

# Queensland Budget | 2024 – 2025

## Invest in Queensland's youth services

### \$38.1 million

Youth justice policies aiming to keep communities safe and support the wellbeing of children and young people should be evidence-based. The younger children are when they have contact with the justice system, the more likely they are to go on to re-offend.<sup>1</sup> To keep our communities safe, the Queensland Government should invest in an alternative to the justice system for children under the age of 14.

The United Nations Committee on the Rights of the Child has recommended that all State parties (including Australia) raise the minimum age of criminal responsibility (MACR) to at least 14 years of age. In Queensland, the MACR is 10 years of age.

The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Disability Royal Commission) recommended raising the age of criminal responsibility to 14.<sup>2</sup> A draft report from Council of Attorneys-General also includes a recommendation to raise the age of criminal responsibility to 14 without exception.<sup>3</sup>

As a priority, the 2024-2025 Queensland budget should include funding to implement an alternative, community service-led response to children under the age of 14 years old who are interacting with the justice system. The response must be supportive and therapeutic in nature. It should also adopt principles of restorative justice, ensuring that the needs of victims continue to be met.

<sup>1</sup> Sentencing Advisory Council (2016). *Reoffending by children and young people in Victoria* (p. xiii). [https://www.sentencingcouncil.vic.gov.au/sites/default/files/2019-08/Reoffending by Children and Young People in Victoria.pdf](https://www.sentencingcouncil.vic.gov.au/sites/default/files/2019-08/Reoffending%20by%20Children%20and%20Young%20People%20in%20Victoria.pdf)

<sup>2</sup> Commonwealth of Australia. (2023). *Royal Commission into Violence, Abuse, Neglect and Exploitation of people with a disability. Final Report – Volume 8, Criminal justice and people with disability* (p. 28). <https://disability.royalcommission.gov.au/system/files/2023-09/Final%20Report%20-%20Volume%208%20Criminal%20justice%20and%20people%20with%20disability.pdf>

<sup>3</sup> Council of Attorneys-General Age of Criminal Responsibility Working Group. (2020). *Draft Final Report 2020: Council of Attorneys-General Age of Criminal Responsibility Working Group* (p. 80). <https://www.croakey.org/wp-content/uploads/2022/12/age-of-criminal-responsibility-working-group-draft-report-20201.pdf>

## About the young person

In Queensland, only a very small percentage of children under the age of 14 years old interact with the criminal justice system. However, those children tend to have a range of complex needs that are often exacerbated by their experiences in the criminal justice system.

### How many children?

In 2021-22, 121 children aged 10- to 13- years old (0.043 per cent of all children this age in Queensland) spent time in youth detention. 73 per cent of these children were Aboriginal or Torres Strait Islander.<sup>4</sup>

Queensland is jailing more children and has the highest recidivist rate of any state or territory.<sup>5</sup> During 2021-2022, the average number of 10- to 13-year-olds in detention each night in Queensland was 20.<sup>6</sup> This is more than the average daily number of children under 14 in detention in New South Wales, Victoria, South Australia, Northern Territory and Tasmania combined. Queensland has more children and young people in unsentenced detention than any other state or territory, including 121 children younger than 14 in 2021-2022.<sup>7</sup> A further 67 Queensland children were, on average, under community supervision each day.<sup>8</sup>

The following table summarises data provided by the Children's Court of Queensland for the five-year period between July 2018 and June 2022.

	2018-2019	2019-2020	2020-2021	2021-2022
Distinct convicted children 10- to 13-years old. <sup>9</sup>	523	342	342	311
Distinct children commencing a supervised youth justice order. <sup>10</sup>	207	151	137	328
Court appearances by children 10- to 13- years old. <sup>11</sup>	Not provided	Not provided	611	594

<sup>4</sup> Productivity Commission 2023, *Report on Government Services 2023*, Part F, section 17: released 25 January 2023, Table 17A.9. <https://www.pc.gov.au/ongoing/report-on-government-services/2023/community-services/youth-justice/rogs-2023-partf-section17-youth-justice-data-tables.xlsx>

<sup>5</sup> Productivity Commission 2023, *Report on Government Services 2023*, Part F, section 17: released 25 January 2023, Table 17A.26. <https://www.pc.gov.au/ongoing/report-on-government-services/2023/community-services/youth-justice/rogs-2023-partf-section17-youth-justice-data-tables.xlsx>

<sup>6</sup> Australian Institute of Health and Welfare. (2023). *Youth Justice in Australia 2021-22 Data - Table S72b*. <https://www.aihw.gov.au/getmedia/1e14970c-3547-44fc-a403-18184d76b965/aihw-juv-140-Detention-tables-2021-22.xlsx.aspx>

<sup>7</sup> Australian Institute of Health and Welfare. (2023). *Youth justice in Australia 2021-22*, Table S113b.

<sup>8</sup> Youth Justice in Australia 2021-22 Data - Table S40a. <https://www.aihw.gov.au/getmedia/1e14970c-3547-44fc-a403-18184d76b965/aihw-juv-140-Detention-tables-2021-22.xlsx.aspx>

<sup>9</sup> Children's Court of Queensland. (2023). *Children's Court of Queensland Annual Report 2021-2022*, Table 3. [https://www.courts.qld.gov.au/data/assets/pdf\\_file/0010/756649/cc-ar-2021-2022.pdf](https://www.courts.qld.gov.au/data/assets/pdf_file/0010/756649/cc-ar-2021-2022.pdf)

<sup>10</sup> Children's Court of Queensland. (2023). *Children's Court of Queensland Annual Report 2021-2022*, Table 11. [https://www.courts.qld.gov.au/data/assets/pdf\\_file/0010/756649/cc-ar-2021-2022.pdf](https://www.courts.qld.gov.au/data/assets/pdf_file/0010/756649/cc-ar-2021-2022.pdf)

<sup>11</sup> Children's Court of Queensland. (2023). *Children's Court of Queensland Annual Report 2021-2022*, Table A12. [https://www.courts.qld.gov.au/data/assets/pdf\\_file/0010/756649/cc-ar-2021-2022.pdf](https://www.courts.qld.gov.au/data/assets/pdf_file/0010/756649/cc-ar-2021-2022.pdf)

The following table summarises data provided by the Department of Children, Youth Justice and Multicultural Affairs for the five-year period between July 2015 and June 2020.

