



YOUTH  
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*Subject: Submission in Response to Project on Reform of Youth Justice Systems*

Dear National Children's Commissioner,

I am writing to submit a response on behalf of Youth Empowered Towards Independence (YETI) to the project investigating opportunities for reform of youth justice and related systems across Australia.

YETI is a not for profit, local organisation that provides support and services to vulnerable young people aged 10 to 25 years in the Cairns region (for program information refer <http://www.yeti.net.au>). Our service employs sixty staff, 35 per cent of our staff are from Aboriginal and Torres Strait Island backgrounds and we provide supports to over 2000 young people annually, 80 per cent from Aboriginal and Torres Strait Islander backgrounds. YETI is highly regarded for our work in the Cairns region with young people who have multiple psychosocial vulnerabilities. Amongst other initiatives YETI delivers: Youth Support Program; Next Step Plus (NSP); Cairns & Yarrabah Youth Bail Support (CYYBSS); Strong Together; Youth Response Diversion; Alcohol & Other Drugs Psychosocial Interventions; Alcohol & Drug Counselling; Just North Capacity Building including Remote Alcohol & Drug Outcomes (RADIO) and SSAYIT – our Same Sex Attracted Youth Intersex and Trans Youth Group. YETI practitioners respond to young people with trauma informed care addressing volatile substance use; involvement in the criminal justice system; physical or cognitive disabilities; housing and homelessness; historical trauma or abuse; legal issues; child safety issues; limited or no family support; limited pro-social engagement; budgeting and finance including educational or vocational challenges; lack of access to healthcare; literacy and numeracy; and complex family relations.

YETI appreciates the opportunity to contribute to this important project on the reform of youth justice systems.

Despite the best intentions and efforts of organisations like YETI, providing highly effective services to divert young people from crime can be challenging in a system that is influenced by politics and governments driven by short-term gains. Recent developments in Queensland highlight the difficulties



faced by service providers. The introduction of controversial youth justice laws and the abolition of the breach of bail offence have resulted in almost 300 children being charged with breaching their bail conditions in just two months. Experts have expressed concerns about the potential unfair punishment of innocent and disadvantaged young people for minor infractions, such as missing appointments or breaking curfews due to violence at home. These legislative changes hinder the delivery of appropriate support and rehabilitation, perpetuating a cycle of disadvantage and further entrenching young people in the criminal justice system. YETI is advocating for changes to prevent the long-term damage caused by short-term political considerations.

Research and evidence consistently indicate that locking up children increases the likelihood of them becoming recidivist offenders. Therefore, a punitive approach does not address the root causes of youth crime or contribute to long-term positive outcomes. The punitive approach taken by the government disregards the principles of proportionality, individualised justice, and the best interests of the child. Over policing of young people and high rates of remand in adult watchhouses and detention centres makes our communities less safe. Charging children for minor offences or breaching bail conditions, such as missing appointments or curfews, can be seen as disproportionate and unfair punishment.

Disadvantaged and marginalised children, including Aboriginal and Torres Strait Islander children, are disproportionately affected by the wide range of punitive measures currently implemented in Queensland. These measures (policing practices; special police prosecutors; use of remand; breach of bail; Serious Repeat Offenders Index etc.) perpetuate existing inequalities and contribute to the overrepresentation of young people from Aboriginal and Torres Strait Island backgrounds in the youth justice system.

Currently in Queensland the right to rehabilitation and reintegration is significantly compromised. The youth detention system is at breaking point and young people have described torturous conditions and an absence of rehabilitative supports ([Violent and vulnerable: Ricky, 14, has been to jail 15 times. In Queensland's youth justice system, he lost hope | Queensland | The Guardian](#))

YETI visits Cleveland Youth Detention Centre (CYDC) in Townsville weekly and agrees with the evidence that incarceration has a profoundly detrimental impact on young people's mental health. Jailing children exacerbates pre-existing emotional wellbeing issues and leads to feelings of hopelessness and low self-esteem. It also increases the risk of suicide, psychiatric disorders, and alcohol and drug use. Moreover, imprisoning children and young people without proper rehabilitation and support contributes to a cycle of reoffending and continued involvement with the justice system. To address these issues, substantive changes are needed in the treatment of young people in the justice system. This includes recognising that children should not be criminalised at a young age and raising the age of criminal responsibility to 14; reducing remand rates; and eliminating the prolonged detention of children in watch houses that violate the rights of the child enshrined in Queensland's Human Rights Act.

