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# Youth Justice Reform Inquiry

## Phase 2

Submission to the Queensland Government  
Youth Justice Reform Select Committee

1 March 2024

This submission may be quoted in public documents.

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## Acknowledgement

Anglicare Southern Queensland acknowledges Aboriginal and Torres Strait Islander peoples as the first Australians and recognises their culture, history, diversity and deep connection to the land. We acknowledge the Traditional Owners and Custodians of the land on which our service was founded and on which our sites are operating today.

We pay our respects to the Aboriginal and Torres Strait Islander elders both past and present, who have influenced and supported Anglicare Southern Queensland on its journey thus far. We also extend that respect to our Aboriginal and Torres Strait Islander staff, clients and partners (past, present and future) and we hope we can work together to build a service that values and respects our First Nations people.

We acknowledge the past and present injustices that First Nations people have endured and seek to understand and reconcile these histories as foundational to moving forward together in unity.

Anglicare is committed to being more culturally responsive and inclusive of Aboriginal and Torres Strait Islander people and we are committed to embedding cultural capabilities across all facets of the organisation.

## About Anglicare Southern Queensland

Anglicare SQ's experience in identifying and responding to the needs of vulnerable members of our many and varied communities is underpinned by 150 years of delivering innovative, quality care services.

More than 3,000 staff and volunteers operate across southern Queensland and in Longreach and Townsville.

We offer a comprehensive, integrated range of community services that comprises community aged care, residential aged care and community support programs, including youth justice, child safety, disability support, counselling and education, mental health, homelessness and chronic conditions. Our services are designed to 'wrap around' clients in a comprehensive way, recognising their health needs but also addressing the social needs which contribute to wellness.

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## Executive summary

Anglicare Southern Queensland (Anglicare SQ) is pleased to make a further submission to Phase 2 of the Queensland Government Youth Justice Reform Select Committee consultation to examine ongoing reforms to the youth justice system; and support for victims of crime.

To assist the Committee's analysis and consideration of the issues, this submission redirects and supplements the content in our Phase 1 submission into the **seven priority areas** identified by the Youth Justice Reform Select Committee in December 2023.

The voices of the young people from our Intensive Bail Initiative program in Logan and on the Gold Coast continue to be integral to our submission. There are many channels for adults, expert and not-so-expert, to provide their views into the reduction and prevention of youth offending: there are far fewer opportunities for the young people themselves to offer insights from lived experience. This submission provides one way for Government to hear their voices.

Our discussion is further grounded by a rigorous evidence base, including that which supports the Raise the Age campaign, with its strong focus on prevention and early intervention to reduce youth offending.

We strongly believe that whether to support young people involved in or at risk of involvement with the youth justice system, their families, and/or victims of youth offending, is not a binary decision. Good policy and legislation needs to encompass activity in all of these interwoven areas, because the desired end point is the same: increased community safety.

### ***A 10-year strategy for youth justice in Queensland***

Anglicare supports the development and implementation of a 10-year strategy for youth justice.

We require a long-term vision and framework for achieving systems-based change, emphasising prevention and early intervention across multiple departments and sectors.

This is not achievable in a single term of government. A decade-long strategy would provide continuity across political cycles, and ensure that we have time to implement, adapt, innovate, and learn from successes and failures. Importantly, it also needs bipartisan support and commitment to a long-term vision to genuinely address the complex interplay of risk factors that contribute to disadvantage and subsequently reduce youth offending.

### ***Instigating earlier assessment, prevention and intervention strategies***

#### **Efficacy of evidence-based early intervention and prevention programs**

Evaluated, evidence-based prevention and early intervention programs in Australia and internationally include both broader, whole-of-community supports, as well as more targeted interventions aimed at children and young people at higher risk of offending.



- **Whole-of-community social supports**

Whole-of-community social supports are critical in prevention and early intervention — normalising parenting skill development and experiences, enabling early support for those who might benefit from it, and building positive connection as well as capacity. In this way, educational, health and family support interventions become a positive ‘step up’, rather than imposed as ‘fix ups’ or punishments for the deficits of individuals or families.

- **Risk and protective factors that reduce crime**

As well as critical community-level supports, we need additional, more targeted approaches that address needs and circumstances that potentially lead to offending behaviours for those young people at risk of, or involved in the youth justice system.

Research shows that funding prevention, early intervention and diversion initiatives, both system-level and program-specific, that break the cycle of disadvantage is the most effective way to reduce child and youth offending and re-offending.

- The importance of positive relationships with family and friends is key, and clearly indicates the significance of investing in families of all kinds and at all stages.
- Other supports, such as a positive school or work environment and constructive community connections, are also important protective factors.
- Systemic challenges, such as poverty and the housing crisis, also contribute to disadvantage. This puts prevention and early intervention squarely within the sphere of mainstream education, health, social care, youth and the community sector, rather than solely a ‘youth justice’ issue.

### **Effective ways to stop recidivism and protect the community from offending**

The most effective way to stop recidivism is to commit to the following strategies:

- *Provide material supports and facilitate positive social supports*

The literature shows that a key strategy in breaking the cycle of recidivism is providing sufficient material and social support upon release: that is, ensuring young people are housed, fed, clothed and healthy, with positive familial and community supports in place.

- *Raise the minimum age of criminal responsibility (MACR) from 10 to at least 14 years*

The current MACR flies in the face of extensive medical, legal, academic and other evidence that shows that involvement in the justice system at a young age increases the chances of recidivism.

- *Address underlying trauma*

Therapeutic and integrative approaches and environments that aim to address the effects of trauma and enable connection of young people to family and community, have been shown to be much more likely to reduce recidivism than detention.

- *Build on young people’s strengths, skills and interests to grow their capacity for healthy engagement in the community*

Solutions are not reached by focusing on offenders’ weaknesses and failures, but by building on strengths and establishing healthy patterns.

- *Funding*

It is important to build capacity in communities and the human services sector to deliver both targeted intervention programs, and to support community development approaches that help to grow networks of connection, support and meaningful activity.

Funding First Nation communities and community-controlled organisations for this work is particularly critical to support their central role in decision-making about services and support for First Nations children.<sup>1</sup> This is also consistent with Queensland’s obligations under Closing the Gap.<sup>2</sup>

## *Reimagining youth justice infrastructure*

### *Detention is a failing system*

Queensland has the second highest rate of children’s incarceration in Australia, and this number continues to rise. Despite this, there is significant evidence that youth detention is a failing system: it costs more than \$2000/day per child; and has negative social costs that are “almost impossible to calculate” across the full life trajectory of a young offender.

In terms of alternatives to detention: we need a more integrated approach that provides young people with opportunities meaningful to them to learn and engage with the community in healthy ways. The young people in our IBI program provided examples of such activities in section 3.2.1.

### *Suitable infrastructure for youth detention*

International examples of detention and rehabilitation approaches that could be adapted for the Queensland context include the Missouri (US) and Spanish Diagrama examples described in the body of the submission. The models are based on residential, rather than prison-like, settings that provide therapeutic responses, normalise and stabilise everyday routines, connect young people appropriately into the community and keep them near their families wherever possible.

We suggest that the costs of piloting and gradually transitioning to models such as those highlighted here could be offset by:

- raising the age from 10 to 14 years, which immediately reduces the number of children in detention
- addressing the issues surrounding the number of children and young people on remand
- gradually transitioning existing youth detention facilities to cater specifically for 18–21 year olds. This would have the dual benefit of relieving pressure on the overcrowded adult prison system,<sup>3</sup> and enabling interventions targeted at a group of young people who still require additional support as they transition to adult responsibilities.

### *Improving the engagement of children and young people with positive programs*

All Anglicare's programs are underpinned by shared person-centred and evidence-based principles that encourage the engagement of young people. They are:

- holistic and systems-focused, responsive to individual needs and cognisant of the environment and lived experience that contributed to the young person's situation
- inclusive, involving young people, caregivers and families in growing communication and relational skills, and finding solutions and a better way forward
- person-directed, ensuring the voice of the young person is heard as part of an ongoing conversation that constantly reinforces pro-social attitudes and behaviours, and facilitates reparation where relevant
- collaborative, tapping into the skills, knowledge and resources of community partners and multiple relevant agencies.

### *Improving young people's transition back to the community*

The vast majority of the literature suggests that without sufficient material and social support upon release, successful reintegration back into community is less likely, and the cycle of release and re-arrest can become increasingly difficult to break.

We strongly support the efficacy of an integrated approach that provides young people with opportunities meaningful to them to learn and engage with the community in healthy ways, evidenced through outcomes from Anglicare's programs.

### *The current operation of the Youth Justice Act 1992*

#### **Sentencing principles**

As Government is aware, making breach of bail an offence for children is a breach of the Queensland Human Rights Act. The Bill's Statement of Compatibility and others noted the likelihood of the amendment making it more likely that children will be detained pending trial, and subject to the detrimental impacts of remand.

The 'show cause' amendment also has a flow on effect of increasing both the number of children on remand, and the pressure on detention centres. Nor do children belong in watchhouses.

In addition to the prevention, early intervention and diversionary strategies addressed throughout this submission, and the removal of breach of bail as an offence for children, we suggest that the numbers of young people on remand could be reduced by increasing the capacity of the court system through additional resourcing, to provide earlier sentencing.



### *Criteria for serious repeat offender declarations*

Empowering sentencing courts to declare a child as a 'serious repeat offender' is deeply problematic:

- there is considerable evidence that labelling actually plays a role in further contributing to crime
- given SRO declarations are intended 'to authorise more punitive sentencing based on a prediction of future risk'<sup>4</sup> this identifies a group of children who are effectively perceived to be irredeemable and undeserving of the same considerations given other children before the court. The very phrasing of 'more punitive sentencing' flies in the face of the concept of detention as being a period of rehabilitation, captured in the very first line of the BYDC Operational Plan.<sup>5</sup>
- Given the lack of evidence for the efficacy of detention, the fact that these children are subject to more 'punitive sentencing' and thus, longer periods in detention, is highly unlikely to have the desired effect of creating a safer community.

### *Traffic offences*

Responses such as increasing maximum penalties for unlawful use or possession of a motor vehicle are simplistic and do not address the multiple reasons why young people offend in this way.

International research such as the New Zealand Youth Traffic Offences and Offending Project<sup>6</sup> demonstrates ways that Queensland could deal more effectively with young drivers, reduce reoffending and reduce the burden on our courts.

### *Strengthening public confidence in the youth justice system*

We note that despite an overall decrease in youth crime figures, an increasingly toxic community and media narrative is spreading misinformation and fear, and encouraging a punitive 'tough on youth crime' approach that is not based on evidence.

The constant refrain of negative language describing alleged youth offenders also acts to stigmatise and exclude young people from their own communities, undermining the possibility of community ties and support acting as a key protective factor for young people.

We suggest that one important strategy for helping community members feel safer, against a backdrop of media and pockets of community fear-mongering, is to share more positive stories about what is working and the achievements of young people.

### *Victim support*

Victims' needs are varied and their experiences diverse, and support should be extended well beyond the outcomes of a prosecution process. Systems and processes that could

help provide immediate and ongoing assistance, based on the voices of victims themselves, include:

- a single point of contact where victims could go for information
- a range of highly individualised responses reflecting the unique experience of each victim
- ensuring that the victim support workforce is sufficiently resourced
- supporting non-specialist services to identify and respond to experiences of victimisation.

Young people are also strongly represented among the figures for victims of crime, and thus also need victim support. The Alannah and Madeline Foundation advocates for systemic changes aimed at supporting young victims, which Anglicare SQ endorses. These include partnerships between courts and specialist agencies to support children and young people; continued improvement of court precincts to ensure children, young people and their families feel safe; early response systems to identify children exposed to crime; and improved data collection and research into the needs of child victims.

## Summary of our recommendations

**That the Queensland Government implement the following recommendations:**

### *Holistic, intensive support programs*

1. Increase investment in support programs for families of all kinds and at all stages, with a particular focus on building strong and supportive families; ensuring that children have sufficient material basics (food, housing, clothing, medication); and safety.
2. Increase funding for holistic, trauma-informed approaches which endeavour to understand the basis for offending, address disadvantage and stressors, and provide individualised support for the young person and their family.
3. Expand and strengthen post release and transitional programs to support young people during the very vulnerable period of reintegration into the community.

### *Whole-of-community supports*

4. Expand whole-of-community supports (such as parenting and mental wellbeing programs) that normalise support and build capacity and social connection right across the community in non-stigmatising ways.
5. Expand funding for programs that provide young people with opportunities meaningful to them to learn and engage with the community in healthy ways.
6. Maintain and continue to grow the focus on expanding housing stock for Queenslanders, particularly social and affordable housing for those in the lowest 40% of the income spectrum.
7. Expand the focus on housing options for young people, particularly those from backgrounds of disadvantage and vulnerability.

