. The consequential detrimental impact on the community surrounding these young people further emphasises the need for comprehensive reform on prevention, early intervention and post-vention supports. In the words of a community leader "There is no bigger problem for us than when we cannot see a future for our children."

QPASTT has been providing refugee trauma recovery services for over 27 years. We have grown to become the statewide refugee trauma recovery specialist agency in Queensland, with over 80 staff supporting more than 7000 clients a year. QPASTT is a member of the Forum of Australian Services for Survivors of Torture and Trauma (FASSTT), and compared to our sister agencies in the other states and territories of Australia, we have proportionally the highest number of clients under 24 years of age. Our response to the four questions posed by this inquiry reflect the experiences of a proportion of the refugee background families and communities we work with.

QPASTT acknowledges that many people from refugee background flourish in Australia, building rich and rewarding lives. However, this is not the case for everyone. The failure to halt the perpetuation of intergenerational trauma and systemic disadvantage continues to impact many families, children and young people. This is the focus of our concern in this submission.

We also acknowledge that while this submission focusses on the experiences of people from refugee and asylum seeking background, there are similarities with vulnerable young people across collectivist cultures and regardless of their ethnic heritage.

What factors contribute to children's and young people's involvement in youth justice systems in Australia?

As the Commission has already identified, children and young people from systemically disadvantaged backgrounds are overrepresented in child protection and youth justice. QPASTT has created an infographic (see attachment one) which provides a visual description of a trend observed over the past decade of service delivery. This infographic details common pathways to youth crime, serious mental illness and alcohol and drug use amongst young people from refugee background.

We have identified that the contributing factors for young people from refugee background are distinct to the life experiences of survivors of refugee trauma. These factors detailed below, can come into play from the moment that the family enters Australia and act to exacerbate the stressors on family functioning:



- Exposure from a young age to violence, intentional harm, deprivation and fear of danger including witnessing harm or death to primary carers – in many circumstances every family member has trauma memories engraved in their hearts and minds, and trauma symptoms in their body.
- The family unit is skilled at navigating collectivist cultural and social systems that are completely different to that of Australia. Therefore, they arrive with limited language and systems literacy to navigate the complexity of life in Australia.
- Many families and individuals experience racism and discrimination in Australia as repeated micro-aggressions and at times overt abuse and exclusion¹.
- Overseas qualifications and employment experience of adults is frequently not recognised, and they are forced to take low paid menial jobs. This gives limited possibility to move out of poverty².
- Cultural conflict within households can escalate as children and young people learn skills to negotiate mainstream culture, while parents struggle, wanting to maintain diverse cultural identity and heritage. As children and young people master language more quickly, the authority of guardians is frequently undermined and their wisdom minimised.
- Education, employment and health systems prioritise individualism and frequently do not adapt to the needs of a family unit that is much more strongly embedded in collectivist cultures.
- Many services fail the basics of using interpreters to communicate, and most do not have the cultural competency to perceive diverse expressions of identity, relational responsibilities, managing household resources and life goals.
- Issues of gambling and financial mismanagement, domestic and family violence, parenting, sexual and reproductive health, mental illness and disability can be stigmatised. Families can be reluctant to seek assistance from mainstream services, and when they do, can quickly become fatigued by being misunderstood, and by experiencing communication and language breakdowns, time and financial costs. Mainstream services often do not effectively engage with refugee community members, due to a lack of trauma awareness and cultural safety.

All of this occurs within a global context: The world is becoming more dangerous with a rise in extremist thinking and flares in political and ethnic conflict. Those that escape via humanitarian pathways are a minority of those forcibly displaced. Parents and older siblings are frequently in contact with family members remaining in dangerous situations, with constant exposure to dangers of life in “home country”, fear for the safety of loved ones, and grief over those who have died. Adults live with their hearts and minds in two places at once, with a moral obligation to protect and provide for extended family members without the support and resources to do so.

From this point, QPASTT staff identify that education systems fail to adequately support the learning needs of children from refugee background and fail to include their families in school communities. Children can start to struggle to manage trauma symptoms and the impacts of early childhood adversities in childcare, classrooms and the school yard. This significantly impacts on their ability to

¹ MYAN (2022) [Multicultural Youth Perspective on Racism and the Draft Anti-Racism Framework](#). Ubuntu Project (2022) [Racism in Schools: African Australian Students Speak Up](#).