YETI's CEO has spoken publicly in relation to concerns associated with young people experiencing protracted periods of solitary confinement (Continual Cell Occupation) and no access to education and rehabilitative programs at Cleveland Youth Detention Centre in Townsville. Refer (['Like Guantánamo': the children locked in solitary for weeks at a time in Queensland youth prison | Queensland | The Guardian](#); [Children locked in solitary confinement miss weeks of school - ABC Radio National](#))

YETI is increasingly concerned by the prolonged detention of young people in watch houses which raises serious concerns regarding their rights, well-being, and access to appropriate support. I



YETI believes that it is critical for any youth justice policies and initiatives to be informed by the evidence in relation to what works. Children in regional Queensland should not be subject to policies that are developed in response to political pressure from the media and small divisive sectors of our community. YETI would like to see the establishment of a national rights-based approach that enshrines evidence-based policy approaches developed and designed by Community Controlled services and agencies with expertise in supporting vulnerable people within our communities.

The Queensland governments' own paper entitled Youth Offending Research Brief published by the Queensland Government Statistician's Office highlights several key findings regarding young offenders in Queensland.

- a) **Volume of Offending:** While young people represent a small proportion of all offenders, they are more likely to be proceeded against by the police multiple times in a year and thus become entrenched in a cycle of recidivism.
- b) **Explanatory Factors:** Several factors contribute to the offending patterns of young people. The age-crime curve shows an increase in offending during childhood and adolescence, which is a common finding in criminological research. Young people's less mature psychological and cognitive systems, inclination towards reward-oriented behaviours, limited social experience, and heightened reactivity to emotional stressors may contribute to their engagement in risky behaviours.
- c) **Risk Factors:** Compared to adults, young people often present with more and higher risk factors associated with offending and problem behaviours. These factors include individual risks such as disrupted family and social environments, and peer influences.
- d) **Response to Youth Offending:** Diverting young people away from formal court proceedings can be effective, as most young offenders will not reoffend, and focusing interventions on low-risk offenders may increase their likelihood of future reoffending.
- e) **Targeted Interventions:** Chronic offenders, who are responsible for a disproportionate share of youth crime and more likely to transition into adult offending, require intensive interventions that address criminogenic risks and support protective factors.

Data from the Queensland government indicates that most first-time juvenile offenders do not reoffend, but once they become entangled in the system, the rate of recidivism increases.

In addressing the questions posed, YETI's responses are as follows:

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

- The overrepresentation of young people, especially Aboriginal and Torres Strait Islander young people, in the justice system creates its own cycle of involvement. Incarcerating young people contributes to a cycle of reoffending by isolating young people from supportive environments, limiting access to education and employment opportunities, and exposing young people to negative influences within the justice system. The experience of incarceration can further marginalise and stigmatise, making it harder for young people to reintegrate into society and lead to a higher likelihood of engagement in future criminal





behaviours. Queensland's "tough" and "tougher" responses have created the current problem. As a young person recently stated when interviewed about his experiences of detention: 'I feel hurt, and I come out and I want to hurt people'.

- Socioeconomic disadvantage and inequality, including poverty, domestic and family violence, experiences of trauma and abuse and adverse childhood experiences, such as neglect, violence, or witnessing violence, can significantly impact a young person's development and increase the risk of their involvement with the youth justice system. A lack of appropriate therapeutic child safety placements for young people in care, significant housing stress leading to overcrowding, educational exclusion, family dysfunction, parental criminality and family over-representation in the justice system are additional causal factors.
- Drug and alcohol use can be a key causal and exacerbating factor in young people's contact with the justice system. YETI notes significant gaps in accessibility and funding of appropriately funded alcohol and drug treatment services in our region – for example, most Federally funded alcohol and drug services, including YETI's Youth Drug and Alcohol Counselling service have no funding increase in over 15 years (and no indexation). This results in inadequate support for young people with complex needs, limited referral pathways within systems experiencing waitlists and backlogs.
- Historical and ongoing trauma experienced by Aboriginal and Torres Strait Islander young people, resulting from intergenerational disadvantage, systemic racism, and dispossession and disconnection from country or culture.