	2015-16	2016-17	2017-18	2018-19	2019-20
Number of finalised charges brought against 10- to 13-year-olds <sup>12</sup>	4,333	4,954	6,130	6,288	5,194
Number of proven charges (offences) by 10- to 13-year-olds <sup>13</sup>	3,864	4,244	5,260	5,414	4,471
Number of 10- to 13-year-olds with a proven offence <sup>14</sup>	536	502	567	525	345
Average number of 10- to 13-year-olds subject to community supervision each day <sup>15</sup>	137	110	103	108	88
Average number of 10- to 13-year-olds in custody each day <sup>16</sup>	18	16	23	22	18
Number of admissions of 10- to 13-year-olds to youth detention centres <sup>17</sup>	337	392	525	313	348
Number of 10- to 13-year-olds admitted to youth detention centres <sup>18</sup>	151	154	177	138	128
Percentage of young people in YDC on remand (i.e. not sentenced) <sup>19</sup>	79%	81%	83%	82%	85%

## Types of charges for children?

Between 2005-06 to 2021-22, the Queensland Sentencing Advisory Council identified that amongst children aged 10-14 years, theft was the most common offence sentenced in court (52 per cent), followed by unlawful entry (36 percent) and property/environment damage (28 per cent).<sup>20</sup>

In March 2023, the Queensland Government implemented the *Strengthening Community Safety Act 2023*, making breach of bail a criminal offence. Between 1 March 2023 and 31 May 2023, approximately 71 children under 14 were charged under these laws.<sup>21</sup>

<sup>12</sup> Queensland Government. (2021). *Department of Children, Youth Justice and Multicultural Affairs, Youth Justice Annual Summary Statistics: 2015-16 to 2019-20, Courts Data*. <https://www.dcssds.qld.gov.au/resources/dcsyw/youth-justice/resources/summary-stats-overview.pdf>

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> Australian Institute of Health and Welfare. (2022). *Youth Justice in Australia Reports, 2015-16 to 2020-21*.

<sup>16</sup> Queensland Government. (n.d.). *Department of Children, Youth Justice and Multicultural Affairs, Youth Justice Annual Summary Statistics: 2015-16 to 2019-20, Custody data*. <https://www.dcssds.qld.gov.au/resources/dcsyw/youth-justice/resources/yj-annual-summary-stats-detention.pdf>

<sup>17</sup> Queensland Government. (n.d.). *Department of Children, Youth Justice and Multicultural Affairs, Youth Justice Annual Summary Statistics: 2015-16 to 2019-20, Youth Justice Orders Data*. [https://desbt.qld.gov.au/\\_data/assets/pdf\\_file/0023/17168/yj-annual-summary-stats-orders.pdf](https://desbt.qld.gov.au/_data/assets/pdf_file/0023/17168/yj-annual-summary-stats-orders.pdf)

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

<sup>20</sup> Hilderley, L., Jeffs, S., O'Leary, J. (2023). *Sentencing of offences committed by children aged under 14 in Queensland*. Queensland Sentencing Advisory Council. (p. 12). [https://www.sentencingcouncil.qld.gov.au/\\_data/assets/pdf\\_file/0005/757013/sentencing-of-offences-committed-by-children-aged-under-14-in-queensland.pdf](https://www.sentencingcouncil.qld.gov.au/_data/assets/pdf_file/0005/757013/sentencing-of-offences-committed-by-children-aged-under-14-in-queensland.pdf)

## Root causes of problematic behaviour

Children who are involved with, or at risk of involvement with the justice system, often have complex needs. Many of these children have a disability and multiple physical and mental health challenges often associated with trauma and entrenched disadvantage.<sup>22</sup>

In 2020–2021, 10- to 17-year-olds from the lowest socioeconomic areas in Australia were five times more likely to be under youth justice supervision than those from the highest socioeconomic areas.<sup>23</sup>

An Australian study identified the following key social determinants increase the risk of incarceration:

- Experiencing out of home care
- Experiencing educational barriers
- Early contact with police
- Unsupported mental health and disability
- Problematic alcohol and drug use
- Experiencing homelessness or unstable housing
- Living in a disadvantaged location.<sup>24</sup>

This is reinforced by an assessment of 99 children in youth detention in Western Australia, which found that 89 per cent had at least one severe neurodevelopmental or mental health disorder. These disorders included Foetal Alcohol Spectrum Disorder, intellectual disability, ADHD, trauma/attachment disorders, depression, anxiety, learning difficulties and speech and language disorders.<sup>25</sup>

In Queensland, the Minister for Youth Justice acknowledged in August 2023 that every single Queensland young person identified as a ‘serious repeat offender’ had a substance addiction.<sup>26</sup> Results of the Queensland Youth Justice Census 2022 summary provides further insight regarding young people in custody, indicating:

- 28 per cent of children had an active child protection order
- 39 per cent of children were living in unstable and/or unsuitable accommodation
- 45 per cent of children had totally disengaged from education
- 35 per cent had a parent in adult custody
- 56 per cent had experienced or been impacted by domestic and family violence
- 83 per cent were known to be using drugs or alcohol
- 37 per cent were diagnosed or suspected to have a disability
- 27 per cent had at least one mental health disorder
- 19 per cent had a behavioural disorder.<sup>27</sup>

<sup>21</sup> Queensland Government. (2023). *Response to Question on Notice No. 800*.

<https://documents.parliament.qld.gov.au/tableoffice/questionsanswers/2023/800-2023.pdf>

<sup>22</sup> McArthur, M., Suomi, A., & Kendall, B. (2021). Review of the service system and implementation requirements for raising the minimum age of criminal responsibility in Australian Capital Territory (p. 7). *Australian National University*.

[https://www.justice.act.gov.au/\\_data/assets/pdf\\_file/0006/2072364/Raising-the-Age-Final-Report.PDF](https://www.justice.act.gov.au/_data/assets/pdf_file/0006/2072364/Raising-the-Age-Final-Report.PDF)

<sup>23</sup> Australian Institute of Health and Welfare. (2022). *Youth justice in Australia 2020–21* (p.15).

<https://www.aihw.gov.au/getmedia/10da194d-5756-4933-be0a-29d41743d79b/aihw-juv-138.pdf?v=20230605182446&inline=true>

<sup>24</sup> McCausland, R. & Baldry, E. (2023). Who does Australia Lock Up? The Social Determinants of Justice. *International Journal for Crime, Justice and Social Democracy*, 12(3) (pp. 37-53). doi: 10.5204/ijcjsd.2504.

<sup>25</sup> Bower C, Watkins RE, Mutch RC, et al., (2018). Fetal alcohol spectrum disorder and youth justice: a prevalence study among young people sentenced to detention in Western Australia, *BMJ Open* 2018 (p. 5).

