



**Queensland Youth
Policy Collective**

Queensland Youth Policy Collective

Submission to the Australian Human Rights Commission

Youth Justice and Child Wellbeing Reform Across Australia

29 June 2023

Introduction

The following submission has been written and prepared to assist in its consideration of Youth Justice and Child Wellbeing Reform across Australia.

The Queensland Youth Policy Collective (QYPC) was founded three years ago and has approximately forty active members from across Queensland. We are non-partisan and comprised of young people who want to contribute evidence-based, youth-led perspectives in public debate, particularly in the fields of human rights, climate change and youth justice.

We have structured our submission around answering questions (1) – (3) below:

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

It is well understood that disadvantage is intricately linked to youth offending. Homelessness, substance abuse, mental health issues, disengagement from education, and child abuse and neglect are all significant factors that contribute to an increased likelihood of youth offending. These factors create challenging circumstances for young people, contributing to their vulnerability, which often drives them towards criminal behaviour.

Children who have experienced abuse and neglect are more likely to face challenges in their development and wellbeing, which can contribute to engagement in criminal activities. According to the Australian Institute of Health and Welfare, 53% of children under youth justice supervision have interacted with the child protection system in the last five years.¹ This means that half of the children in Australia's youth justice system have experienced trauma, abuse, neglect, or parental death or incapacitation.

Experts consistently establish a strong correlation between homelessness and youth offending.² Young people experiencing homelessness often face significant barriers to accessing employment, training and welfare support, thereby limiting means to gain an income. Young people experiencing homelessness may engage in survival behaviours like theft and drug dealing in an attempt to support themselves.³ Additionally, homelessness can

¹ Australian Institute of Health and Welfare, *Young people under youth justice supervision and their interaction with the child protection system 2020-21* <<https://www.aihw.gov.au/getmedia/e4f440c3-abb0-4547-a12b-081a5a77908b/aihw-csi-29-Young-people-under-youth-justice-supervision2020-21.pdf.aspx?inline=true>>.

² Anna Stuart and Emily Hurren, *Child Maltreatment, Homelessness, and Youth Offending*, Australian Institute of Family Studies (October 2017); Eric Stewart, Kirk Elifson and Claire Sterk, 'Integrating the general theory of crime into an explanation of violent victimization among female offenders' (2004) *Justice Quarterly* 21(1).

³ Hanie Edalati and Tonia Nicholls, 'Childhood Maltreatment and the Risk for Criminal Justice Involvement and Victimization Among Homeless Individuals: A Systematic Review' (2019) *Trauma, Violence, & Abuse* 20(3).

exacerbate young people's vulnerability to victimisation, for example, approximately 83% of young people experiencing homelessness experienced physical and/or sexual assault after leaving home.⁴

Substance abuse⁵ also contributes to young people's involvement in the criminal justice system. The Australian Institute of Health and Welfare found that young people who receive alcohol and other drug treatment are 30 times more likely than other young people to be under youth justice supervision.⁶ Substance abuse can impair judgment, increase impulsivity and lead to risky behaviours, including criminal activity. There is also a complex correlation between mental health issues and substance abuse problems which can contribute to offending. Young people may utilise illicit substances to self-medicate or, conversely, it may trigger the onset of mental ill-health symptoms.⁷ The factors that contribute to young people's involvement in the youth justice system often interact and overlap. Understanding and addressing these underlying contributors is crucial in developing effective strategies for prevention, intervention, and rehabilitation within the youth justice system.

These overlapping factors also often interact with other factors, such as a young person's race, gender, socioeconomic circumstance or disability. It is important to recognise that the intergenerational trauma experienced by First Nations young people renders them even more vulnerable to the factors outlined above. The impacts of their trauma, stemming from a history of forced disconnection from family, Country, spirituality, and culture, in addition to a loss of parenting practices, manifest in various complex ways, increasing the likelihood of their involvement in the criminal justice system. Aboriginal and Torres Strait Islander peoples have a long history of over-representation in both the youth and adult justice systems in Australia. Despite comprising only about 6% of young people aged 10–17, First Nations young people accounted for 49% of youth in detention on an average day in 2020–21.⁸ This over-representation erodes young people's trust in institutions and results in a substantial number of Aboriginal and Torres Strait Islander children having parents in custody. The high correlation

⁴ Jamie Yoder et al, 'Explaining Homeless Youths' Criminal Justice Interactions: Childhood Trauma or Surviving Life on the Streets?' (2014) *Community Mental Health Journal* 50(2).