### *The youth justice system*

8. Urgently raise the minimum age of criminal responsibility to at least 14 years.
9. Remove breach of bail as an offence for children.
10. Expand funding to increase the capacity of the court system, to provide earlier sentencing.
11. Strongly encourage the use of mechanisms, such as cautions, that divert young people from the court system.
12. Expand support for restorative practice approaches that focus on supporting young people to heal relationships and repair property damage, rather than involving the court system.
13. Implement a pilot of the Diagrama or a similar residential model in youth detention in Queensland.
14. Explore the potential for existing and planned large scale youth detention facilities to be transitioned to cater for 18-21 year olds.

*Valuing our young people*

15. Proactively disseminate good news stories that highlight programs and partnerships that work, and the achievements of the young people involved in them.
16. Fund a small grants program encouraging the creation of positive content celebrating young people and their contributions to society.

*Workforce and the community sector*

17. Increase focus and provide appropriate funding to increase the capacity of the community sector workforce, and particularly First Nation communities and community-controlled organisations, to effectively deliver expanded prevention and early intervention programs.

*Victim support*

18. Implement victim support processes and structures that include a single point of contact, a range of highly individualised responses reflecting the unique experience of each victim, and expansion of the victim support workforce, including training for non-specialist service providers.
19. Implement changes aimed at supporting young victims advocated by the Alannah and Madeline Foundation.

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## Introduction

Anglicare Southern Queensland (Anglicare SQ) welcomes the invitation to make a submission to Phase 2 of the Inquiry into Youth Justice Reform in Queensland to examine ongoing reforms to the youth justice system, and support for victims of crime.

To assist the Committee's analysis and consideration of the issues, this submission redirects and supplements the content in our Phase 1 submission into the **seven priority areas** identified by the Youth Justice Reform Select Committee in December 2023.

The voices of the young people from our Intensive Bail Initiative program in Logan and on the Gold Coast continue to be integral to our submission. There are many channels for adults, expert and not-so-expert, to provide their views into the reduction and prevention of youth offending: there are far fewer opportunities for the young people themselves to offer insights from lived experience. This submission provides one way for Government to hear their voices.

We strongly believe that whether to support young people involved in or at risk of involvement with the youth justice system, their families, and/or victims of youth offending, is not a binary decision. Good policy and legislation needs to encompass activity in all of these interwoven areas, because the desired end point is the same: increased community safety.

### Anglicare's experience working with young people at risk

Our comments in this submission reflect the direct expertise and experience of Anglicare SQ over decades of service delivery, working directly with many thousands of children, young people, and their families.

In the financial year 2022–23, Anglicare supported 1,695 carers to provide 383,863 nights of foster and kinship care for children and young people, and 46,511 hours of support and accommodation for women and young people experiencing homelessness. We operated 29 residential homes for children and young people in need.

In addition to the Intensive Bail Initiative profiled in detail in this submission, we have experience of running Supervised Community Accommodation (SCA) Services in partnership with the then Department of Child Safety, Youth and Women for young people who had been granted bail by a court, and did not have a safe home to go to. Independent evaluation of the SCA program noted the high quality of service delivery, including the effectiveness of the wrap-around framework, strong case management and positive feedback from young people in the program.

We also draw on experience that includes operating child and family programs and services across a geographic footprint double the size of the United Kingdom. This includes programs such as: foster and kinship care, residential care, Family Intervention Services (FIS), Intensive Family Support (IFS); Secondary Family Support (SFS), Supported Independent Living Services (SILS) and Assessment Support Connect (ASC). In Gympie, we also operate the Next Steps Plus and extended care program for young people transitioning out of care.

## Priority 1. A 10-year strategy for youth justice in Queensland

Anglicare supports the development and implementation of a 10-year strategy for youth justice.

The cohort of young people who persistently offend in Queensland largely come from backgrounds of deep and persistent disadvantage. Evidence shows that the most effective way to reduce child and youth offending and re-offending is by breaking this cycle of disadvantage — putting prevention and early intervention squarely within the sphere of mainstream education, health, social care, youth and the community sector, rather being than solely a ‘youth justice’ issue.

It truly requires us to focus on ‘putting Queensland kids first’, as another current inquiry is framed.<sup>7</sup>

This means that we require a long-term vision and framework for achieving systems-based change, emphasising prevention and early intervention across multiple departments and sectors. As well as departments such as Youth Justice and Child Safety, it includes agencies such as Education, Housing, Health, and Employment and Training. Issues such as workforce challenges and sector capability need to be addressed. Even the involvement of agencies such as Transport is important, helping to address the myriad transport and cost challenges that face families trying to access services, or young people seeking employment.

This is not achievable in a single term of government. A decade-long strategy would provide continuity across political cycles, and ensure that we have time to implement, adapt, innovate, and learn from successes and failures. Importantly, it also needs bipartisan support and commitment to a long-term vision to genuinely address the complex interplay of risk factors that contribute to disadvantage and subsequently reduce youth offending.

## Priority 2. Instigating earlier assessment, prevention and intervention strategies

There is no shortage of evaluated, evidence-based prevention and early intervention programs in Australia and internationally that comprise both broader, whole-of-community supports, as well as more targeted interventions aimed at children and young people at higher risk of offending.

This priority focuses on implementing such strategies *earlier*, and so the following section first addresses ways in which prevention and early intervention programs should be prioritised at the whole-of-community level, enabling families and children to be supported *before* they become vulnerable.

We then turn to broader protective factors that reduce offending and re-offending by young people, and reiterate our support for a ‘smarter not tougher’ approach.

## 2.1 Efficacy of evidence-based early intervention and prevention programs

### 2.1.1 Whole-of-community social support programs

Whole-of-community social supports provide a critical role in prevention and early intervention — normalising parenting skill development and experiences, enabling early support for those who might benefit from it, and building positive connection as well as capacity. In this way, educational, health and family support interventions become a positive ‘step up’, rather than imposed as ‘fix ups’ or punishments for the deficits of individuals or families. Many of these supports are well known and credible community resources:

- The 'PPP' Positive Parenting Program has resources and training for parents as well as guidance for youth around anxiety
- General practitioners have mental health care plans for counselling through Medicare
- The 'HIPP' program (Help Increase Peace Program) is an alternative to violence program developed by the Quakers for small groups
- 'Beyond Blue' has resources and information about anxiety and depression.
- 'Mind matters' is a mental health educational program that is developed for schools in the classroom.
- Drug Arm have resources on Drug and Alcohol education and prevention.
- 'Seasons for Growth' is an education program that builds the resilience and wellbeing of children who have recently experienced loss due to death, family separation or migration.

We suggest that such supports should be ideally integrated into place-based, child-focused initiatives and approaches, where communities are inspired, as a collective, to take ownership of the wellbeing of their own children. Expanded funding for cross-sectoral, cross-community partnerships would also provide a rich database of evidence about initiatives that work — or don't work — for sharing with both government and community; and inform policy and program development on an ongoing basis.

The Logan Together initiative is a community movement committed to the wellbeing of every child in the city of Logan, from 0–8 years of age. Through its Splash! event in 2022,<sup>8</sup> bringing together more than 600 Logan residents, service providers, academics and funders, as well as ongoing activity, Logan Together provides an outstanding example of grassroots collaboration genuinely informing community-wide strategy and action.



**Every child. Every opportunity.**

**Our big goal is to see Logan's children happy and healthy for generations to come.**

## 2.1.2 Risk and protective factors that reduce youth offending

The programs mentioned above are critical community-level supports. For those young people at risk of, or involved in the youth justice system, we need additional, more targeted approaches that address needs and circumstances that potentially lead to offending behaviours.

Over at least the last three years, the Queensland Government has directed particular attention to the ‘the 10%’<sup>9</sup> or as two Members of Parliament tellingly called them in a recent public briefing session “the worst of the worst”<sup>10</sup> — an expression that both draws from and feeds into the sensationalist narrative of youth offending currently common in both media and community.

These are the approximately 400 children who persistently offend in Queensland. The Queensland Government’s own reports and strategies have pointed out on multiple occasions that these are also the most disadvantaged of our children, with risk factors that include experience of poverty, family violence, unstable accommodation or homelessness, disrupted education, exposure to alcohol and substance misuse and histories of familial offending and/or involvement with the child protection system. While offending and recidivism are rarely the result of a single risk factor — poverty or a low education level in themselves, for example, do not predict offending behaviour — *clusters* of risk factors combined generate a higher risk of recidivism.<sup>11</sup>

Research shows that funding prevention, early intervention and diversion initiatives, both system-level and program-specific, that break this cycle of disadvantage is the most effective way to reduce child and youth offending and re-offending.

The following section addresses these protective factors through three lenses:

- the views of young people from the Anglicare SQ Integrated Bail Initiative (described over the page)
- the views of Anglicare staff, who draw on their deep experience of working with young people and families over many years
- system-level protective factors, particularly income sufficiency and housing.

### ***The life experience of children in the justice system***

- *31% have a parent who has been held in adult custody*
- *58% have a mental health or behavioural disorder diagnosed or suspected*
- *More than half have used two or more substances*
- *52% are totally disengaged from education, employment and training*
- *Almost 1 in 5 have been homeless or had unsuitable accommodation*
- *51% have also had involvement with Child Protection*
- *3% of children and young people in detention have used ice or other methamphetamines*
- *17% of children and young people have a disability diagnosed or suspected.*

Queensland Government 2019. *Youth Justice Strategy 2019–2023*

### About the Intensive Bail Initiative

The IBI works collaboratively across sectors to support 10–17 year olds who are among the small proportion of young people in Queensland at significant risk of serious and long-term offending.

The program is based on a belief that no single agency alone can achieve positive outcomes for vulnerable young people. We have a strong partnership with the Department of Youth Justice, that includes joint training, recruitment processes and multi-agency panels; and we are an official secondary partner to Street CRED, a QPS initiative. This is a multi-agency holistic approach to meeting the needs of vulnerable young people on the street and provides assertive outreach, including a street patrol on Thursday nights.

We also partner internally to leverage the depth and breadth of Anglicare SQ's services, including food supports and the Thread Together 'mobile wardrobe', which provides choice and dignity for young people to select brand new clothing as needed.<sup>12</sup>

The IBI program has multiple components:

- Bail Support Services aim to address the reasons behind young people being remanded in custody by connecting them to critical supports and people in their community; providing the required support and interventions to young people; and increasing the confidence of the court or police that a young person will comply with the conditions of their bail. In 2022, BSS supported 190 young people.
- The After Hours Community Based Co-Responder is available to provide support and connection to services out of hours, including during times of crisis, and in response to call outs from the Queensland Police Service and the Youth Justice Co-Responder. In 2022, the community co-responder supported 99 young people.
- The Hub was until very recently a drop in space within our Gold Coast program for young people who are still largely 'precontemplative'. This has been highly effective in developing trust and informal connections between the young people and the youth workers — every interaction is a chance for an intervention. The hub is a safe place for basic needs to be met, such as food, showers, clothing, and someone to 'have a yarn with'.
- The Intensive Family Partnership prioritises family members of young people who are deemed serious recidivist offenders, with complex and extreme needs. It is focused on practical problem solving and improving safety and living conditions at home; and involves intensive case work to support young people and their families to identify practical supports that will keep young people out of custody. In 2022, the Intensive Family Partnership supported 28 families.

### 2.1.2.1 The views of young people involved with the youth justice system

Given that young people with experience of the youth justice system are most directly impacted by the decisions of adults who determine youth justice priorities and policy, we sought their direct input to this submission.

Youth workers trusted by young people from the Anglicare SQ Intensive Bail Initiative described above asked a series of questions related to this inquiry, including the following:<sup>13</sup>

#### **What was/could have been the 1-2 most powerful things that would keep/have kept you from being involved in offending behaviour?**

The young people's answers appear below. The importance of positive relationships with family and friends was key. The young people worried about the impact of their behaviour on family, wanting to be a role model for younger siblings. They mentioned the helpful influence of people they loved and respected; and the value of simply 'staying home' with people and pets they care about.

Their answers, and those of our staff, clearly reveal the significance of investing in families of all kinds and at all stages.

