



Queensland
Human Rights
Commission

Youth Justice and Child Wellbeing Reform across Australia

Submission to Children's Commissioner,
Australian Human Rights Commission

30 June 2023

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Introduction

Thank you for the opportunity to make a submission regarding your investigation into opportunities for youth justice reform and related systems across Australia.

The Queensland Human Rights Commission (**Commission**) is a statutory body established under the *Anti-Discrimination Act 1991* (Qld) and deals with complaints made under that Act and the *Human Rights Act 2019* (Qld) (**HR Act**). The Commission also has functions to promote an understanding and public discussion of human rights in Queensland, and to provide information and education about human rights.

Below are responses to the questions posed in the submissions process:

Factors that contribute to youth offending

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

In recent years a number of Queensland reviews have examined the reasons for youth offending.

In 2018, former police Commissioner Bob Atkinson delivered his seminal report on the Queensland Government's progress on youth justice reforms and other measures to reduce recidivism (**2018 Atkinson report**).¹ The report recommended the Queensland Government adopt as its policy position for youth justice the objectives of: intervening early, keeping children out of court, keeping children out of custody, and reducing reoffending (referred to as the 'four pillars') bookended by the principles of public safety and community confidence.

The report identifies some common features of children and young people in the youth justice system, including:

- poverty;
- a home environment characterised by neglect, domestic and family violence, and/or traumatic events, noting the overlap of children affected by both the child safety system and the youth justice system;
- poor school attendance, and lack of access to vocational training and employment
- undiagnosed and/or untreated health issues or unsupported disability issues, such as mental health concerns, childhood trauma, and cognitive and intellectual disability, which may have negative impacts on educational capacity
- substance abuse.

The report notes system deficits that contribute to initial and repeated contact with the youth justice system, including:

- a youth justice system in Queensland that has evolved from an adult criminal justice approach, rather than one built specifically for the needs of young people
- no coordinated multi-agency approach to support at-risk children and their families, and the corresponding lack of information sharing across systems
- a shortage of after-hours services, both government and NGOs, means no option after hours other than a police response

¹ Bob Atkinson, *Report on Youth Justice* (Version 2, 8 June 2018).

- youth justice processes that result in young people and children being detained and disconnected from protective factors, such as family, community, and school
- the need for reform that targets the over-representation of Aboriginal and Torres Strait Islander children in the youth justice system.

Since 2018, these Queensland-focused reports have been published:

- *Changing the Sentence: Overseeing Queensland's youth justice reforms* (2021)²
- *Youth Offending* (2021): a research brief to support development of effective responses to youth crime³
- *Yarning for Change: Listen to My Voice* (2022): documenting conversations with over 100 Aboriginal and Torres Strait Islander children and young people about their experiences of the youth justice system⁴
- *Putting Children First: A rights respecting approach to youth justice in Australia* (2023).⁵

The Save the Children report draws attention to: institutional racism experienced by Aboriginal and Torres Strait Islander children (including over-policing); the continuing impacts of dispossession, colonisation, and discrimination; barriers and bias in the system for culturally and linguistically diverse children; impacts of homelessness; failures to integrate justice services with other social services; difficulty in accessing trauma-informed, culturally safe and responsive services; inadequate assessments to identify the underlying needs of the child; social disconnection of the young person; and the over-representation of children from rural and remote areas.

Change needed

2. *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?*

The changes outlined below are based on the Commission's work and are not intended to be a comprehensive list.

The Queensland experience

The 2018 Atkinson report formed the basis of Queensland's Youth Justice Strategy and the Action Plan.⁶ Early positive changes included legislative amendments to improve access to bail and bail processes,⁷ legislative amendments to improve

² Queensland Family and Child Commission, *Changing the Sentence: Overseeing Queensland's Youth Justice Reforms* (Report, March 2021).

³ Queensland Government Statistician's Office, *Youth Offending* (Research brief, April 2021).

⁴ Queensland Family and Child Commission, *Yarning for Change: Listen to My Voice* (Report, September 2022).