⁵ QYPC uses the term "substance abuse" to refer to the excessive use or misuse of alcohol, illicit drugs or medications.

⁶ Australian Institute of Health and Welfare, *Overlap between youth justice supervision and alcohol and other drug treatment services: 1 July 2012 to 30 June 2016* <<https://www.aihw.gov.au/getmedia/f3906ed5-3035-4294-98ef-7a37c3a10cbb/aihw-juv-126.pdf.aspx?inline=true>>.

⁷ Australian Institute of Health and Welfare, *National Drug Strategy Household Survey 2019* <<https://www.aihw.gov.au/getmedia/77d8ea6e-f071-495c-b71e-3a632237269d/aihw-phe-270.pdf.aspx?inline=true>>.

⁸ Australian Institute of Health and Welfare, *Youth detention population in Australia 2022* (13 December 2022) <<https://www.aihw.gov.au/reports/youth-justice/youth-detention-population-in-australia-2022/contents/understanding-youth-detention-in-australia/aboriginal-and-torres-strait-islander-people>>.

between parental incarceration and offending further contributes to the cycle of First Nations persons' involvement in the justice system.⁹

2A. What needs to be changed so that youth justice and related systems protect the rights and well-being of children and young people?

As canvassed, there are numerous factors that contribute to involvement in the youth justice system. To ensure that youth justice and related systems protect the rights and well-being of children and young people, QYPC recommends that reform centres around developing national principles and frameworks to ensure greater consistency across jurisdictions, recognising that issues of youth justice transcend borders.

Recommendation 1: QYPC recommends that Australia develops a national framework for youth justice principles.

Australia is a party to the United Nations Convention on the Rights of the Child ('the Convention'), meaning that Australia voluntarily ensures its youth justice policies comply with the minimum standards set in that Convention. However, ratification does not mean that these principles are enforceable. There is no federal framework directly incorporating the youth justice obligations in the Convention, with the implementation of the Convention's youth justice principles being left up to individual states and territories. For example, Queensland has statutorily incorporated a set of youth justice principles that must be considered in sentencing children.^{10/11} and provides for the rights of children in the criminal process in section 33 of the *Human Rights Act 2019* (Qld).

Enshrining these principles in a federal framework, such as legislation, would amplify these principles at a national level and unify approaches to youth justice across Australia. A national youth justice framework will also provide opportunities to protect the health and wellbeing of children and young people in the youth justice system, such as a nationally recognised and

⁹ Juan Del Toro, Adam Fine and Ming-Tee Wang, 'The intergenerational effects of paternal incarceration on children's social and pathological well-being from early childhood to adolescence' (2023) *Development and psychopathology* 35(2) 588.

¹⁰ *Youth Justice Act 1992* (Qld) sch 1. This contains the "Charter of youth justice principles" which underlie the operation of the Act.

¹¹ *Youth Justice Act 1992* (Qld) s 150(1)(b).

supported approach to the diversion of juvenile offenders, reducing stigma and creating greater education and awareness.^{12/13}

Recommendation 2: QYPC recommends that a national agreement on custodial oversight bodies be developed.

An independent correctional oversight entity is required to ensure youth detention services are held accountable for any maltreatment and abuse of children in detention. QYPC recommends that a key reform will be the establishment of a national agreement on custodial oversight bodies across Australia that provide for minimum requirements in state and territories' custodial oversight bodies.

The United Nations Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment has stated that “effective domestic mechanisms of oversight, including complaints mechanisms, form an essential part of the apparatus of prevention”.¹⁴ It is essential that young people feel they can make complaints and grievances to an independent body outside of the detention facility and associated government departments. More broadly, promoting and upholding the humane treatment and conditions of people in detention, especially children in detention, is essential.

The Western Australia Office of the Inspector of Custodial Services identified that “without national agreement around implementation, it has not been possible for the organisation to commit significant resources to develop important processes and structures around how [they] will undertake this new work”.¹⁵ The absence of a national agreement and coordination around the implementation of the Optional Protocol to the Convention against Torture hinders the ability of states and territories to progress their implementation of the protocol.

¹² Human Rights and Equal Opportunity Commission (2001) *Best practice principles for the diversion of juvenile offenders*. Available at https://humanrights.gov.au/sites/default/files/content/human_rights/briefs/hrbrief5.pdf.

¹³ Zach Hope (21 February 2023) 'Power and the passion: Why youth crime drives Queensland wild'. *Brisbane Times*. Available at <https://www.brisbanetimes.com.au/politics/queensland/power-and-the-passion-why-youth-crime-drives-queensland-wild-20230221-p5cm6o.html>.

