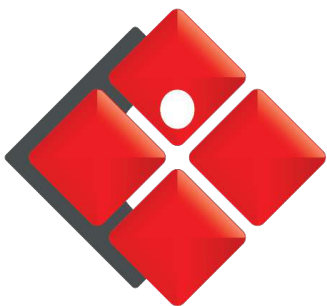


Submission to the
Department of Youth Justice
on

*Discussion Paper: A Safer Queensland
Qld Youth Justice Strategy 2024 - TBA*

5 June 2024



PeakCare
Queensland Inc.

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INTRODUCTION

PeakCare welcomes the opportunity to provide feedback on the *Discussion Paper for A Safer Queensland: Youth Justice Strategy 2024–TBA*. As supporters of the previous strategy based on the Report on Youth Justice by Mr Bob Atkinson AO, APM, we hope the new Youth Justice Strategy is equally clear and aspirational. Whilst the fundamental principles of the Atkinson Report are that public safety is paramount and community confidence is critical, the messaging in this strategy is not as clear. The current media and political narratives about youth crime have contributed to the public feeling less safe than when the previous strategy was developed, which means that community confidence is low. Therefore, the new strategy should include clear linkages between proposed actions and community safety, outlining how programs and services will improve public safety and/or increase community confidence.

PeakCare understands the draft strategy has been sent in confidence to members of the Youth Justice Strategy Reference Group. We hope other parts of the sector, particularly our members, as well as interested community members, will be offered an opportunity to provide feedback on the draft strategy before it is finalised.

ABOUT PEAKCARE

PeakCare is a not-for-profit peak body for child and family services in Queensland, providing an independent voice representing and promoting matters of interest to the non-government sector.

Across Queensland, PeakCare has more than 80 member organisations which include small, medium and large, local, state-wide and national non-government organisations which provide prevention and early intervention, generic, targeted, and intensive family support to children, young people, adults and families. Member organisations also provide child protection services, foster care, kinship care and residential care services for children and young people and their families who are at risk of entry to, or who are in the statutory child protection system.

A network of associate members and supporters also subscribe to PeakCare. This includes individuals with an interest in child protection, youth justice and related services, and who are supportive of PeakCare's policy platform around the rights and entitlements of children, young people and their families to safety, wellbeing and equitable access to life opportunities.

PEAKCARE'S SUBMISSION

Children and young people who come into contact with the criminal legal system often come from backgrounds of significant disadvantage and maltreatment. Notably, 26 percent of young people in the youth justice system have had a parent incarcerated and over half have been affected by domestic and family violence.¹ Findings from the Australian Child

¹ [Community Safety Plan for Queensland | About Queensland and its government | Queensland Government \(www.qld.gov.au\)](#)

Maltreatment Study indicate that Australians who experience childhood maltreatment (physical abuse, sexual abuse, emotional abuse, neglect and exposure to domestic violence) are significantly more likely to develop mental disorders, engage in high-risk behaviours and require more extensive health services.² Consequently, PeakCare believes that true community safety can only be achieved through substantial investments in public health and wellbeing.

The voices of living experience³

“It’s not like mum and dad don’t want to be good parents, they’re struggling too. My mum has nine of us. The generation above us are all single and on drugs and their parents were too. The way you’ve been shown love is the way you show love.”

“We’re not blaming other people for our crimes. We didn’t have what we needed when we were kids but it was our normal. It was normal for everyone I knew.”

Are there any more cross government approaches that could be emphasised or explored?

PeakCare agrees with the statement in the draft strategy, “There isn’t one solution to the reduction of youth crime in our state and no single stakeholder shoulders the responsibility alone – we all have a role to play.” To ensure all stakeholders play their role, we recommend the inclusion of actions that describe how accountability will be shared across the system for youth justice outcomes. There are many cross-agency groups in Queensland such as the Early Action Groups, Multi-Agency Collaborative Panels and Youth Crime Taskforce, but there can be a lack of role clarity and duplication of effort. PeakCare recommends continued efforts to increase coordination and accountability through these groups, including identifying the lead agency and key contacts who work with the young person and their family to help them navigate the system.

PeakCare is concerned about the number of young people in custody across Queensland and the percentage of these young people who have not yet been sentenced for their offences. We suggest including in the draft strategy a continued commitment to the fast tracking of sentencing. We also recommend that the strategy include approaches to working with the Magistrates Courts to operate across at least three days per week in all regions over the annual court closure period in December and January every year. The annual backlog that is created during the four to five weeks the courts are closed each year can take months to clear up and impacts on young people’s human rights as they spend days to weeks in police watch houses awaiting court appearances.

² [The prevalence and impact of child maltreatment in Australia: Findings from the Australian Child Maltreatment Study: 2023 Brief Report - The Australian Child Maltreatment Study \(ACMS\)](#)

³ PeakCare spoke with young people in Queensland’s youth detention centres in early June 2024. The young people participated voluntarily and agreed to have their words included in this submission.