² SCOA (2019) [Recognising Overseas Skills and Qualifications](#).



learn³. Those who withdraw to a hypo aroused state frequently pass unnoticed with no access to culturally safe, trauma informed interventions. Those who elevate to a hyper aroused state can be misinterpreted by school staff as being naughty, non-compliant children with behavioural issues, who need to be managed by discipline and punishment – often the opposite of what is needed⁴. Schools rarely engage effectively with families and actively encourage families to be part of the school community⁵. Families struggle to understand the education system in Australia and are not assisted to understand the expectations of parents, teachers and students. The Queensland Government does not invest in tailored, evidenced based school support programs such as Foundation House [Schools in for Refugees](#) and [Early Years](#) programs in Victoria or the [STARTTS Schools Program](#) in New South Wales to prevent and provide early intervention support.

These repeated missed opportunities within education systems and family support systems to respond to the unique needs and challenges experienced by refugee background families, result in poor education outcomes for children and young people. English as an Additional Language or Dialect (EAL/D) supports in primary schools can be extremely limited with some QPASTT clients getting less than three hours of EAL/D support in schools each week. A notable proportion of young people are functionally illiterate when they graduate or leave high school, after having experienced multiple exclusions and expulsions⁶. Their prospects are extremely bleak. Criminal activity may seem the only way out of poverty. Young people in this context are easy targets for sophisticated crime networks who seek to exploit their social disengagement.

Once engagement in the youth justice system commences, frequently young people and their families do not have the knowledge to navigate these systems and are unaware of support services available. In 2021, QPASTT ran a pilot project providing tailored practical education sessions on legal and youth justice systems, then individual case management support for young people and their families assisting them to connect with duty lawyers, gain pre-court advice, prepare supporting materials for court. To demonstrate the failure of justice systems to adequately engage with families, on more than one occasion, the QPASTT program worker reconnected young people with their parent, after their parent was unable to locate them within the justice system. This program was meaningful and successful in responding to a very basic justice navigation need, however could not continue due to lack of funds.

What needs to be changed so that youth justice and related systems protect the rights and wellbeing of children and young people? What are the barriers to change, and how can these be overcome?

As detailed in our response to question one above, we need to transform education, justice, social systems that perpetuate trauma through their failure to understand the whole family and the

³ See Productivity Commission (2022) *Review of National School Reform Agreement* for recognition of connection to wellbeing to academic outcomes.

⁴ See also Sheperd et al (2018) Pathways to offending for young Sudanese Australians. *Australian and New Zealand Journal of Criminology* Vol 51(4) 481-501.

⁵ See the documented benefits of schools proactively engaging with families in Hammond et al (2018) *Classrooms of Possibility: Working with students from refugee backgrounds in mainstream classes*. UTS.

⁶ See profile of primary school disciplinary absences reported in *Courier Mail* "Bunch of preprobates: youngest students disciplined for violence". 17 November 2022 p3. The schools listed are have proportionally higher culturally diverse student populations.

community's prior experiences, the stressors young people continue to carry, and their failure to see the strengths and values they hold. We need to move away from systemic responses that individualise children and young people, and engage with whole families in a manner that proactively strengthens collectivist approaches to raising children.

A. Data

It is essential that justice systems collect accurate data on the ethnic identity of young people, including those born in Australia to recently arrived refugee background parents. In Queensland, there is a pervasive and deeply unhelpful lack of understanding of ethnic identity, which is leading to an unrecognised increase in representation of young people from culturally diverse backgrounds in youth detention. Accurate data with reliable analysis of types of offending, family and community circumstances and pathways to offending will help families and communities as well as a wide range of service supports. It would inform tailored prevention, early intervention and transition approaches and strategies. If this youth justice data is available other departments such as communities, education and health could also be drawn upon to collaborate with communities and services in psychosocial responses to address the contribution factors. Currently, there is strong anecdotal evidence of over representation that call for systemic change and tailored wrap-around services.