⁵ Save the Children and 54 Reasons, *Putting Children First: a Rights Respecting Approach to Youth Justice in Australia* (Report, April 2023).

⁶ Queensland Government, *Working Together, Changing the Story* (Youth Justice Strategy 2019-2023) and Queensland Government, *Working Together: Changing the Story* (Youth Justice Strategy Action Plan 2019- 2021).

⁷ *Youth Justice and Other Legislation Amendment Act 2019* (Qld).

management of children in courts,⁸ and reports of no children on remand in watch houses between late 2019 and November 2020 – except for routine processing or awaiting transport in regional areas.⁹

However, community anger over incidents involving youth offenders that received widespread media coverage¹⁰ led to a ‘tough on crime’ approach that has diluted the effectiveness of the strategy recommended by Atkinson:

- 10 March 2020: The Premier announced a five-point plan to crack down on youth crime, including tougher action on bail, a ‘police blitz’ on bail, and more resources to appeal court decisions.¹¹
- 15 July 2020: Legislative amendment requires that a child be refused bail, if judged to be an unacceptable risk to the safety of the committee. Significantly, this amendment was passed without Parliamentary Committee scrutiny for compatibility with human rights.¹²
- From 2020 to early 2021, 48 additional youth detention centre beds were added.
- 30 April 2021: Legislative amendment introduced a presumption against bail in certain circumstances.¹³ This was in response to the situation of 10% of young offenders committing almost 50% of serious crime.¹⁴
- 29 December 2022: The government announced 10 measures to fight youth crime, including increasing penalties and constructing two new youth detention centres.
- 21 February 2023: Legislative amendment made breach of bail an offence and introduced serious repeat offender declarations, both of which are subject to an Override Declaration under the HR Act.¹⁵

A review on the impact of the government’s youth justice reforms six months after commencement of the 2021 legislative changes found increased rates of offending and serious offending for people on bail, increased proportion of serious repeat offenders,

⁸ *Health Transparency Act 2019* (Qld).

⁹ Department of Youth Justice (Qld), *Final Report 1 July – 12 November 2020* (Report, 2021) 8.

¹⁰ ‘Teenage boy fatally stabbed at Redcliffe, north of Brisbane’, *ABC News* (online, 14 March 2020) < <https://www.abc.net.au/news/2020-03-14/15yo-angus-beaumont-stabbed-redcliffe-qld/12056324> >; ‘Teen charged with murdering Kate Leadbetter and Matt Field is remanded in custody by the Children’s Court’, *ABC News* (online, 27 January 2021) < <https://www.abc.net.au/news/2021-01-27/alexandra-hills-couple-killed-stolen-car-brisbane-charge-murder/13093838> >; Jocelyn Garcia, ‘Two youths charged with murder over Qld mum’s Boxing Day death’, *Brisbane Times* (online, 27 December 2022) < <https://www.brisbanetimes.com.au/national/queensland/two-youths-set-to-be-charged-with-murder-over-qld-mum-s-boxing-day-death-20221227-p5c8w4.html> >; Georgie Hewson and David Chen, ‘Toowoomba man Robert Brown, 75, dies from injuries after alleged assault at taxi rank last week’, *ABC News* (online, 13 February 2023) < <https://www.abc.net.au/news/2023-02-13/toowoomba-man-dies-days-after-alleged-taxi-rank-assault/101952070> >.

¹¹ The Hon A Palaszczuk, Premier and Minister for Trade, The Hon M Ryan, Minister for Police and Minister for Corrective Services, The Hon D Farmer, Minister for Child Safety, Youth and Women and Minister for the Prevention of Domestic and Family Violence, ‘Hard Line on Youth Crime’ (Joint Statement, 10 March 2020).

¹² *Community Services Industry (Portable Long Service Leave) Act 2020* (Qld).

¹³ *Youth Justice and Other Legislation Amendment Act 2021* (Qld).

¹⁴ Explanatory Notes, Youth Justice and other Legislation Amendment Bill 2021, 1.