#### **The most powerful things that kept me from offending behaviour: family, friends and home**

- My girlfriend would advise not to take part in crime
- My dad would encourage me to make the right decision
- Worried about impact on family
- If I had a good relationship with my family that would have helped me. But sometimes I fight with my dad and feel like I can't go home. But also I needed more help with my drug use. When I'm in community my drug use is what makes me offend. And the biggest things that have helped me not offend have been Anglicare and my ICM worker with Youth Justice on the Gold Coast.
- And my mum. I wouldn't be where I am today without my mum. She came with me to everything and told me all the time that she didn't want to see me at court again
- Finding a new group of friends
- Staying home
- My dog
- My little brother, trying to be a good role model for him
- Staying home with girlfriend
- Having support from family and being provided with a good environment eg They were removed from family and placed into grandparents care. My older sister didn't have a good environment and ran away from home and got into drugs.
- Having positive peer influence



Other support systems also featured strongly in the young people's answers — help and guidance from organisations like Anglicare, Transition2Success and other Youth Justice programs; and the value of employment:

### **The most powerful things that kept me from offending behaviour: other supports**

- Mindset change from employment – feeling of worth
- Getting help from Anglicare, Youth Justice
- Regular check ins
- A different mindset
- Being linked in with IBI Logan
- Inspirations – you know, like quotes and positive people on social media
- Anglicare – my worker always reminded me that offending wasn't worth it
- My worker reminded me that I could do better things with my life

#### 2.1.2.2 The views of Anglicare staff

Unsurprisingly, the young people's responses resonate strongly with the experiences and views of our staff, who note the critical importance of family and social supports, including a supportive school or work environment and positive community connections, as protective factors.

Conversely, they note the role of dysfunction within the family unit, poverty, domestic and family violence, homelessness, disengagement and lack of educational alternatives early in a young person's life development as among the risk factors that contribute to rates of youth offending.

Protective and risk factors operate from the earliest stage of a child's life. In 2023, Anglicare SQ also provided a submission to the Australian Government Department of Social Services (DSS) consultation to inform a new *Early Years Strategy*, in recognition of the vital importance of the first five years of every child's life.

Anglicare staff provided input to an internal survey<sup>14</sup> which asked, among other questions, what the most important priorities were for Australian children 0-5 years that would set them up for a good life. We define 'a good life' here as one that is undiminished by disadvantage, where children and young people have the best chance of thriving and, as a consequence, a much-reduced chance of involvement in the youth justice system.

Staff acknowledged the critical role of systemic challenges such as housing and poverty in influencing the life chances of our children; as well as noting the importance of prevention and early intervention strategies such as parenting and educational support programs.

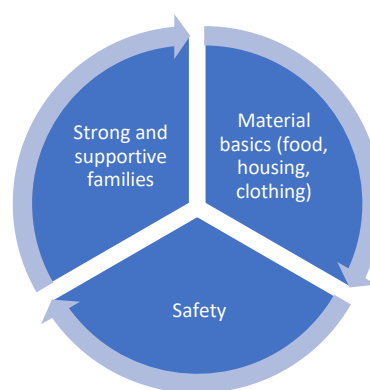


Figure 1: Anglicare staff priorities for a 'good start' in early childhood

For our staff, the most compelling (although by no means only) protective factors were those in figure 1, with some of their supporting comments below:<sup>15</sup>

### Protective factors for a good life

- My biggest hope for children is that they can have their basic needs covered — housing, food, education, affordable access to the health system and a safe and loving home life. Beyond that, teachers who are trauma informed and support for parents who need it to raise healthy children.
- That all children will live in a safe environment with equitable access to quality education, supports and services provided in a timely manner.
- That all children have access or made welcome to kindergarten, playgroups and day care regardless of income, culture or parents' social skills.
- Having connections (to family and wider community). Having access to allied health and general health.
- That children are safe and have opportunities to thrive.
- That families feel supported and are given opportunities to develop their parenting skills and knowledge of their child's development.
- I am a strong advocate for children to have a childhood free from harm, stress and abuse. I would like to see more children have access to affordable childcare where they can be supported to grow and develop emotionally, socially and educationally. Too many children are being left behind and are not school ready by the time they get to primary school. Children need to be provided with supported play opportunities to develop their skills and abilities to succeed at school.
- Children being able to feel loved and emotionally and psychologically safe in the family home. More supports for children with disability and neurodivergent needs.

#### 2.1.2.3 Systemic challenges that contribute to disadvantage

It is not possible to seriously address the causes of and solutions to youth offending without also examining the systemic challenges that contribute to disadvantage. The McArdle et al study mentioned in section 6.2,<sup>16</sup> and other research, demonstrates that the public understands that responsibility for youth offending should not fall solely on the young people involved, but also on society as a whole; and that offending has more to do with care and protection issues than it does personal culpability.<sup>17</sup>

As we mention above, this puts prevention and early intervention squarely within the sphere of mainstream education, health, social care, youth and the community sector, rather being than solely a 'youth justice' issue. One of Anglicare's youth workers points out that:

*Individuals are also part of a family, extended family, community, city, state and country that has implications for each child/young person... [I]ssues of structural marginalisation, poverty, injustice, unemployment, family breakdown, empowerment and social isolation ... also impact people in various ways.*

We touch briefly below on income sufficiency and the housing crisis, given their flow-on impact on health, educational and employment opportunities, and the increased likelihood of contact with the justice system.

### *Income sufficiency*

Despite decades of policies and initiatives, one in six Australian children, or five students in a classroom of 30, still live below the poverty line.<sup>18</sup>

The evidence is incontrovertible that poverty diminishes the lives of children and young people now, and into their future.<sup>19</sup> [University of Melbourne](#) research found that:

*Experiencing just a single year of poverty during childhood is associated with poorer socio-economic outcomes in terms of educational attainment, labour market performance and even overall life satisfaction in early adulthood. Children from poor households are 3.3 times more likely to suffer adult poverty than those who grew up in 'never poor' households.<sup>20</sup>*

Anglicare staff describe client backgrounds of current and/or previous disadvantage that impact the life chances of families and children in an intergenerational cycle of poverty:

*Most of the clients in our program are from disadvantaged backgrounds and or have a child protection history dating back to when they were children. Many have no positive role models or supports.<sup>21</sup>*



*Figure 2: Quote from young participant in Anglicare Youth Voices project*

The combination of insufficient income and a critical lack of housing availability means that families currently in, or on the edge of, poverty are more than likely to never find their way out; and that their children will also struggle in every sphere of their lives, putting them at higher risk of involvement with the justice system, homelessness, unemployment and other life challenges.

## *The housing crisis*

*The impact of rising costs is impacting households everywhere, we are seeing more and more families homeless & living in cars or having to move far away from supports & jobs. The cost of food is reducing the options for families to feed themselves well, having to instead shop at cheap places & eat food that isn't exceptionally healthy or in good condition. The cost of rent at the moment has increased exponentially, to the point that people are risking their safety by living with too many people in order to afford to live in a home.<sup>22</sup>*

There are obvious implications for children and young people in the scenario described above by an Anglicare staff member. Children and young people experiencing housing stress and homelessness are more likely to have poor physical and health, suffer trauma and development delays, and struggle with education.

Anglicare SQ's 2023 *Rental Affordability Snapshot* revealed that of the nearly 3,000 rental properties surveyed last year, there were only 9 properties (0.3%) that were affordable and appropriate for households on income support; and only 82 (2.9%) properties for those on minimum wage. There was not one single affordable rental in Brisbane for a young person on Youth Allowance — even a room in a share house was 88% of that payment.<sup>23</sup>

When families have to reduce spending on essential items like education, healthcare, or groceries; and carry the emotional burden of uncertainty and potential homelessness, it has direct impact on the quality of life and life chances of children and young people. The *Hanging by a Thread: Our Search for Home* project (see boxed text, below), captured some of these impacts in the words and photography of the young people in our INSYNC and IBI programs.

### **Hanging by a Thread: Our Search for Home**

In *Hanging by a Thread: Our Search for Home*, young people from Anglicare's youth homelessness services explored their personal perceptions of home and homelessness through their photography. Their art probes, and sometimes challenges, our understandings of home in thought-provoking ways. The name of the exhibition reveals uncertainties and struggles, frustration and loneliness, as well as the sheer dogged resilience and courage that it takes to navigate a life between home and homelessness.

*Hanging by a Thread* is a collaboration between Anglicare Southern Queensland and The University of Queensland Life Course Centre. The project emerged from a desire to provide a channel for the young people that Anglicare supports through our INSYNC and Integrated Bail Initiative programs to influence the fitout of our new youth accommodation at Beenleigh; to enrich and enhance our service delivery; and to inform our advocacy.

The young people's work can be seen in an online gallery at <https://sway.cloud.microsoft/rbJ9Pgod3fLC9J8n?ref=Link> and will be featured in a public exhibition in the foyer of the Urban Utilities building at 31 Duncan St Fortitude Valley early in 2024.



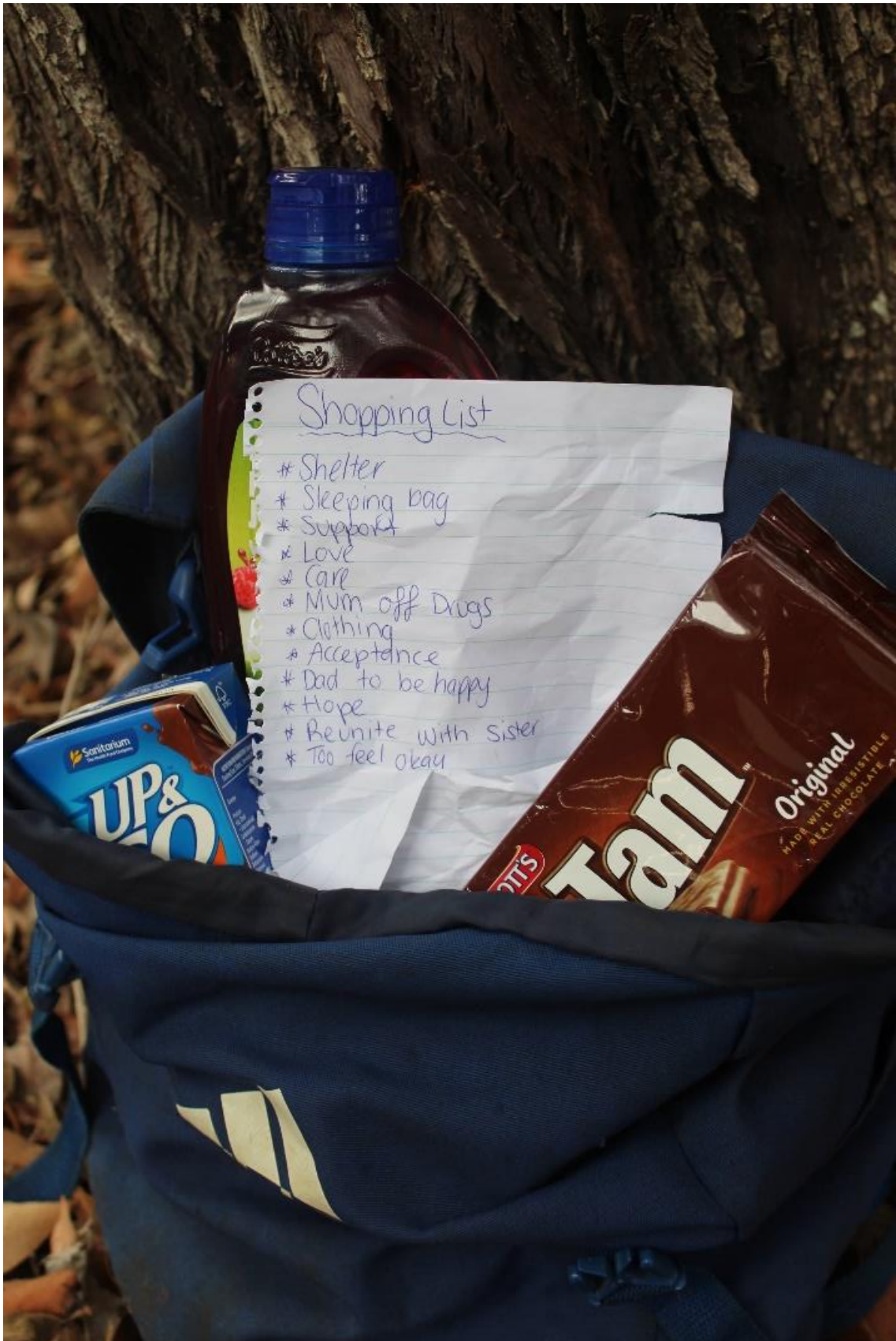


Figure 3: Grocery shopping (anonymous)

## 2.2 ‘Smarter not tougher’: a strategy addressing causes not symptoms

### 2.2.1 Effective ways to stop recidivism and protect the community from offending

An important part of the strategy for youth justice in Queensland is a vision for a youth justice system that engenders greater community safety through a reduction in recidivism. This vision needs to draw on the expertise of all stakeholders including relevant government agencies, community organisations that deliver youth justice services and the local communities that are directly affected by youth crime.