B. Education

Drivers of education inequity occur both inside and outside of education settings, however, schools have a responsibility to both address inequities within educational settings and ameliorate those that occur outside of educational settings⁷. A fundamental system in need of transformation is schools. This transformation needs a dual focus that both empowers parents with the skills and knowledge of education systems AND skills up schools to effectively engage with families, parents and community. This will enable whole of family support for the children's education. This means not only targeting students at risk of disengagement but also families and parents who are struggling to engage with the school system and supports. This means offering school based and after hours support at times that suit families' multiple commitments. It also means offering communication in multiple languages and using interpreters as required for all interactions with parents and caregivers.

In New South Wales and Victoria there are well established collaborations between specialist services such as STARTTs and Foundation House, state education departments and refugee communities⁸. The programs coming out of these collaborations provide scaled up assistance for all tiers of school (administration, policy, liaison, classroom based and outside school programs), encouraging schools to collaborate with refugee families and a skilled bi-cultural liaison/education workforce.

The most recent Department of Education Queensland Equity and Excellence strategy⁹ has three pillars of focus: educational achievement; wellbeing and engagement; culture and inclusion. QPASTT is excited to see a combined focus on academic outcomes, wellbeing and inclusion – as children and

⁷ See Varadharajan, et al (2021) *Amplify Insights: Education Inequity*. Centre for Social Impact, UNSW Sydney
Eacott, et al., (2022). *Building education systems for equity and inclusion*. Sydney, NSW: Gonski Institute for Education.

⁸ See Foundation House program in Victoria [Schools in for Refugees](#) and [STARTTs in Schools](#) program in New South Wales

⁹ Released March 2023. See <https://education.qld.gov.au/initiatives-and-strategies/strategies-and-programs/equity-and-excellence>



young people learn best when they feel well, they belong and they are physically and psychosocially safe. However, there are no specific performance measures related to wellbeing and no regard for the specific needs of students from refugee background and their families in the strategy.

C. Justice supports

From first point of contact with the youth justice system, young people from refugee background need to be connected to culturally safe and trauma informed support. This support must be extended to the young person's whole family system to ensure that the family has sufficient resources and opportunity to avoid further engagement in the youth justice system.

There must be provision of court support that is culturally and trauma responsive to the needs of young people from refugee background, including culturally informed legal liaison and connection to legal support, presence of community elders and people with cultural authority within the court room, and capacity building of court staff to understand the refugee experience and challenges of settlement in Australia. Legal education material needs to be provided in preferred and ideally primary language of young people and their families.

At point of transition from youth detention, there is a fundamental need for culturally safe transition programs that are led by the community. Without reliable data on young people in youth detention, it is not possible to identify and create appropriate transition programs that address the contributing factors as described above, or the types of offending and trends of offence escalation. These programs need to be place based, community based and led programs that are a result of a genuine partnership with community, government systems and NGO supports.

Finally, it is crucial that all legal professionals including paralegals, solicitors, barristers and judges are educated in the risk to residence visas should a person be convicted of a criminal offence. Young people on permanent residence visas are reliant on their guardian obtaining citizenship, which is recognised as an extremely difficult process for adults without strong English language skills, who are struggling to manage intrusive trauma symptoms and/or limited education experience¹⁰. Without the guarantee of citizenship, adults and young people on permanent resident visas are treated differently when the criminal justice system intersects with the migration system. Once a person has served their sentence after conviction of a criminal offence, their visa is revoked on character grounds and they are detained in immigration detention indefinitely, or until they are deported. QPASTT has been providing immigration detention counselling support to people from refugee background and people seeking asylum for 14 years. We have seen this cohort of clients change over time, as migration policy and use of detention to deter people seeking asylum has also changed. Throughout this period of time, evidence of the deleterious mental health impacts of indefinite and arbitrary detention has been robustly documented¹¹.

Despite this clear evidence, the cohort of clients QPASTT now supports who are residing in immigration detention are all people who have had their visas cancelled on character grounds, with

¹⁰ See [QPASTT submission](#) to Joint Standing Committee Inquiry to the Role of Permanent Migration in Nation Building.