<sup>26</sup> Farmer, Di in Queensland Government. (2023). *Estimates—education, employment and training committee— education; industrial relations; racing (Estimates Hearings Transcript 2023)*. (p. 78).

[https://documents.parliament.qld.gov.au/com/EETC-797A/C20232024-1AA0/2023\\_08\\_03\\_Estimates%20EETC.pdf](https://documents.parliament.qld.gov.au/com/EETC-797A/C20232024-1AA0/2023_08_03_Estimates%20EETC.pdf)

<sup>27</sup> Queensland Government. (2023). *Youth Justice Summary Census 2022*.

[https://desbt.qld.gov.au/\\_data/assets/pdf\\_file/0019/17083/census-summary-custody.pdf](https://desbt.qld.gov.au/_data/assets/pdf_file/0019/17083/census-summary-custody.pdf)

In relation to education, it has been identified that the absence of a positive connection to school at age seven is a predictor of later offending behaviours.<sup>28</sup> School disciplinary absences and lack of supervision has been shown to increase the likelihood of students becoming involved in the youth justice system.<sup>29</sup>

Children exposed to adverse childhood experiences and domestic and family violence (DFV) are also far more likely to become involved in the youth justice system.<sup>30</sup> During the 2021/2022 financial year, Queensland police responded to 138,871 domestic violence cases in the community, an increase of 48 per cent in the last 6 years. Of all Queensland DFV occurrences between 2016 and 2022, 31 per cent involved children. This has resulted in children as young as 8 being on the streets at night for safety reasons.<sup>31,32,33</sup>

The Queensland Audit Office has identified that there are few domestic and family violence supports available for children, especially in regional areas, and multi-agency, holistic case management is needed.<sup>34</sup>

International evidence shows that childhood homelessness strongly increases risk of involvement in the youth justice system and is often linked to trauma.<sup>35</sup> In Queensland, there are 150,000 households across Queensland with unmet housing needs.<sup>36</sup> According to the 2021 census, 17,646 children under 12 were homeless on Census night, up 11 per cent from previous data.<sup>37</sup>

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- <sup>28</sup> Homel, R., Freiberg, J. & Branch, S. (2013). *Creating the conditions for collective impact: Transforming the child-serving system in disadvantaged communities*. Griffith University.
- <sup>29</sup> Hemphill, S., Broderick, D. & Heerde, J. (2017). *Positive Associations between school suspension and student problem behaviour: Recent Australian findings* (p. 5). Australian Institute of Criminology. <https://www.aic.gov.au/sites/default/files/2020-05/tandi531.pdf>
- <sup>30</sup> Ogilvie, J., Thomsen, L., Barton, J., Harris, D. A., Rynne, J., & O'Leary, P. (2022). Adverse childhood experiences among youth who offend: Examining exposure to domestic and family violence for male youth who perpetrate sexual harm and violence. *Australian National Research Organisation for Women's Safety*. [https://anrowsdev.wpenginepowered.com/wp-content/uploads/2022/07/RP\\_20.07-RynneRR2-Young-men-HSB.pdf](https://anrowsdev.wpenginepowered.com/wp-content/uploads/2022/07/RP_20.07-RynneRR2-Young-men-HSB.pdf)
- <sup>31</sup> Dwyer, M. in Queensland Police Service. (2022). *Rise in domestic violence occurrences prompts safety messages from police and support services*. <https://mypolice.qld.gov.au/news/2023/03/01/rise-in-domestic-violence-occurrences-prompts-safety-message-from-police-and-support-services/>
- <sup>32</sup> Queensland Audit Office. (2022). *Keeping people safe from domestic and family violence: Report on a page*. <https://www.gao.qld.gov.au/sites/default/files/2022-11/Report%20on%20a%20page%20Keeping%20people%20safe%20from%20domestic%20and%20family%20violence%20%28Report%205%202022%E2%80%9323%29.pdf>
- <sup>33</sup> Gillespie, E. (2023) *Children as young as eight 'out on the streets' due to domestic violence, Queensland Inquiry hears*. The Guardian. <https://www.theguardian.com/australia-news/2023/mar/01/children-as-young-as-eight-out-on-the-streets-due-to-domestic-violence-queensland-inquiry-hears>
- <sup>34</sup> Queensland Audit Office. (2022). *Keeping people safe from domestic and family violence, (Report 5: 2022–23)*. (pp. 5,19, 21). <https://www.gao.qld.gov.au/sites/default/files/2022-11/Keeping%20people%20safe%20from%20domestic%20and%20family%20violence%20%28Report%205%202022%E2%80%9323%29.pdf>
- <sup>35</sup> Thomspon, S. et. al. (2013). Explaining homeless youths criminal justice interactions: childhood trauma or surviving life on the streets. *Community Mental Health Journal*.
- <sup>36</sup> Pawson, H., Clark, A., Moore, J., van den Nouwelant, R., Ng, M. (2023). A blueprint to tackle Queensland's housing crisis (p. 4). *UNSW City Futures Research Centre*. <https://www.qcooss.org.au/wp-content/uploads/2023/03/Hal-Pawson-Report-2023-Final.pdf>
- <sup>37</sup> Australian Government. (2022). *Australia's Children: Homelessness*. Australian Institute of Health and Welfare. <https://www.aihw.gov.au/reports/children-youth/australias-children/contents/shelter/homelessness>

## Criminalisation of Aboriginal and Torres Strait Islander children

The ongoing impacts of colonisation are devastating for First Nations communities leading to high rates of intergenerational trauma, social disadvantage and poverty; and impacting mass incarceration in the youth justice system.<sup>38</sup> In 2021–2022, 86 per cent of 10 and 11-year-olds, 81 per cent of 12-year-olds and 65 per cent of 13-year-old children accused in a Queensland court of law were Aboriginal and/or Torres Strait Islander.<sup>39</sup> 100 per cent of all ten-year-olds held in Queensland watch houses between 1 September 2021 and 30 September 2022 were Aboriginal or Torres Strait Islander.<sup>40</sup>

The Productivity Commission's Closing the Gap Report 2023a critiqued the Queensland Government's approach to youth justice as negatively impacting Closing the Gap targets.