## ***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?***

- Increased investment in prevention and early intervention programs that address underlying factors contributing to youth offending especially community-controlled solutions and alcohol and drug treatment for young people.
- Urgently address the current overcrowding and conditions inside Queensland's youth detention centres, including the use of seclusion and limited access to education and rehabilitative programs.
- Raising the age of criminal responsibility to 14 years old.
- Ensuring that detention of children, in both watchhouses and prisons, is a measure of last resort, particularly considering detention is exacerbating the current crime problem in Far North Queensland.
- Expansion of diversion programs that offer alternatives to incarceration via structured adventure-based activities so that young people can engage in positive risk-taking experiences, develop essential life skills, and channel their energy into constructive activities.
- Comprehensive legislative and policy reform that aligns our approaches with International human rights standards and prioritises the best interests of the child.

**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?**

- Place based and Aboriginal and Torres Strait Islander community-controlled solutions such as: on country programs, cultural healing, sentencing courts, circle sentencing, and other culturally responsive justice approaches. The findings suggest positive effects on reducing recidivism, enhancing community participation, and promoting cultural connection.
- Diversion programs that offer alternatives to formal court processes and emphasise rehabilitation.
- Interventions that address the needs of families.
- Individualised approaches that recognise each young person and family is unique and requires tailored interventions.
- Multiagency collaborative responses (e.g., Coordinated Care for Vulnerable Young People CCYP in Cairns) that ensure integration and accountability across the service system (both government and non-government).
- Stronger transition pathways between detention settings and the community (focussing on reintegration, connection with family, community, culture, and education)
- Improving access to NDIS supports for young people, via access to health and disability assessment opportunities.

**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?**


- In any national approach we believe it is vital to consider place based contextual factors everywhere but particularly in remote and regional communities.
- A national approach should prioritise cultural safety, self-determination, and meaningful engagement with Aboriginal and Torres Strait Islander communities.
- YETI believes that having rights-based consistency in policy and practice across jurisdictions based upon sound research and not reactive political decisions, may ensure equitable access to services and support for all children and young people.
- A national approach may result in stronger advocacy and collective action to address systemic issues and drive meaningful change.
- A national approach may lead to more comprehensive data collection and capacity to analyse data and understand the effectiveness of interventions, across jurisdictions, tracking progress and improvements.
- A national approach may foster greater accountability and oversight, by establishing national frameworks and guidelines, it becomes easier to monitor the implementation of policies and interventions, ensuring that the rights and wellbeing of children involved in the justice system or incarcerated children are upheld.
- A national oversight mechanism may promote transparency, identify areas for improvement, and hold responsible parties accountable for any violations or shortcomings especially for young people in detention centres where there has been significant mistreatment (as we and others have identified has and is occurring in the Cleveland Youth Detention centre).



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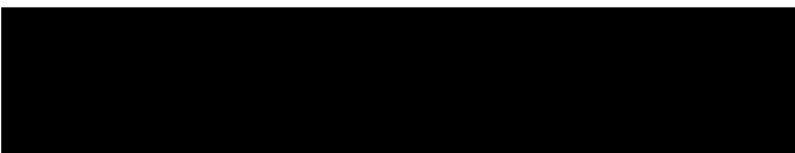
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We believe that the next steps towards youth justice and child wellbeing reform should involve:

- Collaboration between governments, relevant peak bodies, non-government organisations, and communities to develop a comprehensive national strategy.
- Meaningful engagement and consultation with Aboriginal and Torres Strait Islander communities and young people to ensure their voices and perspectives are central to this reform process.
- Continuous evaluation and monitoring of reforms, using data-driven approaches to measure outcomes and inform evidence-based practices.

Thank you for considering this submission. We hope that the findings and recommendations from YETI for this project will contribute to meaningful and positive changes in the youth justice and related systems. If you have any queries, please feel free to contact me on [REDACTED] or [REDACTED]

Yours sincerely,



Genevieve Sinclair

Chief Executive Officer

Youth Empowered Towards Independence