¹¹ See Procter et al. (2018). "Lethal hopelessness: Understanding and responding to asylum seeker distress and mental deterioration." *Int J Ment Health Nurs*. 2018 Feb; 27(1):448-454; Hedrick et al (2019). "Self-harm in the Australian asylum seeker population: A national records-based study" *SSM – Population Health*. Volume 8, 2019. Hedrick, K. & Borschmann, R. (2020) [Self-harm in immigration detention has risen sharply](#). *The Conversation*, 8 October 2020.

limited opportunity to challenge this decision or apply for a subsequent visa¹². Clients are now detained in immigration detention for periods that are exceeding their original court sentence, and in some cases, report they were originally advised to plead guilty to crimes due to insufficient evidence to argue their innocence. We are seeing an increasing proportion of younger adults in immigration detention whose life experiences mirror what is detailed in the infographic in the appendix of this submission: Increased fracturing of family functioning since arrival to Australia, education system failure to identify and provide for their learning and wellbeing needs, and gradual escalation of offending until sentenced with criminal conviction. QPASTT and the communities we work with are deeply concerned about this trajectory of disadvantage and exclusion, and strongly urge a broad range of culturally led, trauma informed prevention, early intervention and post-vention programs to prevent this systemic intergenerational tragedy. In lieu of a legal outcome, we urge for strong support that that culturally led, and trauma informed.

Can you identify reforms that show evidence of positive outcomes, including reductions in children's and young people's involvement in youth justice and child protection systems, either in Australia or internationally?

As data about young people from refugee background in the youth justice system is insufficient and unreliable, it is not possible to track the success of interventions that are tailored to the specific needs of young people from refugee backgrounds.

QPASTT does want to highlight the work being completed by the Queensland African Communities Council (QACC) and the youth mentors' program which provides front line culturally informed support to young people in schools and in youth detention¹³. It would be extremely beneficial if the Children's Commissioner would consult further with QACC to understand the tangible impact of this work and how it is changing the lives of young people with their families.

QPASTT is eager to collaborate in the scaling up of trauma informed initiatives and in building practice based evidence of the efficacy of community led prevention, early intervention and post-vention programs.

From your perspective, are there benefits in taking a national approach to youth justice and child wellbeing reform in Australia? If so, what are the next steps?

It is essential to have a national approach to youth justice. Children and young people in Australia are mobile with extended family and community in many states and territories. Inconsistencies in state and territory systems will attract continued exploitation of vulnerable young people, as crime syndicates and young people themselves can exploit perceived weaknesses in different systems. Additionally, consistent support and proactive interventions that reduce engagement in youth

¹² The term "crimmigration" has been coined to explanation of the harsh intersect of migration law with criminal law, See Moore (2020) [Sentencing 'crimmigrants': how migration law creates a different criminal law for non-citizens](#). UNSW Law Journal. Volume 43(4)

¹³ See [QACC Youth Mentor Presentation](#) and Correa-Velez and Coulibaly (2022) *AYSC Youth Mentoring and Family Support Programs: First-year evaluation report*. QUT

justice and reduce recidivism is essential to ensure equity of access to support across the country. However, it is essential that a national approach does not come at the expense of local communities leading programs that are specific for the needs and considerations of their community. A national framework and scope of commitment also enables maximum opportunity to learn and expand the characteristics of success in local placed based initiatives.



Risk of Intergenerational Trauma on Young People from Refugee Backgrounds (three common pathways)

ARRIVAL TO AUSTRALIA

- Children who are up to 16 years old or born in Australia
- Often in large family with a number of siblings, extended family in country of origin or refugee camp
- Exposure to violence, conflict and camp trauma either directly or intergenerational trauma in family



FAMILY AND COMMUNITY LIFE

- Large families, frequently single adult headed households
- DFV and AOD misuse can be common
- Living in poverty, in low socio-economic areas with limited services and poor housing
- Continuing trauma: Moral obligation to protect/provide for family remaining in camps or conflict areas without means or power to support
- Community mistrustful of police, school, legal system, child safety - causing tension, conflict and distress in family functioning



PRIMARY SCHOOL

- Low EALD support, quickly transitioned to large mainstream classrooms
- School limited engagement with families, not use interpreters to speak with parents
- Trauma presentation in classroom from multiple students
- Exclusion and expulsion due to "behavioural problems"
- Graduate primary school low levels of literacy or functionally illiterate
- Children seeking love, belonging, attention