¹⁴ Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (30 December 2010) The approach of the Subcommittee on Prevention of Torture to the concept of prevention of torture and other cruel, inhuman or degrading treatment or punishment under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, CAT/OP/12/6, [5(g)]. Available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G10/473/81/PDF/G1047381.pdf?OpenElement>.

¹⁵ Save The Children (April 2023 'Putting children first: A rights respecting approach to youth justice in Australia'. At page 48. Available at 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#:~:text=A%20child%20rights%20approach%20in,base%20for%20reducing%20offending%20behaviour.

2B. What are the barriers to change and how can these be overcome?

However, despite it being clear that there are significant issues in Australia's youth justice system, Australia is plagued with barriers preventing it from addressing these issues. One major barrier is the lack of political will and leadership to drive meaningful change. Transforming the youth justice system into something that protects the rights and wellbeing of children and young people requires sustained, and sometimes politically unpopular, commitment from policymakers, legislators and government representatives.¹⁶ This is often driven by media narratives that call for a punitive approach to youth justice, without acknowledging the context behind young people's offending or the impact of the youth justice system on youth offenders.¹⁷ The negative perception of young offenders is compounded by cultural and systematic biases within the youth justice system. Factors such as systematic racism contribute to an increased likelihood of First Nations young people acquiring criminal records earlier and attracting higher penalties, thereby reinforcing negative perceptions of First Nations young offenders and forming a self-fulfilling prophecy that contributes to First Nations overrepresentation within the youth justice system.¹⁸

Fragmentation and lack of coordination between the numerous stakeholders in the youth justice system can also impede reform efforts. Effective collaboration between government agencies (including the police), community organisations, educational institutions, health agencies, and appropriate service providers is essential.¹⁹ This fragmentation is worsened by the limited resourcing allocated to addressing youth justice and, where there are resources available, this is being directed toward correction agencies, such as the police and corrections,

¹⁶ Alder, C., & Wundersitz, J. (1994). *Family conferencing and juvenile justice: The way forward or misplaced optimism?*. Australian studies in law, crime and justice. Canberra: Australian Institute of Criminology. Retrieved from <https://www.aic.gov.au/publications/lcj/lcj-3>.

¹⁷ Klose, H., & Gordon, F. (2022). *Public health approaches to youth involvement in violence: Examining stakeholders' perspectives in Australia and the United Kingdom*. Journal of Criminology, 1-18. Retrieved from https://www.researchgate.net/profile/Hannah-Klose/publication/365857666_Public_health_approaches_to_youth_involvement_in_violence_Examining_stakeholders%27_perspectives_in_Australia_and_the_United_Kingdom/links/645c222f434e26474fd9bf7a/Public-health-approaches-to-youth-involvement-in-violence-Examining-stakeholders-perspectives-in-Australia-and-the-United-Kingdom.pdf

¹⁸ Victorian Aboriginal Justice Agreement (2022). *Aboriginal over-representation in the justice system*. Retrieved from <https://www.aboriginaljustice.vic.gov.au/the-agreement/aboriginal-over-representation-in-the-justice-system/underlying-causes-of-aboriginal>

¹⁹ Klose, H., & Gordon, F. (2022). *Public health approaches to youth involvement in violence: Examining stakeholders' perspectives in Australia and the United Kingdom*. Journal of Criminology, 1-18. Retrieved from https://www.researchgate.net/profile/Hannah-Klose/publication/365857666_Public_health_approaches_to_youth_involvement_in_violence_Examining_stakeholders%27_perspectives_in_Australia_and_the_United_Kingdom/links/645c222f434e26474fd9bf7a/Public-health-approaches-to-youth-involvement-in-violence-Examining-stakeholders-perspectives-in-Australia-and-the-United-Kingdom.pdf

and away from organisations focused on prevention, diversion, rehabilitation and community support.²⁰

Transforming Australia's youth justice system to protect the rights and wellbeing of children and young people will require a comprehensive, evidence-based approach. By shifting the focus from punishment to rehabilitation, investing in early intervention and prevention, promoting diversionary programs, strengthening community support networks, addressing First Nations overrepresentation, and enhancing legal safeguards, Australia can build a system that prioritises the rights, wellbeing, and successful reintegration of young individuals.

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?