“Governments are not consistently adhering to – and are sometimes disregarding – the Agreement.... The Queensland Government made changes to bail laws that will mean more Aboriginal and Torres Strait Islander young people are incarcerated for longer periods of time. This is in the context of Queensland having one of the highest rates of Aboriginal and Torres Strait Islander young people in detention...”<sup>41</sup>

First People's Disability Justice Consortium highlighted a “severe and widespread lack of early diagnosis and positive, culturally responsive support for Indigenous children and young people with cognitive impairment.”<sup>42</sup> Further to this, the Queensland Aboriginal and Torres Strait Islander Child Protection Peak (QATSICPP) indicated that “the rapidly increasing over-representation of Aboriginal and Torres Strait Islander children aged 10–13 in detention in Queensland is one of the consequences of this limited investment in our children and young people.”<sup>43</sup>

<sup>38</sup> House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs. (2011). *Doing Time – Time for Doing: Indigenous youth in the criminal justice system* (p. 12).

<https://www.aph.gov.au/binaries/house/committee/atsia/sentencing/report/fullreport.pdf>

<sup>39</sup> Children's Court of Queensland 2022, *Annual Report 2021 – 2022* (pp. 4, 21).

<https://documents.parliament.qld.gov.au/tp/2022/5722T2094-21DD.pdf>

<sup>40</sup> Queensland Government. (2022) Answer to Question on Notice 1016.

<https://documents.parliament.qld.gov.au/tableOffice/questionsAnswers/2022/1016-2022.pdf>

<sup>41</sup> Productivity Commission. (2023). *Review of the National Agreement on Closing the Gap, Draft Report* (p. 67).

<https://www.pc.gov.au/inquiries/current/closing-the-gap-review/draft/closing-the-gap-review-draft.pdf>

<sup>42</sup> First Peoples Disability Justice Consortium. (2016). *Aboriginal and Torres Strait Islander perspectives on the recurrent and indefinite detention of people with cognitive and psychiatric impairment* (p. 11). [https://fpdn.org.au/wp-content/uploads/2016/10/FPDN-Senate-Inquiry-Indefinite-Detention-Submission\\_Final.pdf](https://fpdn.org.au/wp-content/uploads/2016/10/FPDN-Senate-Inquiry-Indefinite-Detention-Submission_Final.pdf)

<sup>43</sup> QATSICPP. (2023). *QATSICPP submission: Strengthening Community Safety Bill 2023* (p. 5).

[https://www.qatsicpp.com.au/wp-content/uploads/2023/02/QATSICPP-Submission\\_Strengthening-Community-Safety-Bill-FINAL\\_2023.pdf](https://www.qatsicpp.com.au/wp-content/uploads/2023/02/QATSICPP-Submission_Strengthening-Community-Safety-Bill-FINAL_2023.pdf)

## Why the current criminal justice response is not appropriate

Medical evidence demonstrates that children aged between 10- and 14-years old are still developing intellectual and emotional maturity. At this age, the brain is still rapidly developing and children have limited capacity for reflection before action.<sup>44</sup> These limitations are well recognised, for example, children under 13 cannot sign up for Facebook, sign a legal document, start an individual bank account or get an individual Medicare card.

However, under the current criminal justice system, a ten-year-old displaying problematic behaviour can be arrested by a police officer and put in a detention centre or watch house without being sentenced. Under new legislation, a watch house or corrective services facility can be established as a youth detention centre even if it is incompatible with human rights, allowing children to be held in these places.<sup>45</sup>

In a place of detention, a child may experience solitary confinement, cell isolation, lack of access to education, family disconnection, lack of sunlight and be exposed to harmful behaviours.<sup>46, 47</sup>

Within the current criminal justice system, the root causes of problematic behaviour such as trauma, poverty, homelessness, disability, exposure to domestic violence, neglect and/or mental health challenges are not addressed.

## Impacts of criminal justice response

The costs of continuing with the existing criminal justice response to children under the age of 14 years old are significant for the community, individual, and taxpayer.

- Not effective in ensuring community safety

Rather than helping children and young people to reduce and avoid harmful behaviour, the current youth justice response to children under the age of 14 often leads to repeat offending.

Recent statistics demonstrate that the rate of reoffending by children and young people is high. 91 percent of children are alleged to have committed another offence after leaving detention in 2020–2021.<sup>48</sup> In 2023, 95 per cent of young people at Cleveland Youth Detention Centre in Townsville reoffended in the year of release and in 2021, 100 per cent of young people convicted of a crime on strict bail orders in Toowoomba reoffended within 12 months.<sup>49,50 51</sup>

<sup>44</sup> Johnson, S. et al. (2009). Adolescent Maturity and the Brain: The Promise and Pitfalls of Neuroscience Research in Adolescent Health Policy. *Journal of Adolescent Health*, Volume 45, Issue 3 (pp. 217-220).

<sup>45</sup> Queensland Government. (2023). *Child Protection (Offender Reporting and Offender Prohibition Order and Other Legislation Amendment Bill 2022: Explanatory Notes*. (p. 11). <https://www.legislation.qld.gov.au/view/pdf/bill.third.exp/bill-2022-008>

<sup>46</sup> Amnesty International. (2021). *Kids in watch houses exposing the truth*. <https://www.amnesty.org.au/watch-houses/>  
<sup>47</sup> O’Gorman, T. (2022). *Children’s Detention by Terry O’Gorman*, Robertson O’Gorman Solicitors. <https://www.robertsonogorman.com.au/2022/february/24/childrens-detention-by-terry-ogorman/>

<sup>48</sup> Queensland Government. (2022). *Response to Question on Notice, No. 1270*. <https://documents.parliament.qld.gov.au/tableOffice/questionsAnswers/2022/1270-2022.pdf>

<sup>49</sup> Queensland Government. (2022). *Response to Question on Notice, No. 859*. <https://documents.parliament.qld.gov.au/tableoffice/questionsanswers/2022/859-2022.pdf>

<sup>50</sup> Queensland Government. (2023). *Response to Question on Notice, No. 722*. <https://documents.parliament.qld.gov.au/tableoffice/questionsanswers/2023/722-2023.pdf>

<sup>51</sup> Queensland Government. (2022). *Response to Question on Notice No. 790*. <https://documents.parliament.qld.gov.au/tableoffice/questionsanswers/2022/790-2022.pdf>

Queensland Sentencing Advisory Council note that the earlier a child engages with the justice system the greater the likelihood of longer ongoing involvement with the justice system across their lifetime.<sup>52</sup> A report by the Sentencing Advisory Council (Victoria) found that:

“The younger a child was at their first sentence, the more likely they were to reoffend (with any offence), to reoffend violently, to continue offending into the adult criminal jurisdiction, and to be imprisoned in an adult prison before their 22nd birthday...The six-year reoffending rate of offenders who were first sentenced at 10–12 years old (86 per cent) was more than double that of those who were first sentenced at 19–20 years old (33 per cent).”<sup>53</sup>

There is consistent evidence that non-criminal responses are more likely to reduce offending.<sup>54</sup> Jailing children increases trauma and can increase problematic behaviour. The way to create safer communities is to invest in alternatives to the youth justice system that address the root causes of problematic behaviour, helping children grow and learn from their mistakes.