As flagged earlier, the young people currently of most concern to the Queensland Government and community are ‘the 10%’ of young people who persistently offend. There is no need to repeat in any detail that these are also the most disadvantaged of our children, with clusters of risk factors that heighten the risk of recidivism,<sup>24</sup> and who deal with ongoing and repeated experiences of trauma. Trauma impacts the development of higher level reasoning, abstract thought and the ability to process complex information, such that required to understand the full consequences of one’s actions.<sup>25</sup>

Despite alleged or even proven offending, these are therefore the *most* at risk of our children, and the most in need if we want to change the trajectory of their lives. Intervention strategies that stigmatise and further criminalise these young people do not address the core factors that affect why recidivist young people offend and keep re-offending.

In summary, we suggest that the most effective way to stop recidivism is a combination of the following strategies:

- Provide material supports and facilitate positive social supports
- Raise the minimum age of criminal responsibility from 10 to at least 14 years.
- Address underlying trauma
- Build on young people’s strengths, skills and interests to grow their capacity for healthy engagement in the community.

We draw from both the literature and from the long experience of Anglicare staff in our response to this question. Most importantly however, we also highlight the feedback of the young people in our Intensive Bail Initiative, when we asked:

**What is/was the most helpful part of any programs you’ve been involved in?  
Why was that helpful?**

#### 2.2.1.1 Material and social support

The vast majority of the literature suggests that a key strategy in breaking the cycle of recidivism is the provision of sufficient material and social support upon release: that is, to ensure young people are housed, fed, clothed and healthy; with positive familial and community supports in place.

Anglicare staff point out that, given the current housing crisis and potentially a lack of safety in the family home, detention is not always a deterrent for young people: “detention can be seen as a meal, a safe bed and an opportunity to go to school”. Similarly, researchers Gately and Rock, in their interviews with 50 Perth children aged 11–17 years about why they stole, noted that ‘Children’s reasoning for why they burgled was more out of need than greed’:



*Eight of the 50 children we spoke to said they only stole food, often looking for fresh food from the fridge to eat in the moment, and frozen or tinned items to take home to family.*

*When asked why they stole, one child said:*

*I had nothing to eat.*

*Another told us:*

*I got stuff from the freezer. I go for the food, but I didn't take anything else.<sup>26</sup>*

Anglicare's work is based on a restorative practice/restorative justice approach that focuses on helping young people to understand the impact of their actions, accept responsibility and make reparation. Such strategies and therapeutic programs are most effective where young people feel safe, secure and engaged. This includes helping to ensure that the material supports mentioned above are in place. For example:

*Supporting young people into long term accommodation options, and away from unstable options such as couch surfing.*

*Collaborating across services to assist young people across multiple areas of need eg Anglicare's INSYNC and Queensland Government Youth Justice Service Centre partnerships with Thread Together for new clothing.<sup>27</sup>*

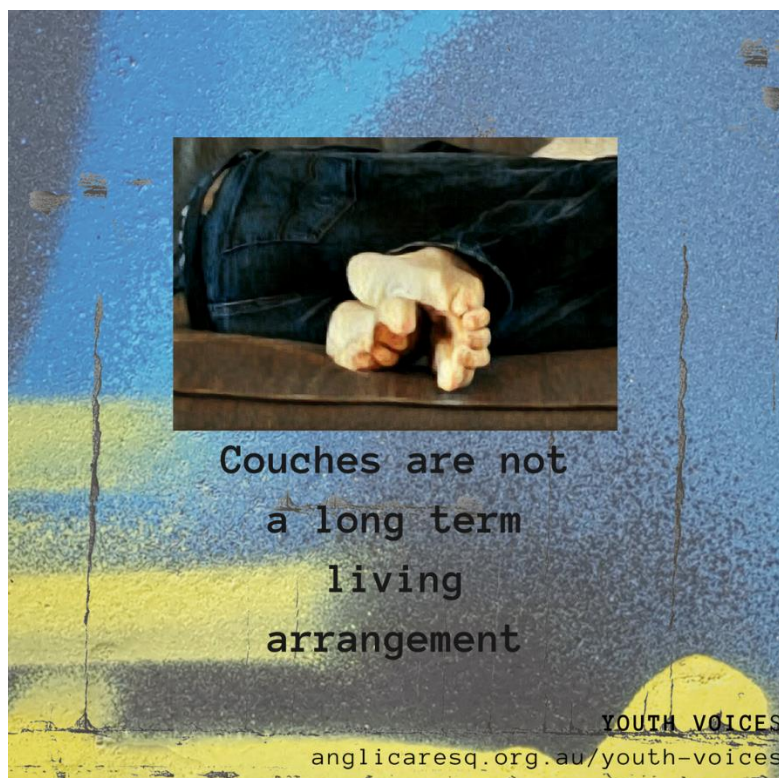


Figure 4: Quote from young participant in Anglicare Youth Voices project

The support we offer young people also focuses on building the social support network of the individual child and their family, drawing on extended family and relevant community and cultural groups as appropriate, so that they are better prepared to manage adversity when it arises (see Fetu's story on p. 18, below). We encourage the strengthening of family relationships, and support young people to repair and restore where they have caused hurt or damage.

Both material and social support appeared in the responses from the young people in our Intensive Bail Initiative when we asked them the question above about helpful programs in which they have been involved:

#### **What is/was the most helpful part of any programs you've been involved in?**

- Food support
- Having support from workers
- They helped me with my routine cause I had to get up early to get there. I did miss some because I slept in though. But also Anglicare sometimes helped me get to programs
- Anglicare – guided me to a good path to provide me with food / items so I don't need to offend/steal
- Practical support provided such as transport, engaging in activities and meal supports
- I was in a tuff spot in my life where I didn't know what I was going to do with myself and would run amok on the streets of the Gold Coast, and Anglicare have always offered me help with food and gas for my Mum, always offered food packages, helped me with getting my licence, bank account and pushed me to get a job which I've been doing work for 2 and a bit months as a 16 year old on a construction site doing labour work. Never felt better having money in my bank account now and switched my life around with the help of them so I do recommend Anglicare for young teens in need.

#### **2.2.1.2 Raise the Age**

The Queensland Government is well informed regarding the benefits of raising the minimum age of criminal responsibility from 10 years to at least 14 years. Many of the 76 submissions (including that of Anglicare SQ) to the Community Support and Services Committee Inquiry into the *Criminal Law (Raising the Age of Responsibility) Amendment Bill 2021* noted that:

- The current age of criminal responsibility at 10 years of age is totally inconsistent not only with extensive medical evidence, but also with social norms and expectations about protecting children.
- Instead of helping children, detention increases their vulnerability and disadvantage, and therefore the likelihood that they will return to the prison system over and over, both as youth and as adults. As a report from the Sentencing Council of Victoria points out:

*The younger children were at their first sentence, the more likely they were to reoffend generally, reoffend violently, continue offending into the adult criminal jurisdiction, and be sentenced to an adult sentence of imprisonment before their 22nd birthday.<sup>28</sup>*

- Raising the age of criminal responsibility would also have an immediate and generational impact on the over-incarceration of Aboriginal and Torres Strait Islander people in Australia. The low age of criminal responsibility disproportionately impacts these children and is a key

driver of their contact with police and the justice system. Aboriginal and Torres Strait Islander children have a right to grow up connected to culture and in a safe and healthy environment, supported to remain with their families and communities.

- International comparisons emphatically demonstrate that raising the age is feasible without increasing youth crime rates.<sup>29</sup>
- Any public pushback to raising the age from a minority of Queenslanders is not reflected in the majority view. As discussed in section 6.2, polling by The Australia Institute in 2020 showed that twice as many Queenslanders support raising the age to 14 (51%) as those who oppose it (24%); and nearly 6 in 10 Queenslanders agreed that public money currently spent on locking up children would be better spent instead on social services like family support, trauma and mental health support and public housing.<sup>30</sup>

Involvement in the criminal justice system for children under 14 years therefore fails every test of good policy. It cannot be said to be the most 'appropriate means' given the probability of harm to the young people involved and the cost involved, and it rarely meets the 'desired ends' of reducing crime.

As the *Queensland Youth Justice Strategy* points out, a combination of other comprehensive strategies, even delivered intensively, will be significantly more cost effective than childhood detention.<sup>31</sup>

### 2.2.1.3 Address underlying trauma

Without denying the importance of community safety, therapeutic and integrative approaches and environments that aim to address the effects of trauma, and enable connection of young people to family and community, are much more likely to reduce recidivism in young people convicted of serious or dangerous offences (for example, see the comments of our IBI young people below, and Fetu's story on p. 18).

- I was really focused on Transitioning 2 Success. They helped me with transport and always made sure I had food when I was doing the certificate work. But they also had youth workers that helped me understand what I needed to do. Sometimes **when I had big emotions the youth workers would help me**. And if I was too angry or upset they would call my main support workers to come and help me too.
- Anglicare was like my home. When I had nowhere to go I could go there to shower, sleep, eat, be with my friends (my friends that where like my street family). I always had **a safe space to go and just be myself**. There was staff there all the time that tried to help me and talk to me. I could go to Anglicare for help with anything and they really showed me how to trust people again.
- Anglicare gave us youths **a place where we could get some peace**. Anglicare helped with transport, food, showers, activities and everything really. Anglicare helps give young youths something to enjoy their life a little bit.
- Being able to **get out of the house and away from issues** there.

Effective rehabilitative diversion programs help young people address the underlying causes of their offending by tackling issues including substance use, housing, mental ill-health, education and training needs; and recognise that young people’s criminal behaviour is not necessarily a calculated action, but often largely the result of circumstances such as their age, maturity, background and social context.<sup>32</sup>

An Intensive Case Management Program implemented by the Queensland Government at a range of Youth Justice sites is described as “purposefully designed as a targeted program to address the multiple factors that impact on chronic juvenile offending” as well as aiming “to enhance family and kinship connections and promote engagement in educational and training initiatives”. The program was found by an external consultant to be appropriate and effective in all of these areas (our emphasis):<sup>33</sup>

<b>Finding 1</b>	The ICM Program is an appropriate model to be used in Youth Justice Service Centres, as it offers an <b>effective case management approach for high-risk young people and families</b>
<b>Finding 2</b>	The ICM Program model is regarded as being <b>culturally appropriate</b> , particularly for First Nations families
<b>Finding 3</b>	The ICM Program is <b>well-implemented and understood</b> across sites, which led to a high level of model fidelity
<b>Finding 4</b>	The ICM Program is more effective than alternative Youth Justice approaches in <b>reducing offending among the more serious offending cohort</b>
<b>Finding 5</b>	Qualitative evidence suggests the ICM Program is <b>effective in achieving outcomes</b> at the family and systems level
<b>Finding 6</b>	The reductions in reoffending from the ICM Program yield strong, <b>positive economic benefits for the criminal justice system and broader society</b>

#### 2.2.1.4 Build on strengths

Successful diversion also builds on an integrated, strengths-based approach that considers the multiple facets of young people’s lives and their particular experiences, connections, preferences, strengths and needs (both tangible and intangible). Page and Schaeffer, for example, in their paper on juvenile justice, reaffirm Michael Clark’s 1998 statement that:

*All offenders and families have some resources such as skills, capabilities, interests, positive character traits, even perseverance and hope, that can be brought to bear for exiting our system. It is a simple yet profound truth that solutions are not reached through [an] offender’s weaknesses and failures, but through [an] offender’s strengths and healthy patterns.*<sup>34</sup>

In a 2011 report for the Queensland Government, Little et al addressed possible ‘front-end’ options at the community level, to support the diversion of young people out of the justice system and reduce offending and re-offending. These included:

- Assisting young people to re-engage with school or engage in other vocational or employment training opportunities
- Active promotion and enablement of sport and recreational activities.

When we asked the young people in our Intensive Bail Initiative for feedback, many of the responses focused on the opportunity to develop practical life skills and knowledge, to stay meaningfully occupied, and to work at something they enjoy:

- YourTown — Getting Cert II in Retail that Anglicare paid for as well as learner licence and lessons
- Youth Justice — received [construction] White Card
- RAAP [Road Attitudes and Action Planning] — the fire brigade program, coz it made me see what they do, not just put out fires, see they go to crashes and deal with fatalities that affect them long term.
- I started doing work experience at a café and really enjoyed it. There needs to be more help out there for us to find work. But also, Youth Justice and Anglicare really helped me with this. They sit at the café with me to make sure I am comfortable and can keep learning café work.
- Activities that keep me busy when I am out of BYDC
- Driving program with YJ, made me realise how serious it can be

### 2.2.2 Interventions targeted at children and young people at higher risk of offending

The list below provides sources for lists of some of the many evaluated programs that, if properly resourced, have the potential to effectively address risk factors that increase children and young people’s propensity to offend, and divert them from involvement in the justice system.