¹⁵ *Strengthening Community Safety Act 2023* (Qld).

low levels of service engagement by high risk young people, and very low levels of service engagement by their families.¹⁶ The review recommended a need for continuing partnerships with Aboriginal and Torres Strait Islander people; identifying and managing cognitive impairments of offenders; developing capability to work with serious repeat offenders; sustaining commitment to early intervention; developing place-based responses; improving data collection; sustaining an integrated, whole-of-government response; and engaging with the Queensland community about youth offending.

The Childrens Court of Queensland Annual Report for 2021-22 noted a significant increase in the number and length of detention for young people in 2022, despite the number of young people appearing before the courts decreasing by 8.2%.

	2020-2021	2021-2022
Average daily number in youth detention	229 young people	275 young people
Average daily number in youth detention (unsentenced)	202 young people	238 young people
Average length of detention	36 nights	43 nights
Proportion of persons convicted who are Aboriginal and/or Torres Strait Islander	48%	50%

A number of Queensland Magistrates have criticised the length of detention, conditions of detention, and system failures to provide children with early intervention and support.¹⁷

For example, Noah Jackson¹⁸ is a First Nations boy diagnosed with FASD and ADHD, who recently turned 12. Noah had been in kinship care since one year of age, but was surrendered to Child Safety in March 2022, when he was placed in a residential care home.

Prior to October 2022, Noah had not committed any offences. Between October 2022 and 10 March 2023 Noah was cautioned by police for offences including wilful damage, stealing, trespass, common assault, and entering a dwelling.

From 10 March 2023, Noah accumulated 36 charges over a 74-day period and had been released on bail six times. By the time his application for bail was heard, he had spent 13 days in Mt Isa watch house and then in Cleveland Youth Detention Centre.

In granting bail, the Magistrate took into account that:

- Noah would not receive a term of detention if convicted.
- The prosecution may have difficulty in proving beyond reasonable doubt that Noah has legal capacity to bear criminal responsibility.
- Due to his disabilities, Noah should not be in custody where a regime of keeping children in their cells for 21 hours a day exists.

¹⁶ Bob Atkinson, *Youth Justice Reforms Review* (Final Report, March 2022).

¹⁷ See, for example, *Commissioner of Police v Leo Horan (a pseudonym)* [2022] QChCM 2; *Commissioner of Police v Jane Dean (a pseudonym)* [2022] QChCM 3; *Commissioner of Police v John Goodall (a pseudonym)* [2022] QChCM 5; *R v TA* [2023] QChC 2; *Re JG* [2023] QChC 3; *R v Nathan (a pseudonym)* [2023] QChC 4.

¹⁸ *Re Noah Jackson (a pseudonym)* [2023] QChCM 5.

- Noah's needs in terms of family and community connection, education, health, and disability supports would be better met if he was released.

The Magistrate took note of the Department of Child Safety, Seniors and Disability Services' submission that it was in Noah's best interests that he be returned to his current placement, despite having committed the offences while in that placement. Police gave evidence that no amount of time in custody had been a deterrent to Noah's behaviour. In recent weeks, Noah had started ADHD medication which coincided with an improvement in his attendance and participation in school. The decision does not detail the extent of Noah's disability, the supports he was receiving through NDIS, or coordination occurring between health, disability, education, child safety, and youth justice systems in relation to Noah's care and wellbeing.

This example demonstrates the value of supporting families, the impact of identifying and addressing health and disability issues, the multiple service systems to be navigated, the need for the child protection system to take responsibility and be held accountable, and the futility of lengthy detention of a child where it is unlikely to be a deterrent, result in a conviction, or result in a custodial sentence.

Watch house detention

Of significant and ongoing concern to the Commission is the increasing use of watch houses for the prolonged detention of children and young people while they await bail or placement at a youth detention centre, including children as young as 11.