#### ■ Negative consequences for the individual

There is significant evidence that exposure to the criminal justice system at a young age can have negative long-term outcomes for children. Research has demonstrated that experiencing a period of detention as a child or young person:

- is linked to lower educational attainment<sup>55</sup>
- often leads to difficulties in finding housing and employment, participating in social groups and maintaining interpersonal and family relationships<sup>56</sup>
- can lead to poor physical and mental health outcomes in adulthood<sup>57</sup>
- has the potential to reinforce trauma previously experienced by young people involved in the justice system, which may increase the likelihood of reoffending<sup>58</sup>
- can encourage the child or young person to identify crime as a “way of life”, leading to further involvement with the criminal justice system.<sup>59</sup>

Rather than addressing the complex needs of children with problematic behaviours, the current criminal justice response often exacerbates the issues they are experiencing.

<sup>52</sup> Queensland Sentencing Advisory Council. (2023). *Sentencing of offences committed by children aged under 14 in Queensland*. [https://www.sentencingcouncil.qld.gov.au/\\_data/assets/pdf\\_file/0005/757013/sentencing-of-offences-committed-by-children-aged-under-14-in-queensland.pdf](https://www.sentencingcouncil.qld.gov.au/_data/assets/pdf_file/0005/757013/sentencing-of-offences-committed-by-children-aged-under-14-in-queensland.pdf)

<sup>53</sup> Sentencing Advisory Council (2016). *Reoffending by children and young people in Victoria* (p. xiii). [https://www.sentencingcouncil.vic.gov.au/sites/default/files/2019-08/Reoffending\\_by\\_Children\\_and\\_Young\\_People\\_in\\_Victoria.pdf](https://www.sentencingcouncil.vic.gov.au/sites/default/files/2019-08/Reoffending_by_Children_and_Young_People_in_Victoria.pdf)

<sup>54</sup> Queensland Family and Child Commission. (2022). *Designing a better response to youth offending in Queensland, Raising the age of criminal responsibility: Issues paper* (p. 22). [https://www.qfcc.qld.gov.au/sites/default/files/2022-09/Designing%20a%20better%20response%20to%20youth%20-%20Raising%20the%20age%20of%20criminal%20responsibility%20Issues%20paper\\_0.pdf](https://www.qfcc.qld.gov.au/sites/default/files/2022-09/Designing%20a%20better%20response%20to%20youth%20-%20Raising%20the%20age%20of%20criminal%20responsibility%20Issues%20paper_0.pdf)

<sup>55</sup> Aizer, A. & Doyle, J. (2013). Juvenile incarceration, human capital and future crime: evidence from randomly-assigned judges. National Bureau of Economic Research, Working Paper 19102, June 2013, p. 9. <http://www.nber.org/papers/w19102>

<sup>56</sup> Gilman AB et al. (2021). The impact of detention on youth outcomes: a rapid evidence review. *Crime & Delinquency*, Vol 67(11), 5 May 2021. <https://journals.sagepub.com/doi/abs/10.1177/00111287211014141>

<sup>57</sup> Barnert, E. (2017). How does incarcerating young people affect their adult health outcomes?. *Pediatrics*, Vol 139(2), January 2017 (p. 2). <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5260153/>

<sup>58</sup> Jamieson, T. (2020). *Trauma of Young People in youth Detention Centres – GCI Insights*. <https://blogs.griffith.edu.au/gci-insights/2020/04/02/trauma-of-young-people-in-youth-detention-centres/>

<sup>59</sup> Payne, J. & Roffey, N. (2020). Youth crime as a ‘way of life’? Prevalence and criminal career correlates among a sample of juvenile detainees in Australia. *Australian & New Zealand Journal of Criminology*, Vol. 53(4), pp. 460-476, 4 October 2020. <https://journals.sagepub.com/doi/abs/10.1177/0004865820960193>



- Waste of taxpayer dollars

It costs approximately to \$15 million per year to detain children under the age of 14 in Queensland.<sup>60</sup> The total annual cost to Queensland associated with detention-based supervision (in the youth justice system, for 10- to 17-year-olds) came to \$218 million.<sup>61</sup>

Additional to this, the Queensland Government has committed to building a new youth remand facility costing \$250 million and allocated \$89.7 million to increasing detention centre capacity and preparations for new detention centres.<sup>62</sup> The Queensland Government has committed to building two new detention centres. While full costings are not available, it has previously cost approximately \$150 million to build a single youth detention centre in Queensland.<sup>63</sup> These costs do not include the large expense of jailing children in watch houses.

## There is a viable alternative

Many jurisdictions around the world do not treat children under the age of 14 as criminals. The table below identifies several jurisdictions where the MACR is 14-years old or higher.<sup>64</sup>

MACR	Country
18 years	Luxembourg
16 years	Portugal, Argentina, Cuba
15 years	Denmark, Finland, Iceland, Norway, Sweden, Greece, Czech Republic
14 years	Austria, Germany, Italy, Russian Federation, Bulgaria, Cyprus, Croatia, Hungary, Albania, Andorra, Armenia, Azerbaijan, Estonia, Georgia, Latvia, Liechtenstein, Lithuania, Malta, Moldova, Montenegro, Romania, Serbia, Slovenia, Spain, Ukraine, Bolivia, Chile, Colombia, Paraguay, Peru, Venezuela

International jurisdictions also provide examples of how the state's response to children interacting with the justice system can be supportive and therapeutic in nature, prioritising the welfare of the child and avoiding entrenching them in the criminal justice system.

For example, in the Nordic countries, all children charged with an offence under the age of 15-years old (or 14-years old in Denmark) are dealt with *only* by child welfare authorities (as opposed to the criminal justice system).<sup>65</sup>

<sup>60</sup> According to Productivity Commission. (2023). *Report on Government Services 2023*, Part F, section 17: released on 25 January 2023, Table 17A.21, <https://www.pc.gov.au/ongoing/report-on-government-services/2023/community-services/youth-justice/rogs-2023-partf-section17-youth-justice-data-tables.xlsx> in 2021-22, it cost \$2,086.32 per day (\$761,507 per year) to keep a child in detention. Based on the average number of 20 children in detention per night this equates to more than \$15 million.

