

# Youth justice in Queensland

The consequences aren't minor



*The importance of rehabilitation as a fundamental principle of a juvenile justice system cannot be overstated. It is in all of society's interest that appropriate chances of rehabilitation are provided to a child offender. Early measures have the greatest prospect of success from turning a child away from a life of crime. An overly punitive juvenile justice system carries the danger of abandoning offending children and condemning them to continuing to offend.*

President of the Children's Court of Queensland  
His Honour, Judge Michael Shanahan  
*Children's Court of Queensland Annual Report 2013-14*

2017

Balanced Justice



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## Balanced Justice



is a network of concerned community and church groups that seeks to enhance the safety of all Queenslanders by promoting understanding of criminal justice policies that are effective, evidence-based and human rights compliant.

We promote youth justice policies that are targeted to deal with the causes of children's offending. Dysfunctional families, child abuse and neglect, mental health issues, poverty, social and economic disadvantage in communities, delayed language and development, and the incapacity of abused, neglected and unhealthy children to engage with education are all factors contributing to childhood offending.

The majority of young offenders come from locations experiencing social and economic stress, including Aboriginal and Torres Strait Islander communities in northern and regional Queensland.

- Between 2014–15 and 2015–16, the youth offender rate in Queensland decreased by 1% from 2,671 to 2,632 youth offenders per 100,000 persons aged 10–17. This was the **lowest youth offender rate in Queensland** since the beginning of the ABS time series in 2008–09.<sup>1</sup> The numbers have reduced even in so-called youth crime 'hot spots'.<sup>2</sup>
- **70%** of young people in detention are Aboriginal and/or Torres Strait Islander.<sup>3</sup>
- Young people in the child protection system are **12 times as likely** as the general population to also be under youth justice supervision.<sup>4</sup>

## Two key challenges we need to address together as a community

- How best to address the causes of youth offending in a manner that builds stronger families and communities, identifies children's problems early, builds pride in a civil society where children are nurtured and education is valued.
- How best to ensure that the causes of offending are addressed holistically with family/community issues, while protecting community safety.

# Evidence tells us

- Punitive sentencing practices, including mandatory sentencing, are ineffective. They do not address the holistic needs of the children and their families and do not adequately protect society.
- Youth detention facilities do not always meet duty of care requirements, fail to rehabilitate and entrench offending life styles.
- International comparisons demonstrate that Queensland and Australia's youth and adult imprisonment rates are too high **and result in more, not less crime**.

# The way forward

There is a body of best practice evidence in Australia and overseas that the best outcomes are achieved where:

- The role of the criminal justice system is defined as "*working with other human service agencies to keep peace in society*". This overarching goal opens up a range of positive options for police, courts and human service agencies to work in concert to address the drivers of anti-social behaviour, particularly for young people (children).
- Those people with constructive ideas and a desire to improve circumstances for their families in communities are best empowered to lead change.
- Responses to social dysfunction and crime are *situational* or *place based* and are led by an empowered *guiding coalition* of local leaders and catch the imagination of the local population as the way to a desirable future.
- The role of government and other service providers changes from one of doing things **to and for** communities (a top-down approach) to one of **enabling and capacity building** such that individuals and families are empowered to build strong communities.
- Children at risk are identified as early as possible, assessed for language and other developmental problems and provided appropriate support and therapy.
- Young people are supported, as a high priority, to maintain engagement with education and are mentored into positive recreational and developmental activities that are enjoyable for them.
- Recognition that young offenders require *healing*, mentally and physically, and First Nation young offenders require *cultural healing on country*.
- Sentencing practices are founded in *restorative justice* principles, and family and community empowerment strategies are driven by *justice reinvestment* principles.

# Call to parties

With other community groups who work with young people in, or on the edges of, the criminal justice system, we call on [all Queensland parties to individually commit to and unite in ensuring the implementation](#) of the following critical measures:

1. Commit consistently to evidence based policy making when dealing with young offenders and those at risk of offending.
2. Ensure that court processes provide a more holistic approach to dealing with children who offend.
3. Increase diversion and cautioning by police.
4. Address the education needs of all children at risk of offending, especially those who are excluded or suspended from schools.
5. Ensure the timely and effective comprehensive health screening of children who come into contact with Child Safety as well as Youth Justice, with particular attention to foetal alcohol spectrum disorder (FASD).
6. Implement a system to address the criminalisation of young people in the child protection system including the need for each child to have a dedicated advocate so that there is a "One file One child" system in place. Ensure that there is one carer who remains responsible for the child's wellbeing, despite the child entering the youth justice system.
7. Ensure that young people are not placed in custody because of a lack of accommodation, or as a substitute for appropriate child protection, mental health or other social measures.
8. Build authentic and productive relationships with Traditional Owners in relevant regions for the effective involvement of Elders and other appropriate First Peoples in the rehabilitation of young offenders.
9. Ensure government investment in more intensive and meaningful training requirements (in particular, cultural competence training) for those working in the youth justice area, including police, lawyers, youth justice residential and detention workers.
10. Provide more stable funding for existing community youth justice programs where evaluations are demonstrating effectiveness.
11. Recognise the achievements of smaller localised youth justice programs and providing support and funding to extend the programs to other communities.
12. Raise the minimum age of criminal responsibility in accord with the expectation of the UN Committee on the Rights of the Child.

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1. [www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4519.0~2015-16~Main%20Features~Queensland~10](http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4519.0~2015-16~Main%20Features~Queensland~10)

2. [eg.townsvillecommunities.premiers.qld.gov.au](http://eg.townsvillecommunities.premiers.qld.gov.au)

3. Youth Justice Pocket Stats 2016-17, Qld Dept of Justice and Attorney-General. [publications.qld.gov.au/dataset/youth-justice-statistics/resource/edf8f291-37e1-4cc0-a16e-8f9baedaab8b](http://publications.qld.gov.au/dataset/youth-justice-statistics/resource/edf8f291-37e1-4cc0-a16e-8f9baedaab8b)

4. Australian Institute of Health and Welfare 2017. Young people in child protection and under youth justice supervision 2015-16. (Data linkage series no. 23. Cat. no. CSI 25. Canberra: AIHW).