This growth follows a period of no prolonged watch house detentions in the first half of 2020, and corresponds with the Queensland government's divergence from the Youth Justice Strategy in order to 'crack down on youth crime'.¹⁹ Actual numbers of youth offenders were stable between 2020-21 to 2021-22.²⁰

Watch houses are designed as temporary accommodation for adults. Between 15 August 2022 and 15 February 2023, they were used to detain approximately 23 newly remanded children and young people per day, 32% of whom spent more than 24 hours in the watch house, and 8% of whom (or 332 individuals over a 6-month period) spent more than 7 days. There were 10 cases of young persons being detained in watchhouses for more than a month.²¹

As a short-term facility, watch houses do not provide longer-term basic needs of young people, such as fresh air, natural light, a balanced diet, exercise, appropriate hygiene resources, privacy, family contact, and social interaction. Detention disconnects a young person from protective factors they may have in the community without any of the rehabilitative or other programs available in youth detention centres. Most watch houses are unable to completely segregate young people from their adult population and children see and hear adult detainees.

The prolonged detention of young people in watch houses must be addressed as a matter of urgency and priority. The most appropriate way to achieve this is to alleviate pressures on youth detention centres by more effectively responding to youth offending, expanding diversion measures, and better supporting families and children at risk. The correlation between children and young people who have been in both

¹⁹ Palaszczuk (n 11).

²⁰ Australian Bureau of Statistics, 'Queensland', *Recorded Crime – Offenders* (Web Page, 9 February 2023) <<https://www.abs.gov.au/statistics/people/crime-and-justice/recorded-crime-offenders/latest-release#queensland>>.

²¹ Based on data received by the Queensland Human Rights commission from Queensland Police Service on 16 February 2023.

child protection and the youth justice system suggests that the present child safety interventions are failing.

In February 2023, the Queensland Family and Child Commission announced a systemic review of the drivers that cause children to enter and remain in watchhouses.²²

Anti-discrimination proceedings challenging the detention of three young people in Cairns watch house for more than 2 days are currently before the Queensland Civil and Administrative Tribunal.²³

A human rights approach

The Queensland HR Act provides a framework by which the impact of a decision or policy, or the failure to act, on a person's human rights can be comprehensively assessed.

Placing the needs of the child and their families at the centre of decision-making is likely to reduce rates of offending and maximise rehabilitation when offending does occur. Human rights law recognises the importance of children remaining with their families and the rights of children to be safe, access health services and support for disability, a stable living environment, and education, all of which have been identified as protective factors against offending.

Many human rights protections are already incorporated into youth justice and child protection principles,²⁴ but appear to have had limited impact.

Over-representation of Aboriginal people and Torres Strait Islander people

Any youth justice reform must prioritise addressing the over-representation of Aboriginal people and Torres Strait Islander people in the youth justice system. In 2021-22, approximately 65% of the Queensland youth detention population was Aboriginal and/or Torres Strait Islander.²⁵ The rate of First Nations young people in detention on an average day (at 40.9/10,000 young people) is 22.7 times the rate of their non-First Nations peers (at 1.8/10,000 young people). Rates of First Nations young people proceeded against by police (779.6/10,000 young people) is 5.9 times the rate of non-First Nations young people (132.5/10,000 young people).²⁶

²² Queensland Family and Child Commission, 'Queensland watch houses under review' (Media Release, 17 February 2023).

²³ See interim decision, *BA, DC, FE v State of Queensland* [2022] QCAT 332, 2 September 2022.

²⁴ *Youth Justice Act 1992* (Qld) s 3, Schedule 1; *Child Protection Act 1999* (Qld) Part 2 Division 1.

²⁵ Australian Institute of Health and Welfare, *Youth justice in Australia 2021-22* (2023) 22. <<https://www.aihw.gov.au/reports/juv/140/youth-justice-in-australia-2021-22/contents/state-and-territory-fact-sheets/queensland>>.

²⁶ Productivity Commission, Australian Government, 'Socioeconomic outcome area 11: Aboriginal and Torres Strait Islander young people are not overrepresented in the criminal justice system' *Closing the Gap Information Repository* (Web Page) <<https://www.pc.gov.au/closing-the-gap-data/dashboard/socioeconomic/outcome-area11>>.

Numerous reports have called for First Nations communities to be consulted on, and to lead the delivery of responses.²⁷ Contributing factors such as institutional racism, inadequate culturally safe services, continued gaps in education and health access, over-representation in the child protection system, and additional barriers faced by children in rural and remote areas also need to be addressed.