<sup>61</sup> Productivity Commission. (2023). *Report on Government Services 2023*, Part F, section 17: released on 25 January 2023, Table 17A.10. <https://www.pc.gov.au/ongoing/report-on-government-services/2023/community-services/youth-justice/rogs-2023-partf-section17-youth-justice-data-tables.xlsx>

<sup>62</sup> Queensland Government. (2023). *Delivering solutions for a safe community*. <https://budget.qld.gov.au/overview/delivering-solutions-for-a-safe-community/>

<sup>63</sup> Queensland Government. (2019). *Palaszczuk Government announces historic new investment in Youth Justice reform*. <https://statements.qld.gov.au/statements/87221#:~:text=The%20construction%20of%20a%20new,existing%20Brisbane%20Youth%20Detention%20Centre.>

<sup>64</sup> Law Council of Australia. (2020). *Council of Attorneys-General – Age of Criminal Responsibility Working Group Review*, p.19; UNICEF Legal Minimum Ages and the Realization of Adolescents' Rights, January 2017 (as replicated in the QFCC Issues Paper).

<sup>65</sup> Lappi-Seppälä, T. (2011). Nordic Youth Justice (p. 199). *Crime and Justice in Scandinavia*, Vol 40(1), August 2011.

In Sweden, support measures provided to a child under the age of 15-years old charged with an offence could include the provision of financial support, or referral to non-institutional care programs.<sup>66</sup> Even where a young person is 15 years of age or older, it is open to courts to impose “special care measures” (which authorise social service authorities to provide care or treatment to the person who has committed the crime) and/or “youth service” (a program with a restorative or rehabilitative purpose), instead of penalties such as a fine or custodial sentence.<sup>67</sup>

Similarly, in Norway, principles of restorative justice are applied, such that, even where a young person is 15 years or older and subject to the criminal justice system, priority is given to rehabilitative measures and custodial sentences are only very rarely imposed.<sup>68</sup>

Closer to home, the ACT government recently commissioned a review of the ACT service system to identify the changes required to implement a proposal to raise the age of criminal responsibility in the ACT to 14-years old (ACT Review).<sup>69</sup> The ACT Review identified a number of opportunities for reform to build a stronger, more coordinated service system that will be more effective in meeting the complex needs of children interacting with the justice system and their families, which will, in turn, be of benefit to the wider community. As an alternative to the current youth justice model, the ACT Review proposed a therapeutic response, including:

- a non-justice embedded youth worker model and safe accommodation options to support police interactions with children who may be at risk of antisocial or unsafe behaviour
- establishment of a Multidisciplinary Therapeutic Panel, a collaborative forum to make service delivery decisions for children with complex and challenging needs
- establishment of a ‘wrap-around service’ responsible for coordinating work with children and their families. The service would:
  - convene a team of highly skilled professionals, as well as involving the child and their family members
  - develop individualised child and family-centred plans to respond to the complex needs of children
  - include an assessment process that would embed restorative processes (which could include restorative meetings, apologies, victim impact letters and other forms of reparation), as a way of ensuring that victims’ needs are also met.
- oversight of the Panel and wraparound service by a legislated oversight committee, responsible for identifying systemic issues that may have arisen because of the changes to raising the age of criminal responsibility and for recommending policy and legislative changes.

<sup>66</sup> Janson, C. (2004). Youth Justice in Sweden. *Crime and Justice*, Vol 31, cited in Queensland Family and Child Commission. (2022). *Designing a better response to youth offending in Queensland, Raising the age of criminal responsibility: Issues paper*. [https://www.qfcc.qld.gov.au/sites/default/files/2022-09/Designing%20a%20better%20response%20to%20youth%20-%20Raising%20the%20age%20of%20criminal%20responsibility%20Issues%20paper\\_0.pdf](https://www.qfcc.qld.gov.au/sites/default/files/2022-09/Designing%20a%20better%20response%20to%20youth%20-%20Raising%20the%20age%20of%20criminal%20responsibility%20Issues%20paper_0.pdf)

<sup>67</sup> Hollander, A. & Tärnfalk, M. (2017). *Juvenile Crime and the Justice System in Sweden*, 26 February 2017 <https://lawexplores.com/juvenile-crime-and-the-justice-system-in-sweden/>.

<sup>68</sup> Bauer, E. (2019). Rehabilitative Promise: Why Norway Uses Restorative Justice in Juvenile Law. *Michigan State International Law Review*, 24 January 2019. <https://www.msuir.org/msuir-legalforum-blogs/2019/1/24/rehabilitative-promise-why-norway-uses-restorative-justice-in-juvenile-law> citing Brandon, J. (2018). *Juvenile Justice: The American Justice System v., Other Countries*, 10 September 2018. <https://medium.com/@bjohns81/juvenile-justice-the-american-justice-system-vs-other-countries-3dc6860c77ad>.

<sup>69</sup> McArthur, M., Suomi, A. Kendall, B. (2021). Review of the service system and implementation requirements for raising the minimum age of criminal responsibility in the Australian Capital Territory, Final Report, August 2021 (ACT Review). (p. 7). Australian National University. [https://www.justice.act.gov.au/\\_data/assets/pdf\\_file/0006/2072364/Raising-the-Age-Final-Report.PDF](https://www.justice.act.gov.au/_data/assets/pdf_file/0006/2072364/Raising-the-Age-Final-Report.PDF)

## An alternative model for Queensland

The ACT Review provides a clear roadmap for how an alternative to the current punitive, criminal justice response could be rolled out in Queensland. Within an alternative model, a child under 14 displaying problematic behaviour would have their underlying needs met.

All aspects of the alternative model should be co-designed and implemented alongside community-controlled organisations and peak bodies to ensure cultural safety and engagement. Components of the alternative model should include (Figure 1):

- **Multidisciplinary Therapeutic Panels**

Multidisciplinary Therapeutic Panels (MTPs) should develop case plans to meet and resource the needs of each child and their family regardless of their location. The case plan must identify the root causes of the problematic behaviour and response actions that include services and resources to address the root cause/s.

The MTPs should be collaborative and include representatives from the Department of Health, Housing, Education, Disability Services, Youth Justice and Aboriginal and Torres Strait Islander Partnerships, as well as the Queensland Police Service (QPS). In addition to government representatives, relevant non-government service providers should be involved, including to enable ongoing case management. Where the child is Aboriginal and/or Torres Strait Islander the service provider should be community controlled.

The MTP would operate collaboratively, ensuring the case plan and other information is shared between organisations and agencies to ensure ongoing, coordinated support for the child. Critical to the success of an alternative model is ensuring the case plan travels with the young person.