- The 2023 Justice Reform Initiative report, *Alternatives to Incarceration in Queensland*, includes many evaluated programs and interventions focused on children and young people.<sup>35</sup>
- A report from the 2021 Western Australian forum on the State of the Youth Sector offers comprehensive and practical ideas for better supporting young people and their families, and enabling flow-on support to young people at risk.<sup>36</sup>
- A New Zealand Evidence Brief from the Ministry of Justice on *Early Intervention for Under-13s* addresses the evaluated outcomes of a range of child and family early intervention programs.<sup>37</sup>

### Fetu's story

At 16 years old, 'Fetu' (not his real name) had spent more time in detention over the past two years than out. Most of his offences had been committed under the influence of drugs, including ICE.

Fetu was from New Zealand originally, and was Samoan on his father's side. He had little knowledge of either culture. Despite having been in Australia since he was a toddler, Fetu was not a citizen so faced the risk of deportation. He was on a dual order, so his case planning included Fetu himself, Child Safety, Youth Justice, Anglicare, and other relevant stakeholders including the Office of the Public Guardian.

Fetu was placed in an Anglicare residential where several staff had New Zealand or Samoan backgrounds. He was extremely withdrawn, did not trust staff, and was not engaged in any type of education or employment. He was very worried that he would be deported, as he had not had any contact or cultural connection with family members in New Zealand.

Over time Anglicare staff built relationships with Fetu, and he gradually became willing to share issues important to him: staying in Australia, finding his family and his culture, staying out of trouble, getting a job and living independently (although this was a frightening prospect as well).

Our staff had connections within the community that enabled us to find some of Fetu's family from his mother's side, and we helped him to connect and join a youth group with his cousins. We also found his father in Samoa and, although his father could not speak English and Fetu could not speak Samoan, our staff member was able to translate for the two. Fetu consequently began to take Samoan language classes 2 days per week.

Fetu attended all his youth justice appointments and engaged in drug and alcohol diversion sessions. We worked together on his living skills, including budgeting, cooking, maintaining a household etc., and this enabled him to transition to a semi-independent living service within 12 months. He is well on the way to his long term goal of living independently and productively in the community.

### 2.2.3 Funding

Funding for additional prevention and early intervention programs is critical, and directly addresses the causes of recidivism. It is also important however to build capacity in communities and the human services sector to deliver such programs. The youth and family sector, like other human services, is under significant pressure from increased demand; insufficient supply of qualified workers; and the increased cost of delivering services.

Supporting community development approaches in communities, and assisting the growth of networks of connection, support and meaningful activity, helps to build the 'villages' that raise thriving children.

Funding First Nation communities and community-controlled organisations for this work is particularly critical. In their report, *Changing the Sentence: Overseeing Queensland's Youth Justice Reforms*, the Queensland Family and Child Commission reiterates the strong connection between culture and wellbeing; and the central role of Aboriginal and Torres Strait Islander communities and community-controlled organisations in decision-making about services and support for First Nations children.<sup>38</sup> This is also consistent with Queensland's obligations under Closing the Gap.<sup>39</sup>



## Priority 3. Reimagining youth justice infrastructure

Reimagining youth justice infrastructure involves an acknowledgement that the current system is not working, an understanding of why, and the courage to design and fund different solutions based on evidence of what works.

This section first addresses the efficacy — or lack thereof — of youth detention, and why it is failing. We then turn to the voices of the young people in our Intensive Bail Initiative. We asked them whether they see detention in its current form as a deterrent and, if not, what alternatives would be more effective.

The final section notes that where youth justice infrastructure is required as a last resort, it should be fit for therapeutic and rehabilitative purposes rather than punitive.

### 3.1 *Detention is a failing system*

A recent report by the Justice Reform Initiative, an Australian coalition of justice system experts, was straightforward about the efficacy of detention:

*Prison does not work to reduce crime; it does not work to build safer communities; and it does not work to address the social drivers of contact with the criminal justice system.*<sup>40</sup>

Despite the evidence behind this statement, Queensland has the second highest rate of children's incarceration (4.8 per 10,000 children) in Australia, and this number continues to rise. There has been a 41% increase in the children's prison population since 2019–2020, compared to a 34% decrease in Victoria and a 24% decrease in NSW.<sup>41</sup>

In raw numbers, more children are incarcerated in Queensland than anywhere else in Australia, significantly more than jurisdictions with larger populations, including New South Wales and Victoria. The imprisonment rate for Aboriginal and Torres Strait Islander children in Queensland aged 10–17 years old is 40.9 per 10,000, compared to 1.8 per 10,000 for non-Indigenous children. They are therefore 23 times more likely to be incarcerated.<sup>42</sup>

While the Queensland Government has in recent years made efforts to address youth offending in a more balanced, evidence-driven way, the entrenched 'tough on youth crime' rhetoric has gradually turned into a clamour and is now shaping youth justice policy and legislation for the worse. The evidence for this verdict is clear: on an individual, social and economic level, detention as anything but a last resort is a failing system:

- Children and young people who have been imprisoned can experience negative impacts including disengagement from education and employment, disrupted positive relationships, social exclusion, poorer health outcomes and a higher chance of re-offending. The impact on girls of a system basically designed for boys and young men is a further consideration, currently being addressed in the *Young Women's Voices* ARC Linkage project described below.



## Young Women's Voices

The *Young Women's Voices* project emerged from the [Youth Voices](#) pilot project undertaken by Anglicare SQ and Anglicare NSW South, NSW West & ACT. Youth Voices was an innovative research project designed in response to the complex issues facing young people, particularly those involved with the justice system. Recognising that the perspectives of young people are frequently neglected, the project used an alternative approach to identify ways in which young people seek help, and who and what makes good help from their perspective.

An important finding from Youth Voices was the need to hear specifically about young women's experiences of the community services and youth justice systems. These systems were designed to address the needs of males, but we know that young women's pathways into these systems are different from young men's, and that young women have unique needs. Young First Nations women are over-represented in youth justice, and the YWV project is committed to documenting their unique perspectives and utilising this knowledge to drive change.

YWV aims to document young women's experiences of human services and youth justice across Australia; and involve young women in co-designing the study and interpreting the results. Ultimately, the project aims to reduce young women's contact with youth justice, inform better service provision, and support young women of all backgrounds to live healthy and flourishing lives.

See [anglicaresq.org.au/young-womens-voices](http://anglicaresq.org.au/young-womens-voices) for more information.

- Detention is eye-wateringly expensive. Recent Productivity Commission data shows that the annual operating cost of imprisoning a child is \$2,068.32 a day and \$761,507 each year. This is in addition to the two planned new youth detention centres; a new 'youth remand centre'; and nearly \$200 million spent less than five years ago on expanding capacity at the West Moreton and Brisbane youth detention centres.<sup>43</sup>
- In terms of social costs, the Australian Government Senate Legal and Constitutional Affairs Committee report, *Value of a Justice Reinvestment Approach to Criminal Justice in Australia*, is as valid for young people as it is for adults, given the impact of early imprisonment across the life trajectory of young offenders. The report cites evidence that the social costs of imprisonment are "almost impossible to calculate" in that high rates of incarceration:

*break down the social and family bonds that guide individuals away from crime, remove adults who would otherwise nurture children, deprive communities of income, reduce future income potential, and engender a deep resentment toward the legal system. As a result, as communities become less capable of managing social order through family or social groups, crime rates go up.*<sup>44</sup>

### 3.1.1 Young people's views of detention

Given the above evidence, we asked the young people in our IBI program:

#### **Does the thought of detention make you want to avoid offending?**

While the threat of detention was a factor for some young people (*Yes! Court and going to juvie really scares me*), others made the point that while they don't want to go into detention, it's not that thought that would stop them offending:

- I don't want to go in, but if I have to I will. I would prefer freedom. I won't stop offending because of the thought of juvie, I will stop for my family or because crime gets me nowhere.
- When I am out offending, I am usually high and not thinking about detention or the consequences to my actions. Most of the time I am high, with my friends and not really thinking about my decision. I really hate the watch house and I miss my friends when I'm in BYDC but it doesn't stop me from offending really.
- I have never been but the thought doesn't scare me because I hear some young people say there's shelter and food provided, it sounds like a holiday.

### 3.2 Alternatives to detention

The largest proportion of children and young people represented in the youth justice system appear there because they have made poor or impulsive decisions, or engaged in risk taking, as a result of normal adolescent developmental processes.<sup>45</sup> Most young people will simply 'age out' of the justice system as they become more mature.

For this group, simple and cost-effective measures such as police cautions are enough to divert them from ongoing anti-social or criminal behaviours. Simon Little's (2015) PhD thesis, *Impact of police diversion on re-offending by young people*, notes in his Australian research that formal police cautioning was more effective than a youth court appearance for reducing recidivism by young people at every point of contact, regardless of their prior history; and that this reduction was reflected in significantly lower rates of recontact and frequency of recontact, as well as the longer time it took cautioned young people to have recontact. Little concludes that the redirection of minor offenders away from formal processing allows the courts to focus their resources on more serious young offenders who require more intensive intervention.

The Justice Reform Initiative report cited above, *Alternatives to Incarceration in Queensland*, includes a further comprehensive list of evidence-based and rigorously evaluated programs and initiatives that provide evidence of 'what works' to reduce incarceration and reduce recidivism. These include:

- Early intervention and prevention programs (see also Priority 2)
- Bail support programs
- First Nations place-based approaches
- Post-release and diversionary community-led programs
- Alternative policing and alternative first-responder models
- Alternative detention models with extraordinarily low rates of recidivism

- Alternative and specialist court processes that reduce contact with the criminal justice system.<sup>46</sup>

### 3.2.1 Young people and staff views of alternatives to detention

The responses of the young people in our IBI program to this question are consistent with the discussion in section 2 of this paper — they reflect the need for an integrated approach that provides young people with opportunities meaningful to them to learn and engage with the community in healthy ways. We asked the young people:

#### **Are there are better options than detention to steer young people away from offending behaviour?**

- All other options are better than detention.
- Employment programs to help assist with jobs to gain employment
- More youth services — we don't learn from being in detention
- Adult offenders talk to them and scare the kids out of offending as don't want to become the same.
- More outreach programs.
- [Detention] is shit. I hate it out there. And when I go to [detention] it just makes me want to offend more. It makes me think that no one cares about me. I think it's better to be in community because it makes me want to try better. The thing that helps me the most in when people can help me with my course work, or transport, or just making sure I have what I need (clothes, food, phone).
- Getting support like Anglicare to support young people to keep their mind busy
- Helping kids get their licence quicker
- Getting kids a job quicker as well as a stable home

The suggestions of our staff draw from long experience working with young people in the youth justice system and are, unsurprisingly, consistent with this integrated approach:

- Alternative programs that support individual needs including addressing health and fitness through programs, workshops that address stigma, mental health, work experience, life skills and more. Additionally, working with the young person's systems in the life, family, friends, networks etc.
- Using alternate to detention programs informed by neuroscience advances where staff can build relationships with young, alleged offenders to positively influence their lives e.g. the changes made at the Sacramento County Youth Detention Facility (<https://youthtoday.org/2017/10/why-neuroscience-positive-feedback-are-transformative-in-youth-work>)
- Therapies and interventions such as:
  - Family based therapy, CBT, Multisystemic therapy
  - Life Skills Training
  - Substance abuse prevention
  - Social emotional learning program for students – school/community based.

- High-school drug prevention program.
- Community development particularly targeting youth at risk.
- More evidence-based programs and offering a range of services appropriate for a broader range of unique offender needs (ie multimodal approach to address the different aspects of the offender's behaviour).

### 3.3 *Designing different infrastructure solutions*

There is a number of international examples of detention and rehabilitation approaches that could provide models suitable infrastructure for adaptation in Queensland: the Missouri (US) and Spanish Diagrama examples described in the excerpt from the media article below are two.<sup>47</sup>

Representatives from the Diagrama Foundation visited the Northern Territory in 2019 to scope the environment, opportunities and challenges in the Territory for implementing an adapted Diagrama model. The final report from that visit, based on extensive consultation, outlines practical steps toward a Diagrama pilot in NT youth detention.<sup>48</sup>

What is significant about these examples is the residential, rather than prison-like, settings that provide therapeutic responses, normalise and stabilise everyday routines, connect young people appropriately into the community and keep them near their families wherever possible.