Queensland has appointed a First Nations Justice Officer who will work with the newly established Criminal Justice Innovation Office to develop a strategy to reduce the over-representation of First Nations adults and children in the criminal justice system.

School engagement

The 2018 Atkinson report stressed the importance of education and school attendance in preventing and addressing youth offending. It follows that any youth justice reform must consider reform and resources needed to keep children in school.

Queensland state schools' use of suspensions and exclusions continued to grow between 2015 and 2021. In 2022, there were 78,026 school disciplinary absences, a decrease of around 5,000 on the previous year, and a 36% decrease in the use of short-term suspensions for prep students.²⁸ As yet unpublished research indicates children most at risk of school disciplinary absences are children with disability, Aboriginal and/or Torres Strait Islander children, and children in out of home care, or a combination of these attributes.²⁹ This mirrors the cohort of children disproportionately represented in the youth justice system.

Reducing school disciplinary absence requires similar interventions to those needed for addressing youth crime, such as family supports and responding to health and disability needs. This alignment is an opportunity for collaboration between education, youth justice, and child safety to provide early intervention for at risk children.

A current Queensland campaign on the right to learn is calling for a Parliamentary Inquiry into the use of school disciplinary absences in Queensland State Schools.³⁰

Advocacy and oversight

Children do not often complain or use formal complaint mechanisms available to them. They rely on parents and carers and scant advocacy resources to promote and protect their rights. Legal and non-legal advocacy is generally only available once the child is already involved with youth justice or child protection systems.

Advocates who cannot get instructions from the child must rely on parents or the legal guardian, which creates difficulties when the legal guardian is the Chief Executive of the Department of Child Safety, Seniors and Disability Services.

²⁷ See, for example, Atkinson (n 1), Save the Children (n 5), Atkinson (n 16), PeakCare Queensland Inc, *Youth Crime – Get Smarter, Not Tougher* (Open Letter, 28 January 2023) <<https://peakcare.org.au/get-smarter-not-tougher/>>.

²⁸ Department of Education 'School Disciplinary Absences by student demographics', *Students* (Web Page, 2 June 2023) <<https://qed.qld.gov.au/publications/reports/statistics/schooling/students>>.

²⁹ Linda Graham, Callula Killingly and Sophie Wiggans, 'Intersectionality and disproportionate risk', *Use of Suspensions in QLD State Schools* (Web Page, 17 March 2023) <<https://research.qut.edu.au/c4ie/events/overuse-of-suspensions-in-qld-state-schools-a-long-way-from-equity-and-excellence/>>.

³⁰ *A Right to Learn* (Web Page) <<https://www.arighttolearn.com.au/>>.

For this reason, robust and comprehensive oversight of youth justice and related systems that does not rely on individuals to make complaints is imperative. Both the Queensland Human Rights Commission³¹ and the Queensland Family and Child Commission (**QFCC**) have limited powers of investigation and review. The QFCC has specific functions to provide oversight of the child protection system and to promote and advocate for the safety and wellbeing of children and young people, particularly children in need of protection or in the youth justice system.³² The *Family and Child Commission Act 2014* (Qld) is currently under review to ensure it is fit for purpose.

The Office of the Public Guardian provides individual advocacy services for children currently or recently subject to child protection orders³³ and can support children through the community visitor program, which includes visiting foster homes, kinship carer homes, residential care facilities, and youth detention centres.

Queensland's Inspector of Detention Services will commence on 1 July 2023.³⁴ Its functions will include inspecting places of detention in Queensland – including youth detention centres and watchhouses – preparing and publishing standards for inspections, reporting to the Legislative Assembly on inspection visits, and making recommendations for improvement.³⁵

An extra level of oversight may be achieved through greater transparency of data and policy. The Commission has been advocating for publicly available real-time data on rates of detention of young people in watch houses.