The model adopted by the Townsville Stronger Communities Early Action Group contains only some aspects of MTPs. These must be community-led, with First Nations leadership through the inclusion of community-controlled organisations, and other appropriate non-government organisations. The model can also be enhanced by ensuring case planning considers the needs of the child's family and guarantees access to the resources and services required to address the root cause/s. MTPs should also assess the strengths of the local community and be adapted to ensure local knowledge and resources are maximised.

- **Case management**

Case plans should be case managed by community services, and in the case of First Nations children, community-controlled organisations must lead and also have had input into the development of the case plan.

As outlined above, case plans must come with appropriate resourcing. This should include funding to the lead organisation to deliver on the identified supports. Examples of community-led case management include:

- Ipswich Community Youth Service deliver intensive case support as part of their Community Youth Response and Diversion program. In 2021, 73 per cent of intensive case support clients reduced offending behaviour and 60 per cent improved engagement in education, training and employment.<sup>70</sup>
- In Victoria, the Dardi Munwurro Men's Healing program delivers a First Nations led case management approach for men and boys involved in the justice system. A Deloitte evaluation found it significantly reduced incarceration rates with the cost benefit analysis indicating each

<sup>70</sup> Ipswich Community Youth Service. (2021). *Ipswich Community Youth Service: 2021 Annual Report*. <https://icysagmtest.my.canva.site/final-agm-website>

dollar invested is estimated to provide a return on investment of 50 -190 per cent per dollar investment in the program.<sup>71</sup>

In addition to these community-led case management programs, a range of successful programs should be expanded to ensure they are appropriately resourced to provide the appropriate supports to the young person. For example:

- Additional resourcing should be provided to expand the On Country healing camp and cultural mentoring program into other locations with case management. The program strengthens young people's cultural connection and engages young people with education, training and employment through healing camps and cultural mentoring. In Cairns, the program is delivered by Jabalbina Yalanji Aboriginal Corporation (Jabalbina) and has been praised by the Director General of Youth Justice for positive results.<sup>72</sup>
- The Youth Justice Family Led Decision Making program is a family participation process operating in four Queensland locations, supporting children and their families to solve challenges and facilitate discussions to empower children to thrive outside the youth justice system. An evaluation of this program by Inside Policy found the program's delivery by Aboriginal and Torres Strait Islander community-controlled organisations were enabling factors for cultural safety and healing though access to cultural advisors, engagement with cultural programs and empowerment in decision making.<sup>73</sup>
  - Safe accommodation, diversionary support and transport

In locations determined according to need, 24-hour safe accommodation and diversion hubs must be established. These 24-hour hubs should provide safe accommodation options, diversion support and transport options for children experiencing housing instability, domestic and family violence or other safety concerns.

If a young person is picked up by police and they have no safe accommodation, the police should transport the young person to the diversionary hub and initiate a referral to the MTP, if a case plan is not already in place.

These hubs must be accessible for young people and have enough beds and trained staff to respond to the needs of young people in each location. They should include outreach workers who are actively engaging young people at night and are able to provide transport to the diversionary hub.

The community organisation delivering the diversionary hub must be adequately resourced to provide appropriate staffing on a 24-hour model. The organisation must also be receiving case MTP developed plans for young people.

Lessons can be taken from the only two 24-hour hubs that currently exist in Queensland:

- The Lighthouse is a 24-hour diversionary youth service facilitated by Townsville Aboriginal and Islander Health Service (TAIHS). Unpublished data from TAIHS show from 1 April 2023 to 30 June 2023, 241 clients attend the after-hours diversion through The Lighthouse. 72 diversionary programs were facilitated such as cooking, life skills, relationship and sexual education, cultural programs, alcohol and other drugs programs, healthy lifestyle and

<sup>71</sup> Deloitte. (2021). Strengthening Spirit and Culture: A cost-benefit analysis of Dardi Munwurro's men's healing programs. <https://healingfoundation.org.au/app/uploads/2021/11/Strengthening-Spirit-and-Culture-Cost-Benefit-analysis-of-Dardi-Munwarro-Mens-Healing-Programs.pdf>

<sup>72</sup> Gee, B. in Queensland Government. (2023). *Estimates – Education, Employment and Training Committee- Education; Industrial Relations; Racing*. (p. 85). [https://documents.parliament.qld.gov.au/com/EETC-797A/C20232024-1AA0/2023\\_08\\_03\\_Estimates%20EETC.pdf](https://documents.parliament.qld.gov.au/com/EETC-797A/C20232024-1AA0/2023_08_03_Estimates%20EETC.pdf)

<sup>73</sup> Inside Policy. (2020). Consultancy services to evaluate My Family, Our Decisions, Our Way: The Aboriginal and Torres Strait Islander Youth Justice Family Led Decision Making Trial. (pp. 25 – 37). <https://www.qatsicpp.com.au/wp-content/uploads/2020/11/YJFLDM-Final-Report-26.05.20-copy.pdf>

social activities. The program has positive youth engagement rates.<sup>74</sup> Multiple clients stayed at the Lighthouse as overnight stays. Unfortunately, the Lighthouse is only funded to provide one bed. More beds are needed to address the need in Townsville.

- Mt Isa Youth Hub is facilitated by North West Queensland Indigenous Catholic Social Services and provides a safe place for youth, provides social, educational, cultural activities and case management referrals. The Mt Isa Youth Hub provides after-hours service to the Mount Isa Watch House to assist with bail conditions for young people. Other hub activities include providing distance education to high-risk young people of Mount Isa and Kalpin Ngutharti Program for boys aged 10 – 17 engaging in at-risk behaviour. Six beds are available at the hub through referral from youth justice and Queensland Police Service.

- Ancillary supports

The MTP will be responsible for ensuring necessary referrals to appropriate services are fast-tracked. As part of their case plan, the young person must have access to the identified supports related to disability, mental health, housing, domestic violence, trauma and educational needs. In particular, referral supports should include:

- Disability and therapeutic support

Children identified by the MTP must receive culturally safe and fast-tracked access to disability assessments and support. This must take place as a matter of priority to ensure a relevant case plan is developed that provides disability support as required.