HIGH SCHOOL

- Exclusion, expulsion and moving between schools
- Unaware of or stigma/resistant to flexible education options
- Very bright but functionally illiterate and failing academically
- No whole of family engagement, high level of family/community suspicion of authorities and services from years of exclusion
- No education or decent employment prospects after school

children presenting with depression, anxiety, self harm and suicide ideation

young people bored, sick of poverty, no future prospects, mistrustful of systems and service

YOUTH CRIME

- Groomed by influential adults into complex organised crime networks
- Well paid, illegal/criminal work enticing to have access to money or resources not otherwise be possible.
- Experienced racial profiling from police/justice authorities - further reinforces sense of exclusion
- From youth detention, frequently engage in further criminal activity - no effective transition pathways
- Limited access to court support/legal assistance



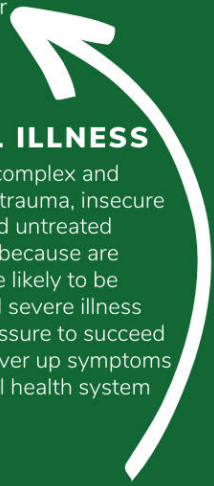
SERIOUS MENTAL ILLNESS

- Exclusion, low self worth, complex and intrusive intergenerational trauma, insecure attachment undetected and untreated
- In girls and young women because are "quiet and compliant" more likely to be unnoticed until chronic and severe illness
- Family and community pressure to succeed causes young people to cover up symptoms
- Highly avoidance of mental health system
- High suicide risk

ALCOHOL AND DRUG USE

- Self medicating to cope with trauma and life stressors
- Maladaptive coping strategy that impacts on functioning: mental health, study and employment prospects, relational health
- High suicide risk
- Risk of engagement in justice system

once charged with adult criminal offence - risk of indefinite detention or deportation



Opportunity for Intergenerational Healing and Thriving of Young People for Refugee Backgrounds

ARRIVAL TO AUSTRALIA

The physical, mental, emotional, and material stressors of forced displacement, refugee status recognition and transit to Australia has a significant impact on wellbeing:

- 23% of client have experienced torture; 76% experience trauma
- young people statistically significant higher levels of psychological distress



FAMILY AND COMMUNITY LIFE

Opportunity for early intervention to address high prevalence of Adverse Childhood Experiences:

- Collective, wrap around family and community support in collaboration between settlement, trauma recovery, allied health and education providers, using the systems and strengths already existing in community
- Community co-created early intervention and prevention family systems work to encourage relational and attachment skills of parents
- Safe and secure housing, adult education and employment opportunities, understanding of rights and responsibilities and confidence to self-advocate



Proactive culturally safe service response to indicators of vulnerability: cycles of crisis, reliance on emergency services.

PRIMARY SCHOOL

- Enhanced access to Early Childhood Education and Care (ECEC) to support transition to school.
- Trauma informed classrooms to support children communication, social skill, cognitive and sensory development.
- Early intervention access to group and individual play and expressive therapy programs in school (QACC, QPASTT and HEAL)
- Culturally informed engagement between schools, communities and families
- EALD support to recover from interrupted schooling and adjustment to Australian education



schools are environment to address racism, bullying, foster safe and respectful relationships

HIGH SCHOOL

- Trauma informed training and development of classroom staff - evidence based resource hubs and supports
- External services collaborate with schools to create a wellbeing culture on school campus (QACC, QPASTT etc)
- Continued access to group and individual expressive therapy programs (QPASTT and HEAL)
- Bi-cultural supports and liaison officers within schools to build partnership between school and family
- Flexible learning models to offer differentiated teaching and learning strategies
- Wrap around after hours school supports such as homework clubs, mentoring, school holiday programs to support learning and engagement.



vocational learning opportunities as well as supported academic pathways

YOUTH LEADERSHIP AND DEVELOPMENT

- Transition programs to vocational and education pathways such as Ucan2 (youth AMEP program)
- Opportunities and support for emerging community leaders to address issues of priority
- Young people inform social service and program development for future generations



young peoples' healing and belonging fuels thriving of the wider community

INTERGENERATIONAL COMMUNITY HEALING

Possibility of breaking cycles of intergenerational trauma through safe respectful relationships

Opportunities and capacity to name, challenge and dismantle systemic disadvantage