Right to participation

In the model proposed for a national human rights act being considered by the Parliamentary Joint Committee on Human Rights, the Australian Human Rights Commission (**AHRC**) suggests a participation obligation be placed on Commonwealth public authorities to ensure the participation of First Nations peoples, children, and persons with disability in relation to decisions that directly or disproportionately affect their rights. This would form part of the positive duty on public authorities to properly consider human rights in decision-making, already part of the obligations placed on Queensland public entities under the HR Act.³⁶

AHRC says:

The right to be heard is a necessary complement to the best interests principle...The right to be heard ensures that decisions made affecting children, including those designed to protect them from harm, are not

³¹ *Anti-Discrimination Act 1992* (Qld) s 235(e); *Human Rights Act 2019* (Qld) s 61(c).

³² *Family and Child Commission Act 2014* (Qld) s 9(1).

³³ *Public Guardian Act 2014* (Qld) s 52.

³⁴ *Inspector of Detention Services Act 2022* (Qld).

³⁵ However, the Inspector has not been designated by the Queensland Government as part of Queensland's National Preventative Mechanism as required by the *Optional Protocol to the Convention Against Torture*, risking an uncoordinated approach between multiple departments and statutory bodies with responsibilities in the youth justice context. The Queensland Human Rights Commission understands part of the delay is caused by disagreement between the Australian and Queensland governments regarding funding for the state's National Preventative Mechanism arrangements.

³⁶ Australian Human Rights Commission, *Free and Equal: A Human Rights Act for Australia* (Position Paper, December 2022) 183-186.

merely based on adult assumptions about what is in the interests of children, and instead genuinely take into account children's views about decisions that affect their lives.³⁷

Fulfilment of this duty requires engagement with children's families.³⁸

To achieve successful and human rights compatible youth justice reform, genuine consultation with children and their families, as well as any groups who are over-represented in the youth justice system, including First Nations communities and people with disability, must occur.

Victims

If youth justice reform should not occur without the participation of persons directly affected by it, then victims must also be consulted. Victims' rights are a necessary consideration to ensure community safety and community confidence which, as indicated in the 2018 Atkinson report, is pivotal to a successful youth justice system.

The Queensland Parliament Legal Affairs and Safety Committee recently conducted an inquiry into support provided to victims of crime. The Committee heard evidence of the value of youth justice conferencing and the restorative justice process for both victims and offenders, and recommended the Queensland Government consider the longevity and potential expansion of both.³⁹

Raising the minimum age of criminal responsibility

In early 2022, the Queensland Parliament's Community Support and Services Committee examined the *Criminal Law (Raising the Age of Responsibility) Amendment Bill 2021*, which sought to raise the minimum age of criminal responsibility to 14 years. The Commission supported this reform, provided it was accompanied by appropriately developed and funded therapeutic alternatives, and in a manner that respected and protected the rights of victims.⁴⁰

Even without raising the age, the Commission suggests that the measures needed to support raising the age, such as family support, justice reinvestment, and a focus on education and health could be implemented now to reduce growing numbers of children in the criminal justice system.

The Committee did not recommend the Bill be passed, but did recommend the Queensland Government continue work to consider raising the minimum age of criminal responsibility from 10 to 12, and include in any alternative proposal to the

³⁷ Ibid 199. See also *Human Rights Act 2019* (Qld) s 26(2) and the *Convention on the Rights of the Child*, opened for signature 20 November 1989, Treaty Series, vol 1577 (entered into force 2 September 1990) Article 12.

³⁸ Australian Human Rights Commission, *Free and Equal: A Human Rights Act for Australia* (Position Paper, December 2022) 203. See also *Human Rights Act 2019* (Qld) ss 25 and 26, and the *Convention on the Rights of the Child*, Article 5.

³⁹ Legal Affairs and Safety Committee, Queensland Parliament, *Inquiry into Support provided to Victims of Crime* (Report No. 48, May 2023) 18.