Reviews of Australian youth justice systems have confirmed that young people who enter youth justice systems have vulnerabilities and complex needs that may be exacerbated by spending time in custody.²¹ *The United Nations Standard Minimum Rules for the Administration of Juvenile Justice* and the Convention both identify that detention should only be used as a last resort for young people.²² Incarceration serves to entrench young people in disadvantage and further their involvement in youth justice and children protection systems.²³ The four pillars outlined by Special Advisor, Bob Atkinson in the *Atkinson Report on Youth Justice* are to intervene early, keep children out of court, keep children out of custody and reduce reoffending.²⁴ These pillars should inform any response to young people's involvement in youth justice systems.

Recommendation 3: QYPC recommends that the age of criminal responsibility be raised.

One way of reducing the involvement of children and young people in youth justice and child protection systems is by raising the age of criminal responsibility. The earlier a child comes

²⁰ Allison, C., & Robinson, L. (2022). Advocates call for better resourcing of youth diversion sector after NT raises age of criminal responsibility. Retrieved from <https://www.abc.net.au/news/2022-12-02/resourcing-nt-youth-diversion-age-criminal-responsibility/101721810>

²¹ Brenda Lin, Garner Clancey and Sindy Wang, 'Youth Justice in Australia: Themes from Recent Inquiries' [2020] (605) *Trends and Issues in Crime and Criminal Justice* 1, 5.

²² Ibid.

²³ Eileen Baldry et al, "'Cruel and Unusual Punishment": An Inter-Jurisdictional Study of the Criminalisation of Young People with Complex Support Needs' (2018) 21(5) *Journal of Youth Studies* 636; Chris Cunneen, Barry Goldson, and Sophie Russell, 'Juvenile Justice, Young People and Human Rights in Australia' (2016) 28(2) *Current Issues in Criminal Justice* 173.

²⁴ The Honourable Justice Roslyn Atkinson, 'Access to Justice: Rhetoric or reality (Speech delivered at the Australasian Law Reform Agencies Conference, Wellington, 13-16 April 2004)' (QSC) [2004] *QldJSchol* 24.

into contact with the youth justice system, the more likely they are to continue offending.²⁵ Children who engage with the youth justice system at a young age are also less likely to complete education and find employment, increasing the risk of offending.²⁶ This is because retributive punishment against children and young offenders is not effective at deterring offending.²⁷ The most effective way to reduce children's and young people's involvement in youth justice and child protection systems is to raise the age of initial contact with the justice system by raising the age of criminal responsibility.

QYPC has previously made a comprehensive submission to the Community Support and Services Committee Inquiry on the *Criminal Law (Raising the Age of Responsibility) Amendment Bill 2021* in support of raising the age of criminal responsibility in Queensland.²⁸

Recommendation 4: QYPC recommends that emphasis be placed on diverting young people away from the youth justice system.

In conjunction with raising the age of criminal responsibility, diversion from the youth justice system is required to produce positive outcomes for children and young people, QYPC recommends that emphasis be placed on diverting young people away from the youth justice system. Diversion programs may utilise restorative justice techniques. Restorative justice is a process that allows victims of a crime and perpetrators to work together to communicate damage that has been caused and work constructively to reach solutions.²⁹ While there is no single model of restorative justice, a common practice takes the form of conferences between the person harmed and the person responsible which are usually facilitated by a neutral counsellor, facilitator or community member.³⁰ In the appropriate circumstances, restorative justice can provide therapeutic and restorative outcomes for both victims and offenders.³¹ Diversion programs direct children and young people into programs that help them take

²⁵ 'Young People Aged 10-14 in the Youth Justice System 2011-12, Publication', *Australian Institute of Health and Welfare* (25 July 2013) 21 <<https://www.aihw.gov.au/reports/youth-justice/young-people-aged-10-14-in-the-youth-justice-system/contents/publication>>.

²⁶ 'Explainer: Raising the Age', *Human Rights Law Centre* (20 March 2018) <<https://www.hrlc.org.au/reports-news-commentary/2018/2/8/explainer-raising-the-age>>.

²⁷ Elizabeth S Scott, "Children Are Different: Constitutional Values and Justice Policy" (2013) 11(1) *Ohio State Journal of Criminal Law* 71.

²⁸ QYPC's submission can be found at <https://documents.parliament.qld.gov.au/com/CSSC-0A12/CLRARAB202-31E4/submissions/00000066.pdf>

²⁹ Victorian Law Reform Commission, *Improving the Response of the Justice System to Sexual Offences* (September 2021) 184 <<https://www.lawreform.vic.gov.au/project/improving-the-response-of-the-justice-system-to-sexual-offences/>>.