One of the most important issues in rehabilitation programming is ensuring that programs are individually meaningful to young people. This means ensuring that infrastructure is suitable to engage young people in practical or physically based activities, alongside more conventional educational settings; and taking into account changes to the learning styles of young people as they move from childhood through adolescence, as well as the influence of gender, culture and personal needs and interests.<sup>49</sup>

Pre-empting cost barriers, we highlight again the enormous financial burden of detaining young people in a system that sets them up to fail, and to return again and again to detention. We suggest that the costs of piloting and gradually transitioning to models such as those highlighted here could be offset by:

- raising the age from 10 to 14 years, which apart from the myriad other benefits to individual children, families and the community, immediately reduces the number of children in detention
- addressing the issues surrounding the number of children and young people on remand (see section 5.1.1)
- gradually transitioning existing youth detention facilities to cater specifically for 18–21 year olds. This would have the dual benefit of relieving pressure on the overcrowded adult prison system,<sup>50</sup> and enabling interventions targeted at a group of young people who still require additional support as they transition to adult responsibilities. The recent introduction of extended care funding for young people 18–21 years as they move out of the care system recognises the particular vulnerability of this cohort.<sup>51</sup>

## Lessons Australia can learn from Europe and the US

While the overall US incarceration rate dwarfs Australia's, something different is happening in the state of Missouri.

Youth justice centres there are largely open spaces, with an emphasis on education ensuring those inside are not treated like adult offenders.

Cath Neville from Jesuit Social Services toured youth facilities in Missouri and says she was "delighted" by what she found.

"We were free to walk around wherever we wanted. There were open spaces where they only lock the doors to keep people out, not lock people in."

Children are assessed prior to entering Missouri's juvenile justice system, and those deemed to pose a serious safety risk are given specific treatment and supervision.

Otherwise, there's a certain real-life routine — offenders go to school every day, but there is also a focus on other practical life skills designed to ready kids for life outside supervision.

Visits home on weekends and even during the week are permitted.

The model has seen a staggering drop in recidivism, with only 12 per cent of young people returning to any form of justice supervision within 12 months of release.

"There was one facility that was actually on a college campus, and another that was next to a high school," says Ms Neville.

"We asked the guy who was showing us around, 'What does the community think of this?' And he said, **'Well, these are their kids. These kids belong to their community and they want them to be a part of it.'**"

The Spanish Diagrama model has a similar emphasis, with smaller community-orientated centres designed to equip young people for re-entering society.

"The best facilities we saw were small, home-like institutions, with usually up to 12 young people in any one unit," says Julie Edwards, who visited six Diagrama facilities across Spain.

"Young people are encouraged to take responsibility for the activities in their daily lives — so the cooking, the cleaning and preparation of the house. It was about normalising things.

"There was a big focus on the fact that they were going to be getting out, and they wanted them to be a productive citizen."

## Priority 4a. Improving the engagement of children and young people with positive programs

The discussion below highlights the efficacy of Anglicare programs in engaging with children and young people, particularly our Intensive Bail Initiative and previously-funded Supported Community Accommodation (SCA) program, INSYNC Youth Services, and Homelessness Services Women & Families, which includes young women with children. The section regarding Part B of this priority, *Improving young people's transition back to the community*, is also relevant given the key role of positive engagement in supporting that transition process.

All of our programs are underpinned by shared person-centred and evidence-based principles that encourage the engagement of young people, in that they are:

- holistic and systems-focused, responsive to individual needs and cognisant of the environment and lived experience that contributed to the young person's situation
- inclusive, involving young people, caregivers and families in growing communication and relational skills, and finding solutions and a better way forward
- person-directed, ensuring the voice of the young person is heard as part of an ongoing conversation that constantly reinforces pro-social attitudes and behaviours, and facilitates reparation where relevant
- collaborative, tapping into the skills, knowledge and resources of community partners and multiple relevant agencies.

### 4a.1 Intensive Bail Initiative (IBI)

Anglicare's Intensive Bail Initiative (IBI) at the Gold Coast and Logan has been profiled above (see section 2.1), and the voices of the young people involved in that program can be heard in section 2.1.2, where they highlight 'what works' for them as individuals, to steer them away from offending and reoffending.

Anecdotal evidence from parents and carers also underlines the importance of engaging personally and meaningfully with families, supporting them to function more effectively as a support system for children and young people:

#### IBI parent feedback

Thank you for being there for me, [A] and [B]. We are so grateful and humbled with your guys generosity and help. We will be forever indebted to you and love yous so much. Good job guys, imagine if the whole world was like yous, it'd be such a beautiful place.



### IBI parent feedback

[My] gratitude and heartfelt appreciation towards the BSS [Bail Support Services] program, especially Coordinator [C] and Senior Youth Worker [D] for the love and support I received many years ago when the BSS program started.

At that time, I was going through a lot mentally, facing a lot of hardships, struggling to provide food for my children and was not in a good head space. The BSS staff at the time really helped me find my way out of the dark space. By just being there for me, spending one-on-one time, talking me through my thoughts, encouraging me and providing my family with the basic essentials of food hampers regularly was life changing.

I was going through many issues relating to my husband and trying hard to balance my kids was so hard. My kids were going off the rails and doing crime mainly because I was going through a lot. It was tough but I thank [C] and her team for coming to my rescue and helping me get better.

## Priority 4b. Improving young people's transition back to the community

We have pointed out above that the young people who persistently offend in Queensland are also among the most disadvantaged of our children. A number of researchers<sup>52</sup> have explored the ways in which the existing social disadvantage of adults can be further intensified by the prison experience. This is equally true for young people who become locked into a cycle of recidivism, rather than making a successful transition back into community.

The vast majority of the literature suggests that without sufficient material and social support upon release, successful reintegration back into community is less likely, and the cycle of release and re-arrest can become increasingly difficult to break:

*It is unrealistic to expect that people will leave prison and start to lead a socially included, crime-free existence without any supports being put in place for them before they complete their sentence ... many people leave prison and they are returning to nothing. When this is the case they have nothing to lose by re-offending and prison becomes a way of life. For this pattern to change interventions need to take place throughout the period of imprisonment and through the release from prison into the wider community.*<sup>53</sup>

Examples of this 'nothing to lose' belief can be seen for example in the words of one of the young people in our Intensive Bail Initiative, describing their view of detention:

*I have never been but the thought doesn't scare me because I hear some young people say there's shelter and food provided, it sounds like a holiday.*

The following section describes a previously-funded initiative, the Supported Community Accommodation (SCA) program, and the material and social supports that had positive outcomes for many of the young people involved in the program. The outcomes are consistent with those described in other sections of this submission, where we emphasise the efficacy of an integrated approach that provides young people with opportunities meaningful to them to learn and engage with the community in healthy ways.

We then touch on two of Anglicare's services that similarly support young people to develop the myriad living skills required to transition from a disadvantaged childhood and potential involvement in the youth justice system, to a constructive and satisfying life as an adult.

#### 4b.1 Supported Community Accommodation program

External evaluations of the Supported Community Accommodation (SCA) program noted that despite a number of process and other challenges, the following elements of intensive, holistic support were 'working well'. The SCAs provided:

- Long term safe and stable accommodation in a home-like environment,
- Significant health, mental health, disability, and drug and alcohol services in a wrap around framework
- Significant support for reengagement with families, when possible
- Reengagement with educational programs
- Engagement with employment and/or training
- Development of independent living skills
- Some access to transitional services
- Involvement in prosocial activities.<sup>54</sup>

Specific outcomes from Anglicare's SCA program supported the above findings:

- 10 of the 11 young boys placed in our SCA either returned home to family or were supported to transition to accommodation services.
- All of the boys successfully returned to a learning environment either through attendance at TAFE, job skilling or employment.
- Two of our four young girls successfully transitioned out of the service to family, with both girls returning to education and/or employment.
- Across both sites, young people engaged in activities such as:
  - onsite programs including Aggression Replacement Therapy and mindfulness
  - a pre-tenancy course with Tenants Queensland
  - practical learner driving experience
  - onsite music studio and gym programs
  - the Logan PCYC Breaking the Cycle program
  - volunteering at Redlands Community Garden, gaining a professional referee as a result.

### **Rangi's story: case study from the SCA program**

Our young client, Rangi, aged 13, was on remand and being held in BYDC. When his bail was not granted, Anglicare connected with Rangi's family, who identified as Samoan, and linked them with a culturally appropriate youth worker. Meetings with the family and the child identified:

Rangi didn't have a bedroom and was sleeping in the garage. This made supervision difficult and increased his opportunity to leave home at night.

The parents struggled with Rangi's behaviours and how to manage these. They also had significant medical concerns of their own.

Rangi recognised that he offended when he was bored. He wasn't attending school, but he had interests in football, church and boxing.

Anglicare's youth worker worked regularly with our young client to create plans and goals for when he was released and to ensure that he maintained a connection with the youth worker upon his release. The Anglicare coordinator and youth worker worked alongside the family to:

- identify a bedroom space and a rebuilt TV and game console to increase motivation for Rangi to stay home at night
- plan youth worker support for the afternoon/early evenings to model and support the family with behaviour management
- provide advocacy around Rangi's return to school/sporting activities
- link his parents with an organisation who could assist with an NDIS application.

Legal representation at Rangi's bail hearing stated it was very unlikely that he would be granted bail due to his very high number of offences. Anglicare supported the family at court and assisted his mother in preparing to address the Magistrate. Anglicare also prepared a letter detailing the supports in place for Rangi. He was granted bail with strict conditions, and was successfully completing programs and attending school.

#### **4b.2 INSYNC Youth Services**

INSYNC provides one of the few crisis accommodation options for under 18s across Brisbane's southern suburbs, Logan and Redlands. Our team supports young people with crisis and transitional accommodation, while helping to increase their independent living skills and achieve their goals through a case planned process. We aim to help break the cycle of disadvantage that undermines the life chances of young people, while providing the care and connections they need.

Based on the past success of INSYNC in achieving improved life chances for young people, Anglicare is currently investing over \$12 million to build a new multi-level youth accommodation facility to address the growing housing and homeless crisis.

The project is anticipated to include 30 individual units for young people between 16 and 25 years of age. The project will include up to 42 beds, consisting of 24 studio apartments for singles and 6 one-bedroom apartments for couples and young families and will include disability access.

The project will also include a suite of early intervention and post accommodation wrap-around support services that aim to reduce homelessness, increase the rate of young people successfully transitioning into private rental and provide a 'jump start' in the young person's life to increase the chances of a positive life trajectory in the future.

### **Sally's story<sup>55</sup>**

Sally, 25, entered INSYNC's crisis accommodation as a 16-year-old after her mother's relationship breakdown and imprisonment left her on her own.

It's no surprise she ended up dealing with mental health challenges.

"I woke up one morning to find mum had been arrested and I was in the house all by myself. Even though I had a part-time job, I couldn't afford the rent and I didn't want to give up school," she said.

However with support, Sally achieved her goals, gaining qualifications that led to her employment in a local hospital.

As a lead tenant in INSYNC's transitional accommodation, her deep understanding of youth homelessness helped her mentor the other young people in the house.

"When I was younger, INSYNC was there to help me when I had nothing else. And living there gave me a sense of having a family that cared and wanted to help," she said.

### **Cherice's story<sup>56</sup>**

"I became homeless after a family breakdown. I was forced out of my father's house and my mother was in prison. Although I was working two jobs, I still didn't have enough money to cover the rent at my mother's unit, so I ended up homeless and needing support.

"It was very daunting, I was scared, I was unsure."

A youth worker at school eventually set Cherice up with Anglicare Southern Queensland's homelessness services.

"I was finally safe. I had a roof over my head and that's all that I needed. I was going day by day and the staff really supported my decisions.

"I now live in a small, two-bedroom unit. I am very independent and love living by myself. I'm working as a surgical nurse in my graduate year at a major Brisbane hospital and I'm really loving life. I am very content.

"I didn't let being homeless define me. It was the simple things with my experience with Anglicare – if I was feeling sad, angry, or vulnerable, I could go up to the office and just sit there. We didn't even have to talk. Those things meant more to me than anything. I didn't feel like another statistic, I felt like an actual person.

"I wouldn't be where I am today without Anglicare. Without their support and guidance, I wouldn't have had the opportunity to study, to buy a car, to get braces, to have my own unit – all of the things that I wanted to do but couldn't without their support.