⁴⁰ Queensland Human Rights Commission, Submission No 65 to the Community Support Services Committee, Queensland Parliament, *Inquiry into the Criminal Law (Raising the Age of Responsibility) Amendment Bill 2021* (30 November 2021).

youth justice system adequate and effective diversion programs and services, including place-based and culturally appropriate practices.⁴¹

Coordinated multi-agency response

As noted by the 2018 Atkinson report, and many later reports, an effective response to youth offending requires a coordinated multi-agency approach. The evaluation of Queensland's 2021 legislative changes said:

Targeting these different domains simultaneously, allows different risk factors related to criminal behaviour to be holistically addressed, including parenting, low educational/academic achievement, influences of similarly antisocial peers, substance abuse issues and broader structural factors, including poverty and low socio-economic status.⁴²

This requires structures that facilitate coordination between government departments, as well as between government and non-government agencies, with non-government agencies having a significant role to play in design and leadership.

Queensland recently expanded the use of statutory assessment panels in the youth justice system. These panels are based on the existing Suspected Child Abuse and Neglect system in the *Children Protection Act 1999* to ensure the continuation of multi-agency collaborative panels. The purpose of these panels is to provide intensive case management and holistic support for children identified as high risk or requiring a collaborative response through a multi-agency and multidisciplinary approach.⁴³ The effectiveness of these panels is yet to be evaluated.

Evidence based reform

3. 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?

Submissions and evidence presented to the Queensland Parliament Economics and Governance Committee in its consideration of the Strengthening Community Safety Bill 2023 provide a wealth of information regarding drivers of and alternatives to address youth offending. Some examples of successful intervention are given in submissions by:

- Anglicare Southern Queensland – Intensive Bail Initiative and Support Community Accommodation
- Cape Your Institute – Family Responsibilities Commission
- Institute of Urban Indigenous Health – a community controlled response
- Justice Reform Initiative – summarises programs that have worked and principles to build a service that reduces recidivism
- Queensland Council of Social Services Inc (QCOS) – refers to the review of the ACT service system to identify changes required to raise the age of criminal responsibility to 14 years

⁴¹ Community Support Services Committee, Queensland Parliament, *Criminal Law (Raising the Age of Responsibility) Amendment Bill 2021* (Report No. 16, March 2022) vii.

⁴² Atkinson (n 16) 25.

⁴³ *Youth Justice Act 1992* (Qld) Part 8A.

- Sisters Inside – Yangah Program (bail support).⁴⁴

The Queensland Audit Office is assessing whether youth justice strategies and programs are effective in reducing crime by serious repeat offenders and improving the safety of the community, with a report anticipated in the first quarter of 2024.

Benefits of a national approach

4. *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?*

An open letter to the Queensland Parliament published on 28 January 2023 sought a bi-partisan approach on getting smarter, not tougher on youth crime.⁴⁵ National leadership and strategy on the issue may discourage state governments from politicising the issues and focus instead on solutions with broader social benefits.

National responsibilities relevant to youth justice are currently in place, including the National Disability Insurance Scheme, the Commonwealth's obligation to implement the *Optional Protocol on the Convention Against Torture*, and the government's commitment to justice reinvestment initiatives across Australia.⁴⁶ A national approach will improve coordination and consistency between federal and state levels, achieve better outcomes, generate efficiencies, and result in similar experiences for individuals regardless of where they live.

National leadership and oversight may also be a catalyst for reform in states that currently do not have the political will to make change. It is also an opportunity to provide guidance to states and territories who do not have a human rights framework to scaffold reform.

⁴⁴ See Economics and Governance Committee, Queensland Parliament, 'View Submissions', *Report No. 41, 57th Parliament – Strengthening Community Safety Bill 2023* (Web Page) <<https://www.parliament.qld.gov.au/Work-of-Committees/Committees/Committee-Details?cid=167&id=4235>>. See also Evidence to Economics and Governance Committee, Queensland Parliament, Brisbane, 28 February 2023, 34-39 (Sisters Inside Inc).

⁴⁵ PeakCare Queensland Inc, *Youth Crime – Get Smarter, Not Tougher* (Open Letter, 28 January 2023) <<https://peakcare.org.au/get-smarter-not-tougher/>>.

⁴⁶ Attorney-General's Department, Australian Government, *Justice Reinvestment Program* (Web Page, 23 February 2023) <<https://consultations.ag.gov.au/legal-system/justice-reinvestment-program/>>.