What are the opportunities for co-design of elements of the strategy?

As the peak body for child and family services, many of PeakCare's member organisations will be interested in contributing to elements of the strategy. PeakCare can support sector involvement in co-designing initiatives such as the operating models for the new youth detention centres, expanded Intensive Bail Initiative, Gendered Framework, Neurodevelopmental Approach and Domestic and Family Violence Framework.

The voices of young people do not appear to be included in the draft strategy, particularly those with lived experience of the system. PeakCare recommends and can support the development of a youth engagement strategy, incorporating a youth reference group with First Nations representation equalling that of young people in the system, i.e. if 70 per cent of young people in the youth justice system are Aboriginal and/or Torres Strait Islander then that same level of representation should be on any co-design group. In addition to a youth reference group there should be efforts to reach young people where they are, such as remote communities, youth detention centres and residential care settings.

The voices of living experience

"Us Aboriginal people, we're first generations. We should have a say by now."

"First, sit down and understand us. We never had adults sit down and try to listen to us, so we've had to be there for each other."

"Build a bond. Ask what we want."

Noting the government has tabled a response, are there other elements that should be considered in light of the Select Committee Report?

The Youth Justice Strategy, Putting Queensland Kids First Strategy and Community Safety Plan should be clearly linked as the Queensland Government's three-tiered approach to addressing youth crime. These three strategies appear to have been developed as standalone strategies, even though the agencies working on each of them are largely the same. Creating clear linkages between them will increase the effectiveness of each strategy. Government silos need to be addressed through broad public sector cultural improvement efforts, to make these strategies work together.

The Select Committee's report recommends further exploration of smaller custodial settings of between four and six young people, located within community. PeakCare agrees with this recommendation and suggests looking for evidence-based international models to pilot locally, particularly those led by the non-government sector. PeakCare calls on the government to "Do Detention Differently" as the current model is quite clearly no longer working for the young people or the community. A contemporary model that is evidence-based is clearly needed to see real change effected.

The Select Committee's report also suggests working with media and community to change the narrative about young people, which will contribute to increased community confidence in the youth justice system. PeakCare looks forward to working with government to share

evidence about what is working in the system through our mainstream and social media channels and networks throughout the system.

The Queensland Government's response to the Parliamentary Committee's Interim Report states "Suspensions and exclusions are used as a last resort by principals when the safety and wellbeing of other students and staff cannot be safely managed within a school". We believe there should be legislated requirement to report on all other avenues taken before disciplinary absences. PeakCare is a member of the School Suspensions Campaign, along with the Aboriginal and Torres Strait Islander Legal Service, Queensland Advocacy for Inclusion, Youth Advocacy Centre and other organisations and peak bodies, aiming to reduce the overuse of student disciplinary absences, particularly in the early years of primary school. We know early suspension and exclusion from school is a predictor of youth justice involvement and we believe the reduction of school disciplinary absences should be part of Queensland's Youth Justice Strategy.

The \$288 million package to support Youth Reengagement in Education, whilst a good start, is only aimed at late primary and high school. PeakCare advocates for an equivalent or higher funded commitment for early primary students as a preventative measure, particularly for children with disabilities and First Nations children, as well as access to flexi spaces in primary schools and the provision of health and psychology professionals on site in primary schools.

The recently released Putting Queensland Kids First Strategy provides an investment of \$67.33 Million for behaviour specialists in priority primary schools. Determination of which of the schools across Queensland will be eligible for this funding should be clearly identified. PeakCare would encourage the government to consider engaging these specialists in every state school in Queensland.

The Queensland Government's response to the Select Committee report speaks to the voice of victims and making sure that their rights are above the rights of offenders. What is not stated in either the Select Committee's report nor the Community Safety Plan is that most young people in the criminal justice system are victims themselves, and half of the victims of youth crime are other young people.⁴ To truly address this we need to intervene earlier to address the causality of crime. The programs that are working well in youth justice and mentioned in the draft strategy are delivered after young people have started offending. More is needed through health and education when children are younger to support families as well as the children themselves.

The voices of living experience

"We're victims too. I'm a victim of being shown drug use when I was little. I'm a victim of growing up with violence."

"I had a school friend come over and she asked, "why is your dad bashing your mum?" I told her, 'They're just fighting'. It was normal for me, but she hadn't seen that before."

⁴ Childrens Court of Queensland Annual Report 2022-23
<https://documents.parliament.qld.gov.au/tp/2023/5723T2106-255C.pdf>

What other early intervention / prevention element might support the strategy

PeakCare believes supports and early identification of learning difficulties, diagnosable disabilities and health related problems need to occur prior to starting formal schooling. This will also address the issues young people have about disengaging in learning. More supports to schools and teachers are needed to help address these learning and behaviour problems so that schools can continue to function smoothly. Anti-social behaviours exhibited by children at school are often learnt from seeing these behaviours at home, online and in mainstream media. With appropriate support, teachers can support children to change these behaviours and learn new strategies to deal with their emotions. A stronger focus on identifying and providing support for families where domestic and family violence is occurring would also support children in the early years of their schooling.