³⁰ *Ibid* 187.

³¹ Bronwyn Naylor, 'Effective Justice for Victims of Sexual Assault: Taking up the Debate on Alternative Pathways' (2010) 33(3) *University of New South Wales Law Journal* 662, 664.

responsibility and make reparations for the harm they caused so they can understand why their actions were wrong which discourages recidivism.³²

Diversory measures are best employed at the initial stages of the criminal justice process including at initial police contact. Diversion programs are also more cost-effective than incarceration and can provide targeted and culturally safe support for First Nations young people.³³ Presently, diversion programs are underutilised or used ineffectively. Ad hoc approaches to diversory programs are missed opportunities for early intervention.³⁴

Successful diversion programs already exist in Australia. The Northern Territory Police Force has a Youth Diversion Unit dedicated to providing diversion services and programs for at-risk young people.³⁵ In the Northern Territory in 2015-26, 35% of children and young people were diverted from the youth justice system after coming into contact with police.³⁶ Further, 85% of diverted young people did not reoffend.³⁷ Culturally safe and appropriate diversion programs are also beneficial for First Nations young people. The Tiwi Islands Youth Diversion and Development Unit, provide targeted support for Tiwi young people to address risk factors for offending.³⁸ This program has succeeded in fostering low rates of recidivism and is regarded as the 'best practice example' of youth diversion.³⁹

Recommendation 5: QYPC recommends that therapeutic and rehabilitative models of youth justice be utilised more.

Where young people do come into contact with the youth justice system, reforms that show evidence of positive outcomes are rooted in therapeutic and rehabilitative justice principles, QYPC recommends the implementation of therapeutic and rehabilitative models of youth justice. Many experts have argued for a therapeutic approach over a punitive approach to youth detention.⁴⁰ Therapeutic jurisprudence recognises that the law, particularly in the process of sentencing an offender, can be used as a therapeutic tool to bring about healing

³² Michael Gooda and Margaret White, *Report of the Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory: Volume 2B* (Report, Commonwealth of Australia, 17 November 2017) 249 <<https://territorystories.nt.gov.au/10070/821122>>.

³³ Legislative Council Legal and Social Issues Committee, *Inquiry into Youth Justice Centres in Victoria: Final Report* (Report, Parliament of Victoria, 6 March 2018) <<https://apo.org.au/node/135561>>.

³⁴ Penny Armytage and James Ogloff, *Youth Justice Review and Strategy: Meeting Needs and Reducing Offending* (Report, Department of Justice and Community Safety (Vic), 3 August 2017) 23 <<https://apo.org.au/node/101051>>.

³⁵ Michael Gooda and Margaret White (n 32) 27.

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ *Ibid* 276.

³⁹ *Ibid.*

⁴⁰ Legislative Council Legal and Social Issues Committee (n 33).

and wellness.⁴¹ A model that emphasises the therapeutic potential of the law recognises children and young people as by-products of socio-economic disadvantage and trauma and addresses their complex needs.⁴² Therapeutic support provided to children and young people must be trauma-informed and address the underlying causes of criminal behaviour of children and young people.⁴³ The concept of trauma-informed practice developed in the North American mental health sector as early as the 1980s.⁴⁴ Trauma-informed practices recognise the impact of trauma on children and young people and implement practices to provide targeted support to children and young people to reduce instances of re-traumatisation or recidivism.⁴⁵

Recommendation 6: QYPC recommends that education programs in the youth justice system be expanded

Educational programs are critical for the rehabilitation of young people and to reduce recidivism.⁴⁶ QYPC recommends that educational programs in the youth justice system be expanded. As many children and young people in detention may have experienced disrupted or limited education, education can increase literacy and numeracy levels.⁴⁷ Education for young people in detention can also lead to better future employment outcomes.⁴⁸ Research suggests that young people who complete higher education in detention are more likely to continue education upon their release, lowering their chance of recidivism.⁴⁹ An example of effective education can be seen in Parkville College in Victoria. Parkville College is a government secondary school that offers classes six days per week and 52 days per year for all young people in detention in Victoria.⁵⁰ Positive results have been produced with evidence

⁴¹ Michael L Perlin and Alison J Lynch, “‘Some Mother’s Child Has Gone Astray’: Neuroscientific Approaches to a Therapeutic Jurisprudence Model of Juvenile Sentencing’ (2021) 59(3) *Family Court Review* 478, 483.

⁴² Lin, Clancey and Wang (n 21) 13; Atkinson (n 24).