"I'm very passionate about homelessness, because I've experienced it myself and I know what it feels like. A bed, accommodation, and a support network can really help you turn your whole life around."

### 4b.3 Homelessness Services Women & Families (HSWF)

Anglicare provides homelessness services and holistic support to adult women and young women, aged 18+, and young women who are pregnant or parenting children 4 years and under. The service aims to break the cycle of disadvantage in which clients are embedded through a trauma-informed/recovery-oriented systems approach. It is not solely targeted at young women in contact with the justice system, although offers two specific programs in this area:

- The Women's Early Intervention Service supports women in contact with the criminal justice system. We assist clients referred by the courts by addressing their immediate and ongoing support needs to prevent them from entering or re-entering the custodial system. Our specialist team provide trauma informed practical and emotional support, and assists clients in navigating service systems and gaining access to support services and housing. Access to the program is through the court or Parole & Probation.
- The Queensland Drug and Alcohol Court is a court-referred program that supports both men and women to sustain tenancies while under a treatment offer through the court system. The program works to address their dependency on substances and offending behaviours.

Voluntary remarks from some of the women who have transitioned from HSWF into long term housing suggests that the trauma-informed/recovery-oriented approach is helping individuals to reclaim their lives. Exit feedback from the women is typified by words such as courage, reassurance, motivation, support and respect; and as one resident noted, despite her nerves as she moved into the next phase of her life: "Now it's my time. I need to move on so other people can be helped by Anglicare".<sup>57</sup>

## Priority 5. The current operation of the Youth Justice Act 1992

In Section 6 of this submission, we highlight the increasingly toxic narrative developing around youth offending in Queensland. We argue that 'tough on crime' solutions such as those increasingly being introduced by this Government react simplistically to that narrative without reducing the actual incidence of youth crime.

This section addresses this claim specifically with regard to sentencing principles, the criteria for serious repeat offender declarations, and traffic offences, priority areas of interest identified by the Committee.

### 5.1 Sentencing principles

Legislative changes and their flow-on effects over the past year have had significant impacts on youth justice sentencing, despite strong opposition by human rights advocates and experts who warn they are ineffective and will result in more children incarcerated.

#### 5.1.1 Breach of bail and remand

In 2018, Attorney-General and Minister for Justice, The Honourable Yvette D'Ath, announced the introduction of the *Human Rights Bill 2018* to Queensland Parliament, saying:

*Queensland's Human Rights Act will be a standard of achievement to which we all — government and citizens — should aspire. I am proud the Palaszczuk Government is*

- The length of time between the action and the consequence makes it difficult for children and young people to link the two, effectively undermining the impact of any outcome.
- If court dates are adjourned multiple times without any outcome being reached, this can lead to heightened anxiety, particularly for the many children and young people in the justice system who manage mental health issues. Alternatively, Court dates become routine and meaningless from the child or young person's perspective. Either of these scenarios can lead to children or young people not attending when required, and consequent negative implications when the case is finally heard.
- Children and young people on remand may serve more time in detention waiting for their cases to be heard than they receive as a sentence. Apart from the injustice involved in this scenario, it means that the child or young person leaves court 'free', with what they perceive as no further ramifications arising from their offence. The connection between the offence and the outcome is even further weakened.

*taking a further step towards the protection of the human rights of Queenslanders with the introduction of the Human Rights Bill 2018.<sup>58</sup>*

Fewer than five years later, the *Strengthening Community Safety Bill 2023* was introduced to Parliament with a two-and-a-half day public consultation period; and Police Minister Mark Ryan explicitly conceded that the proposals were "incompatible" with Queensland's human rights act<sup>59</sup> because we were in the midst of an "exceptional crisis situation constituting a threat to public safety" — seemingly on a par with war or a state of emergency.<sup>60</sup>

Human rights issues identified in the Bill's Statement of Compatibility and over-ridden by government, included making breach of bail an offence for children. This was determined to be "incompatible with the right of children to protection in their best interests" because less restrictive options are available to achieve the same purpose. The Statement noted that the amendment may make it more likely that children will be detained pending trial, and that it may also limit the ability to divert children away from formal criminal processes.<sup>61</sup> This is surely the exact opposite to what both the Queensland Government and community want.

Anglicare SQ has pointed out in previous inquiries about the detrimental impacts of remand, and the impact of lengthy delays and court adjournments on young people (see boxed text). In a related comment, The Hon. Di Farmer noted in the Explanatory Speech accompanying the introduction of a previous youth justice-related Bill:

*For some children, intensive and onerous bail conditions are likely to be counterproductive and increase the likelihood of a young person breaching their bail conditions and being remanded in detention for the breach.*

The new amendments have also expanded the list of indictable offences where a young person must 'show cause' that they should be granted bail. For example, young people who are passengers in stolen vehicles or who allegedly enter premises with intent to commit an indictable offence are now presumed to not be granted bail unless they can show good reasons as to why they should be released on bail.<sup>62</sup>



As barrister James Benjamin has pointed out, however, a ‘logical’ increase in remand numbers might be expected:

*whenever changes are made to increase the burden on an applicant for bail to show why they should be released. This will mean further pressure on the capacity of detention centres. There is the real possibility, too, of offenders spending longer in custody on remand than they might otherwise be sentenced to.*<sup>63</sup>

In addition to the prevention, early intervention and diversionary strategies addressed throughout this submission, and the removal of breach of bail as an offence for children, we suggest that the numbers of young people on remand could be reduced by increasing the capacity of the court system through additional resourcing, to provide earlier sentencing. This is particularly relevant for young people engaged in serious offences, enabling earlier intervention.

### 5.1.2 Watchhouses

Under the previous version of the *Act*, it was not legal to hold children at watch houses for extended periods. Young people were required to be transferred to a youth detention centre as soon as possible after they had been remanded. Under the new provision, children may be held in watch houses indefinitely.<sup>64</sup>

The Queensland Child and Family Commission (QFCC) Review, *Who’s Responsible: Understanding Why Young People are Being Held Longer in Queensland Watch Houses*,<sup>65</sup> describes the limited nature of watch house facilities, given their intended use for short periods:

*... the majority appear like prison cells, with a fixed bed/seat and a sink/toilet... [At] the Brisbane watch house ... there is no direct sunlight, exercise yard, or scaled kitchen or bathroom facilities. There are no places for non-emergency medical assessment or education delivery.*<sup>66</sup>

Luke Twyford, Principal Commissioner of the QFCC, identifies a core issue contributing to the detention of children in watchhouses for long periods:

*Ultimately this review has confirmed my initial concerns — that the separation of responsibilities across police, courts and youth justice means no one is directly responsible or accountable for how long a young person spends in a watch house, and while demand and capacity pressures occur across multiple systems it is the young people that are left without an effective response.*<sup>67</sup>

Reimagining the system — not just the infrastructure — is required to address such silos to ultimately improve the efficacy and humanity of the whole youth justice ‘ecosystem’. Making it easier to imprison children and young people does not make the community safer. Detention increases young people’s vulnerability and disadvantage, and therefore the likelihood that they will return to the prison system over and over, both as youth and as adults.<sup>68</sup> As the Queensland Government’s own *Youth Justice Strategy 2019–2023* acknowledged, children and young people who have been through detention are at more risk of committing offences when they return to the community.<sup>69</sup>

## 5.2 Criteria for serious repeat offender declarations

Empowering sentencing courts to now declare a child as a 'serious repeat offender' is deeply problematic on a number of levels. To begin with, there is considerable evidence that labelling actually plays a role in further contributing to crime. As criminologist Jón Bernburg notes:

*Although deviant behavior can initially stem from various causes and conditions, once individuals have been labeled or defined as deviants, they often face new problems that stem from the reactions of self and others to negative stereotypes (stigma) that are attached to the deviant label ... These problems in turn can increase the likelihood of deviant and criminal behavior becoming stable and chronic.*

*Thus, being labeled or defined by others as a criminal offender may trigger processes that tend to reinforce or stabilize involvement in crime and deviance.<sup>70</sup>*

As described in the Explanatory Note for the *Strengthening Community Safety Bill 2023*, SRO declarations are intended 'to authorise more punitive sentencing based on a prediction of future risk'.<sup>71,72</sup> On a human rights level, this identifies a group of children who are effectively perceived to be irredeemable, with no possibility of turning their lives around, and undeserving of the same considerations given other children before the court. The very phrasing of 'more punitive sentencing' flies in the face of the concept of detention as being a period of rehabilitation, captured in the very first line of the BYDC Operational Plan:

*The department will provide young people in youth detention centres (YDCs) with opportunities for rehabilitation through:*

- *daily routine*
- *education*
- *program delivery.*<sup>73</sup>

Given the lack of evidence for the efficacy of detention, the fact that these children are subject to more 'punitive sentencing' and thus, longer periods in detention, is highly unlikely to have the desired effect of creating a safer community.

## 5.3 Traffic offences

International research offers ways for Queensland to deal more effectively with young drivers, reduce reoffending and reduce the burden on our courts.

The answer is not as simplistic as, for example, increasing the maximum penalty for unlawful use or possession of a motor vehicle from seven to ten years detention: such a penalty will be no deterrent at all to young people who are poor at assessing consequences because their neural pathways are still developing, or have been disrupted and delayed due to adverse psychosocial experiences in their lives.<sup>74</sup>

We suggest that research modelled on examples such as the New Zealand Youth Traffic Offences and Offending Project<sup>75</sup> would provide more comprehensive data, including trends and patterns, to inform legislation as well as potential new policy and program approaches. The project's final report includes:

- Interventions and technologies that can complement or enhance existing penalties
- ways to better target the specific needs of youth

- promising approaches for designing and developing pilot intervention programs, including flagging some youth offender programs that have evaluated outcomes (eg the Blacktown Traffic Offenders Program (NSW)<sup>76</sup> and the Right Track Program (New Zealand)<sup>77</sup>
- the need for other programs to be carefully evaluation to be able to convincingly demonstrate success.

Finally, it is worth noting that when we asked the young people in our Intensive Bail Initiative to name the most helpful programs with which they had been involved, several mentioned driving safety and awareness programs:

- Driving program with YJ, made me realise how serious it can be
- RAAP, the fire brigade program, coz it made me see what they do, not just put out fires, see they go to crashes and deal with fatalities that effect [sic] them long term.<sup>78</sup>

## Priority 6. Strengthening public confidence in the youth justice system

We acknowledge the deep anxiety that many community members are facing about youth offending.

This is despite, as a 2022 media release from the Minister for Police and Corrective Services pointed out, an overall decrease in youth crime figures.<sup>79</sup> *The Crime Report, Queensland, 2021–2022*, reveals that offender numbers between 2012–13 and 2021–22 of those aged 15–24 years decreased over that period.<sup>80</sup> The Queensland Government Statistician's Office, in 2021, reported that the majority of youth offences were against property (58.9%), whilst less than 1 in 10 (8.8%) of offences were against another person.<sup>81</sup>

Recent research, however, reveals that incidents resulting in a person's death were the most widely reported of youth offences within the news media, despite their relative rarity.<sup>82</sup> News outlets not uncommonly frame such reporting in sensational terms.<sup>83</sup> Young people have been described as a 'burgeoning criminal generation' who are 'running wild' and 'fuelling Queensland's youth violence explosion';<sup>84</sup> and disease metaphors such as 'epidemic', 'scourge' and 'plague' are commonly used — unsurprisingly being echoed in public comments:

*... [J]uvenile crime has now become a plague with more and more youths becoming involved and it is well past time to send a strong message about the consequences for such actions.*<sup>85</sup>

University of Queensland researcher Associate Professor Renee Zahnow also highlights the impact of 'Facebook vigilantism', where young people are named and shamed, often with CCTV footage, for supposed crimes. In some cases, young people are incorrectly blamed for crimes they did not commit. In others, the young person's photo is uploaded to Facebook for the 'crime' of looking suspicious: wearing a hoodie or black backpack, riding a skateboard or gathering in a park. Because few young people are members of such Facebook groups, the groups become 'echo chambers' of toxic comments about young people who are not present to defend themselves or put the record straight. Further, such video footage is often picked up by major

### Media guidelines for reporting on youth offending

Anglicare is currently working with a University of Queensland academic and a media agency to develop media guidelines for reporting on youth crime.

The guidelines will be shaped by input from the young people in our IBI program. Their comments reflect their views of media reporting as often telling only one part of the story; repeating negative stories and commentary over and over; and the often perfunctory action to protect the privacy of young people.