The 'Housing First' principle should be applied and specifically named in this strategy. Families and young people without stable housing are more at risk of interaction with police and the youth justice system. If we can address housing as a priority need all other support programs are easier to apply.

Early identification of physical or mental learning difficulties will make a real difference to children's ability to engage in learning. The nearly \$250 Million investment from Putting Queensland Kids First in pre and post-natal care for mothers and young children is critically important. Providing health checks and screening for young children in those first three years prior to entering a schooling program is vital in identifying early and rectifying any health impediments.

What are the parts of the Strategy that you think would work well and why?

The link to the Putting Queensland Kids First Strategy is positive. The early years is where prevention of youth crime needs to focus. The Queensland Government's response to the Parliamentary Committee's Interim Report accepts a commitment to Putting Queensland Kids First "includes tangible performance indicators for assessing progress towards implementation", which we also support.

We agree with the draft strategy's reference to the use of detention "to keep violent repeat offenders off the street." We agree that only offences involving violence should be considered for time in detention and hope this strategy will move the Queensland Government in this direction.

PeakCare supports the concept in the draft strategy, "Commencing transition planning once a young person enters custody, considering what activities a young person can participate in to reduce re-offending upon release." We also suggest adding a focus on reintegration leaves of absence while in custody. The draft strategy includes a focus on maintaining young people's connection to their families, homes and communities while in custody, which would be supported through leaves of absence. Intensive supports for young people exiting detention need to be longer than 72 hours, include nights and weekends, and be linked to health, housing, education/training and employment. PeakCare would be open to working with government to explore what the non-government sector's role could be in extending this out-of-hours support.

We agree with the identified priority groups being Aboriginal and Torres Strait Islander young people, young women, and young people with disability. We ask that there is also consideration given to adding priority groups of children under 14 years of age and young people from culturally and linguistically diverse backgrounds.

PeakCare is supportive of the following approaches: using the education system as an early warning system to identify young children at risk; undertaking comprehensive (health, home, environmental) screening; multi-agency responses based on triaged immediate priorities; and using metrics that demonstrate intervention is working. We are also supportive of whole family supports when risk factors are identified through the education system.

We believe there is merit in expanding programs that have been shown to be successful, such as Intensive Case Management, Transition to Success, Project Booyah and the new Intensive On Country, including the reconnection to education and employment with additional wrap around services. It is important that these programs link with family and community supports and mentors, so young people are supported to make better choices to stay out of the criminal justice system when the program has concluded.

The voices of living experience

“We need good role models. They should pay for more role models and less juvis (detention centres).”

“Sometimes I go out and I tell myself I’m not going to do crime or get into fights, I’m just going to kick back. Then something happens and I get angry or I don’t have a ride home and everything changes really quickly. I need someone to call when that happens.”

“I want to buy stuff with my own money. If I get a job I would feel so proud of myself, I want to give mum money I didn’t steal but I made myself.”

What parts of Strategy do you think could be adapted or improved and why?

PeakCare is concerned about the punitive and deficit-based language used throughout the report, such as:

- References to ‘serious repeat offenders’, which could be replaced with ‘young people with a persistent pattern of offending’ or ‘young people whose offending is not addressed through diversion.’
- We suggest replacing ‘Prevention – Intervention – Detention’ with ‘Prevention – Early Intervention – Rehabilitation’ and replacing “detaining youth offenders where needed” with “rehabilitating young people in a secure environment where needed.”

The “What’s Next” section is a very small list of expanded initiatives, which appears to mean the strategy for the future of youth justice is primarily about doing more of the same.

Given the increase and impact drugs are having on families and young people, we recommend the expansion of residential drug and other substance programs across Queensland.

While the draft strategy states, “We will continue to be guided by the evidence”, the expanded electronic monitoring trial is occurring prior to a complete evaluation. As per our previous advice to the Community Safety and Legal Affairs Committee, we do not support expanding a trial before evaluation results have been considered.

PeakCare is pleased to see references to other strategies across the human services system, but suggests a stronger connection is made to how these will fit together. The strategies need to work seamlessly to ensure the best outcomes for the young people, families and the community.

CONCLUSION

PeakCare welcomes the opportunity to support the non-government sector’s involvement in co-designing and delivering actions under the new Youth Justice Strategy. We believe the path to a safer Queensland lies in all stakeholders working collaboratively and being accountable for their role in the system. We look forward to a version of this strategy that incorporates the voices of young people and encompasses their hopes and aspirations for the future.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Tom Allsop', with a stylized flourish at the end.

Mr Tom Allsop

Chief Executive Officer

PeakCare Queensland Incorporated

(Pronouns: he / him)