⁴³ Atkinson (n 24); Stephen Case and Kevin Haines, ‘Children First, Offenders Second Positive Promotion: Reframing the Prevention Debate’ (2015) 15(3) *Youth Justice* 226.

⁴⁴ Judicial Commission of New South Wales, ‘Trauma-Informed Courts’, *Equality before the Law Bench Book* (2022)

<benchbook<https://www.judcom.nsw.gov.au/publications/benchbks/equality/section12.html>>.

⁴⁵ Nicole C McKenna and Kristy Holtfreter, ‘Trauma-Informed Courts: A Review and Integration of Justice Perspectives and Gender Responsiveness’ (2021) 30(4) *Journal of Aggression, Maltreatment & Trauma* 450, 451 citing Substance Abuse and Mental Health Services Administration, ‘SAMHSA’s Concept of Trauma and Guidance for a Trauma-Informed Approach’ (2014) *HHS Publication No. (SMA) 14-4884* 27.

⁴⁶ Armytage and Ogloff (n 34) 18.

⁴⁷ Lin, Clancey and Wang (n 21) 11.

⁴⁸ *Ibid.*

⁴⁹ Victorian Auditor-General’s Office, *Managing Rehabilitation Services in Youth Detention* (Independent Report, 8 August 2018) 21 <<https://www.audit.vic.gov.au/report/managing-rehabilitation-services-youth-detention>>.

⁵⁰ Lin, Clancey and Wang (n 21) 11; Victorian Auditor-General’s Office (n 49) 71.

that the education model at Parkville College has been successful in giving young people greater opportunities to succeed upon release.⁵¹

Recommendation 7: QYPC recommends consideration be given to a youth justice model, based on the Missouri model, which emphasises rehabilitation, therapy, education, and vocational opportunities for young people.

The Missouri model of youth rehabilitation has been very effective at reducing young people's contact with the youth justice system. The model consists of housing young people in contact with the youth justice system in small community-based facilities near their homes.⁵² The young people undergo rigorous group treatment in small supervised groups and receive individual attention.⁵³ The emphasis of the treatment is to keep young people safe from emotional and physical abuse through staff supervision and the fostering of supportive peer relationships.⁵⁴ The young people are encouraged to develop academic, pre-vocational, and communication skills that will allow them to understand the roots of their behaviour and acknowledge and solve their personal problems upon their release.⁵⁵ The families of young people are also involved as allies, particularly in the transition of young people released from facilities back into the community.⁵⁶ New York City has employed an initiative based on the Missouri model called Close to Home, where young people stay in home-like facilities operated by not-for-profit organisations.⁵⁷ The Missouri model is not only low cost but has resulted in reduced recidivism for young people and a decline in the number of children and young people in detention.⁵⁸ Missouri showed a consistently lower rate of recidivism compared to other US states employing systems based on correctional incarceration facilities.⁵⁹ The model allows for educational achievement and positive reintegration of young people with their community upon release. QYPC supports a youth justice model, based on the Missouri model, which emphasises rehabilitation, therapy, education, and vocational opportunities for young people.

Concluding Remarks

QYPC thanks you for the opportunity to make this submission. Should you have any queries, please feel free to contact QYPC.

⁵¹ Lin, Clancey and Wang (n 21) 11.

⁵² The Annie E. Casey Foundation, *The Missouri Model: Reinventing the Practice of Rehabilitating Youthful Offenders* (Report, 1 January 2010) 13 <<https://www.aecf.org/resources/the-missouri-model>>.

⁵³ *Ibid.*

⁵⁴ *Ibid* 13-14.

⁵⁵ *Ibid* 14.

⁵⁶ *Ibid.*

⁵⁷ Atkinson (n 24) 63.

⁵⁸ *Ibid.*

⁵⁹ The Annie E. Casey Foundation (n 52) 6.

Summary of Recommendations

Recommendation 1: QYPC recommends that Australia develops a national framework for youth justice principles.

Recommendation 2: QYPC recommends that a national agreement on custodial oversight bodies be developed.

Recommendation 3: QYPC recommends that the age of criminal responsibility be raised.

Recommendation 4: QYPC recommends that emphasis be placed on diverting young people away from the youth justice system.

Recommendation 5: QYPC recommends that therapeutic and rehabilitative models of youth justice be utilised more.

Recommendation 6: QYPC recommends that education programs in the youth justice system be expanded.

Recommendation 7: QYPC recommends consideration be given to a youth justice model, based on the Missouri model, which emphasises rehabilitation, therapy, education, and vocational opportunities for young people.