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***If you were in charge of a media outlet (TV, online news sites etc) what rules would you put in place for the way young people involved in alleged offending behaviour are described?***

- *For the media to report the whole facts/story.*
- *Make sure that they don't keep saying "this happened again". Focus on fixing not blaming.*
- *Stop all the hating and try and spread positivity.*
- *Well the media aren't allowed to show our faces or use our names. But if I was the boss I would make sure they don't expose someone's privacy too.*

media channels and redistributed via a continual retelling and reselling of the same narrative, with a token blurring of the young person's facial features.<sup>86</sup>

It is important to note that young people are also strongly represented among the figures for *victims* of crime. One fifth of homicides in Queensland in 2022 involved young people under the age of 18 years; more than 1 in 10 (12.6%) were victims of assault; and nearly half (46%) the victims of sexual assault (mainly young women) were under 18 years.<sup>87</sup> The Australian Institute of Health and Welfare (AIHW) notes however that such figures capture mainly police-recorded crime and hospitalisations, and are likely to underestimate the true extent of violence against young people.<sup>88</sup>

## 6.1 IBI (Southport): a case study of misinformation

Anglicare has recent experience of the toxic community narrative that can spread based on misinformation and fear.

Our Intensive Bail Initiative (IBI) includes a range of programs that provide early intervention and diversionary support to young people. Participants are predominantly first-time offenders who have actively chosen to participate in the program as they have a keen desire to change their behaviors and improve their life outcomes. We work with both the individual and their family and provide practical support such as mentoring, parenting programs, counselling and assistance in finding employment and secure housing. More detailed information about the program is provided in section 2.1, as well as case studies of some of the young people involved in the program which appear below.

The Gold Coast IBI operated from premises in Southport, with only 5–10 of our young clients visiting the site at any one time. It was very rare that 10 clients would be at the site together. Over the past year, we have worked with about 65 young people through the IBI, and few have come into contact with police again. The Queensland Police Service also said it had seen a decrease in youth offending in the Southport area in recent months.<sup>89</sup>

Due to an Anglicare administrative error, operations in Southport over the past two years had been unintentionally running without formal Council approval.<sup>90</sup> As part of remedying this oversight, we applied for a Material Change of Use application through the Gold Coast City Council. The public notification of the application sparked significant negative feedback and misinformation generated and disseminated through social media and media outlets, to the extent that Anglicare has reluctantly decided to withdraw our application and cease operating the service at this location.

While we remain committed to and stand firmly behind the program, the outcomes for young people and the benefits to the community, we have been concerned about the impact of such stigma on our young people and the staff who work with them, and the possibility that further damaging commentary could negate the positive outcomes we were seeing from the program. We shifted to an outreach model to continue to support these young people while we searched for a location that safely meets the requirements of our clients and enables us to sustain the program long-term. However, we recognise that this was not the optimum model for our young people, particularly over the Christmas period. As service manager Tahnee Ledgerwood told the ABC:

*Other programs die off and don't keep working, and we have increased pressures within the family home.*

*We are finding that we're taking this safety net away from them as well....*

*There's a real sense of sadness. We know that we create a safe place for our young people.<sup>91</sup>*



*Figure 5: The Southport Hub was a safe place for the basic needs of young people to be met, such as food, showers, clothing, and someone to 'have a yarn with' (photo from ABC News online at [www.abc.net.au/news/2023-11-29/youth-crime-bail-program-closes-community-backlash-anglicare/103159284](http://www.abc.net.au/news/2023-11-29/youth-crime-bail-program-closes-community-backlash-anglicare/103159284))*





Anglicare Southern Queensland

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We were pleased to welcome [Di Farmer](#) and the QPS Gold Coast District Child Protection and Investigation Unit to our Southport Hub to celebrate two years of the Gold Coast Co-Responder program.

Anglicare Southern Queensland is proud to participate in this program which provides early intervention and a collaborative response to support young people who are beginning to come to the attention of police. We have seen positive outcomes for young people and their families, which can alter their trajectory, and in turn, increase public safety.



Figure 6: LinkedIn post celebrating two years of the Gold Coast Co-Responder program

### **Mia's story**

An Anglicare Intensive Bail Initiative (IBI) client, 'Mia', was experiencing homelessness. With support to meet her basic housing needs, Mia achieved the following in only three months:

- Commenced employment
- Compliant with her court orders
- Had no new offences, and no outstanding court matters
- Completed a 13-week educational program.

### **Ben's story**

'Ben' has been experiencing primary homelessness since the start of 2020. He often didn't engage with outreach services in the community, which had led to non-compliance with court orders due to his instability and transience.

#### **Interventions and supports**

Our relationship with Ben began at the Southport hub with informal engagement, relationship-building and pro-social role modelling. The hub also provided him with basic needs: clothing, shower, food and a safe place to retreat to; and facilitated his compliance with Youth Justice orders.

We engaged with Ben on a range of issues. We looked at the patterns of his offending behaviour; identified the importance of his friendship group to him, and worked to support that through activities such as fishing, football and table tennis. We explored domestic and family violence issues, including the difference between discipline with love or violence. We also supported Ben to source appropriate accommodation where he could distance himself from negative influences.

#### **Ben's current situation**

While Ben is still experiencing primary homelessness due to the housing crisis, he is now employed, and has committed no further offences in the past six months. He is compliant with court orders, and is engaging regularly with Anglicare.

Ben has identified that in the future he would like to be a youth worker. When we asked him — *If in 5 years you're doing what you love, what will have changed from now?*

His response? *Not being on the street.*

## 6.2 Youth offending and community perceptions

Despite Anglicare's recent experience, we know that community perceptions of a 'youth crime crisis' are not unique to Queensland, or even to Australia. A New Zealand article by McArdle et al. is worth quoting at some length because it contextualises the issues currently facing the Queensland Government:

*Similar to other liberal democracies, youth crime has been and still is an area of great concern to New Zealanders. Given the visibility of youth crime on television and the recurrent presence of high profile cases in media discourse, many members of the public have developed strong opinions on youth crime and how youth offenders should be dealt with by the judicial system.*

*International studies have shown attitudes held by the public can be influenced by psychosocial factors such as fear, especially when it comes to attitudes towards crime and punishment ... [T]hese attitudes and opinions have the potential to influence political policy, as governments make policies that aim to reflect public sentiments ... This area of investigation is important, as **fear of crime may influence the endorsement of punishment-oriented government policies, which have been shown to be largely ineffective at reducing youth crime** [our emphasis].<sup>92</sup>*

This last point is important. The more unsafe people feel, the more likely they are to advocate for punitive responses to youth crime. In the McArdle et al survey, people who were categorised as feeling 'unsafe' or 'very unsafe' supported punitive options much more commonly, compared with those who felt 'very safe' (28.6% and 14.6% respectively).

However, the authors point out that to take this in isolation ignores more nuanced findings and implications. Both 'safe' and 'unsafe' community members also almost equally supported a desire for rehabilitative responses, a greater use of restorative justice and firm support for other progressive options. This highlights the complexity of public attitudes, and suggests that the public "may be much less punitive than politicians and media assume".<sup>93</sup>

While this is a New Zealand study, there are clearly many parallels with the Queensland situation. The research is consistent with polling by The Australia Institute in 2020 that showed that nearly 6 in 10 Queenslanders agreed that public money currently spent on locking up children would be better spent instead on social services like family support, trauma and mental health support and public housing. Nearly 7 in 10 Labor voters (68%) Australia-wide agreed that directing funds into social services was a better use of public money, as above, than detaining children.<sup>94</sup>

The issue facing the Queensland Government continues therefore to be twofold: to address both youth offending, and the community's perception of it.

We suggest that one important strategy for helping community members feel safer, against a backdrop of media and pockets of community fear-mongering, is to share more stories about what is working. There are few positive stories to tell about young people who breached bail and re-entered the justice system, had their life trajectory changed by a GPS tracker, or spent ten years in detention instead of seven.

On the other hand, there are many good stories emerging about programs that support young people and families when they need it, and contribute to the desired goal of a safer community. QCROSS highlights for example the Horse Whispering Youth Program on the Raise the Age

campaign page<sup>95;96</sup> and Anglicare programs, current and past, have had significant success helping young people and their families to address the underlying causes of their offending. As well as the IBI stories in the section above, other programs are discussed in section 2.2.2.

Good news stories also address a related issue. As discussed above, the constant refrain of negative language describing alleged youth offenders acts to stigmatise and exclude young people from their communities. As young people from our IBI program commented:

The way they talk about us young people makes us seem like bad people. We're not bad people...

I hate when the media talks about young people being hopeless and helpless. I saw them on the news calling young people hopeless and it made me so angry. We are trying.

Media depicts us as 'malicious', 'evil' and label us negatively. They drag it out, turn it into a story and think that's all the young people will ever be.

How the media makes out the young people committing so much more crime than they are.

The practice highlighted by researcher Renee Zahnnow, in which major media outlets redistribute video captured by neighbourhood Facebook members with minimal blurring of young people's features, similarly operates to position young people as outsiders in their own community. Community action and reporting like this undermines the possibility of community ties and support acting as a key protective factor for young people (see section 2.1.1) because they don't feel they belong. There is extensive literature on the potential negative impacts of social exclusion on adolescents — particularly where that rejection is based on bias and discrimination — including higher incidences of substance use/abuse, risky behaviors, mental health concerns (such as depression), and negative school-related outcomes.<sup>97</sup>

## Priority 7. Improving youth justice system responses to victims

In a comprehensive 2020 review of services for victims of crime in Victoria, the Centre for Innovative Justice pointed out that “victims’ needs are varied and their experiences diverse”, and that they extend well beyond the outcomes of a prosecution process.<sup>98</sup>

The report identified a range of systems and processes that could help provide immediate and ongoing assistance, based on the voices of victims themselves. Among others, these included:

- a single point of contact where victims could go for information, and which could actively navigate them through the system
- a range of highly individualised responses reflecting the unique experience of each victim, including options for how and when support is provided and at what level
- ensuring that the victim support workforce is sufficiently resourced and empowered to work flexibly, recognising the breadth of needs and circumstances to which they are required to respond
- crucially, also supporting non-specialist services to identify and respond to experiences of victimisation.<sup>99</sup>

Anglicare staff also provided input consistent with the above report, including individualised support, as needed or desired by the victim, such as the following:

- restorative processes that involve the voice of the victim
- financial support
- individual and/or group counselling support
- involvement in decision-making processes
- advocacy support — advice and support around legal aspects and redress processes and procedures so that victims reasonably know what to expect around outcomes.

It is important to remember as well that young people are also strongly represented among the figures for victims of crime (see Priority 6), and thus also need victim support in this situation. As the Alannah and Madeline Foundation points out:

*Most victim support services are not structured or funded to work closely with children. Many court precincts remain unsuitable places for children – confusing, intimidating, and even unsafe. And many children affected by crime lack a real voice in the justice proceedings. When the justice system does not respond well to children's needs, this can hinder their recovery and even re-traumatise them.<sup>100</sup>*

Among other points, the Alannah and Madeline Foundation advocates for a number of systemic changes aimed at supporting young victims, which Anglicare SQ endorses. These include:

- Partnerships between courts and specialist agencies to support children and young people to navigate the court system, cope with their experiences in court, and have a meaningful voice in decision-making that affects them.
- Continued improvement of court precincts to ensure children, young people and their families are safe and welcome there and can access the right professional supports.



- A system that can move early to identify children who have been exposed to crime and support their recovery across the fields of justice, child protection and education.
- Comprehensive data collection and research into the needs of children and young people exposed to crime.<sup>101</sup>

## A final word

Anglicare SQ has been a strong supporter of this Government's previously stated commitment to youth justice reform based on sound evidence of what works and an increased focus on restorative justice, early intervention and rehabilitative approaches to reducing youth offending.<sup>102</sup>

We have deep concerns however that this approach is being contravened in fundamental ways by an ever more pervasive 'tough on youth crime' mantra that targets the most disadvantaged children in Queensland; encourages media and community fear-mongering; and addresses the 'symptoms' rather than the causes of recidivism.

In this submission, we have attempted to address the challenges that face the Committee in practical, alternative ways forward. Our recommendations are consistent with a restorative practice/restorative justice approach that focuses on helping young people to understand the impact of their actions, accept responsibility and make reparation: it "creates obligations to make things right"<sup>103</sup> and addresses the needs and harms experienced by victims, offenders *and* the community.

A recent editorial in the *Gold Coast Bulletin* observes that many Queenslanders no longer feel safe in their own homes.<sup>104</sup> This is tragic, and unnecessary. As a Government and a community, we need to implement what works, communicate it well, and stop 'othering' our young people so they feel part of a community they no longer want to damage.



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