The Disability Royal Commission has recommended:

“State and territory governments should ensure timely screening and expert assessment are available for individual children with cognitive disability involved in the criminal justice system (including, but not limited to, detention settings) and that they receive appropriate responses, including therapeutic and other interventions.”<sup>75</sup>

The Queensland Government should ensure it supports current initiatives to improve access to disability assessments and support. For example, the Yapatjarrathati Project is a partnership between Griffith University and Gidgee Healing, an Aboriginal Community Controlled Health Organisation that provides innovative, culturally safe approaches for diagnosing and managing FAS-D in communities.<sup>76</sup> Early studies show the program is effective in increasing attendee knowledge, confidence, and perceived competence with the FAS-D assessment process within communities.<sup>77</sup>

- Education support

Educational support must be enhanced for children displaying problematic behaviours and school disengagement. The Queensland Government must review the use of school disciplinary absences in Queensland schools that can impact the trajectory of disadvantaged children.<sup>78</sup> Flexible, inclusive,

<sup>74</sup> O'Reilly, S.; Braidwood, L.; D'Emden, D.; Gair, S.; Savuro, N.; & Zuchowski, I. (2019). Working collaboratively to highlight the voices of young people in Townsville (pp.101 - 103). <http://classic.austlii.edu.au/au/journals/JCULawRw/2019/7.pdf>

<sup>75</sup> Australian Government. (2023). *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability: Final Report - Volume 8, Criminal justice and people with disability*. <https://disability.royalcommission.gov.au/system/files/2023-09/Final%20Report%20-%20Volume%208%20Criminal%20justice%20and%20people%20with%20disability.pdf>

<sup>76</sup> Griffith University. (2023). *Yapatjarrathati Projects*. <https://www.griffith.edu.au/research/impact/yapatjarrathati-projects>

<sup>77</sup> Miller, L., Shanley, D., Page, M., et. al. (2022) Preventing Drift through Continued Co-Design with a First Nations Community: Refining the Prototype of a Tiered FASD Assessment (p. 11). *International Journal of Environmental Research and Public Health*. <https://www.ciazabezalkoholu.pl/images/file/06122022/Preventing%20Drift%20through%20continued%20co-design%20with%20a%20first%20national%20community.pdf>

<sup>78</sup> Queensland Advocacy for Inclusion. (2023). *Right to Learn campaign*. <https://qai.org.au/a-right-to-learn/>

independent and Indigenous-led schooling models can play a positive role in supporting children's educational needs.

For example, Silver Lining Foundation facilitate First Nations led schools in regional Queensland to empower communities to deliver positive educational outcomes for disenfranchised young people, including those with a justice experience, to stop the 'school to prison pipeline'. The schools include community breakfast and lunch programs, door to door pick up, home visits, Elder engagement, student centred approaches, attachment informed education, restorative practices, cultural learning, connection with country. The average student attendance rate for the Mungalla School in 2021 was 66 per cent, with 28 per cent of students attending 90 per cent or more of the time.<sup>79</sup> It is important to note that many of these students have disengaged from other educational environments.

— Community-led restorative justice conferencing

Referrals should include community-led restorative justice conferencing. Current restorative justice conferencing may include:

- verbal or written apologies to victims
- referral to counselling for the child
- a statement from the child regarding improving future behaviour
- financial restitution to victims
- production of a sorry painting, poem, or song
- voluntary work undertaken for the victim or the community
- child participation in an educational activity.<sup>80</sup>

A 2018 evaluation of restorative justice in Queensland found that 59 per cent of children who participated in the program did not reoffend, 18 per cent showed a decrease in post-conference offending and 23 per cent had an equivalent or increased post-conference offending.<sup>81</sup> While 100 per cent of young people convicted of a crime on strict bail orders in Toowoomba reoffended within 12 months,<sup>82</sup> only 64 per cent of young people who completed restorative justice in Toowoomba reoffended within 12 months.<sup>83</sup>

To strengthen restorative justice approaches for children under 14 in Queensland, conferencing should be community-led, keeping the process separate from the justice system. Conferencing should adopt culturally safe approaches with First Nations representation. Community Justice Groups could potentially lead restorative justice processes for children under 14.

<sup>79</sup> Silver Linings Foundation. (2023). *Mungalla School Annual Report 2023*. <https://silverlining.org.au/wp-content/uploads/2023/08/Mungalla-Annual-Report-file-Silver-Lining-School-Web-Res-FINAL.pdf>

<sup>80</sup> Queensland Government. (2018). *About Restorative Justice Conferences*. <https://www.qld.gov.au/law/sentencing-prisons-and-probation/young-offenders-and-the-justice-system/youth-justice-community-programs-and-services/restorative-justice-conferences/about#:~:text=Restorative%20justice%20conferencing%20is%20a,based%20response%20to%20criminal%20behaviour>.

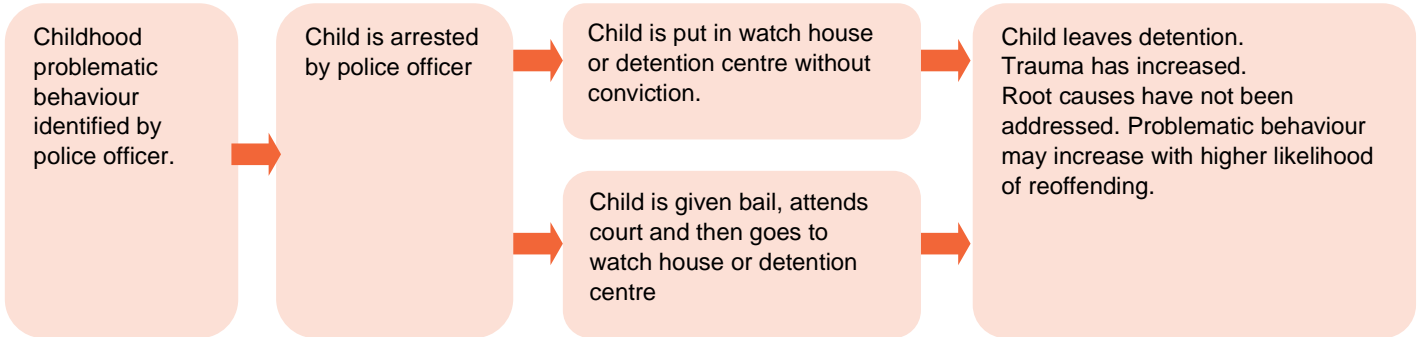
<sup>81</sup> Queensland Government. (2018). *Department of Child Safety, Youth and Women, Restorative Justice Project: Twelve-month program evaluation* (p. 48). <https://www.dcssds.qld.gov.au/resources/dcsyw/youth-justice/program-eval/restorative-justice-evaluation-report.pdf>

<sup>82</sup> Queensland Government. (2022). *Response to Question on Notice No. 790 by the Minister for Children and Youth Justice and Minister for Multicultural Affairs*. <https://documents.parliament.qld.gov.au/tableoffice/questionsanswers/2022/790-2022.pdf>

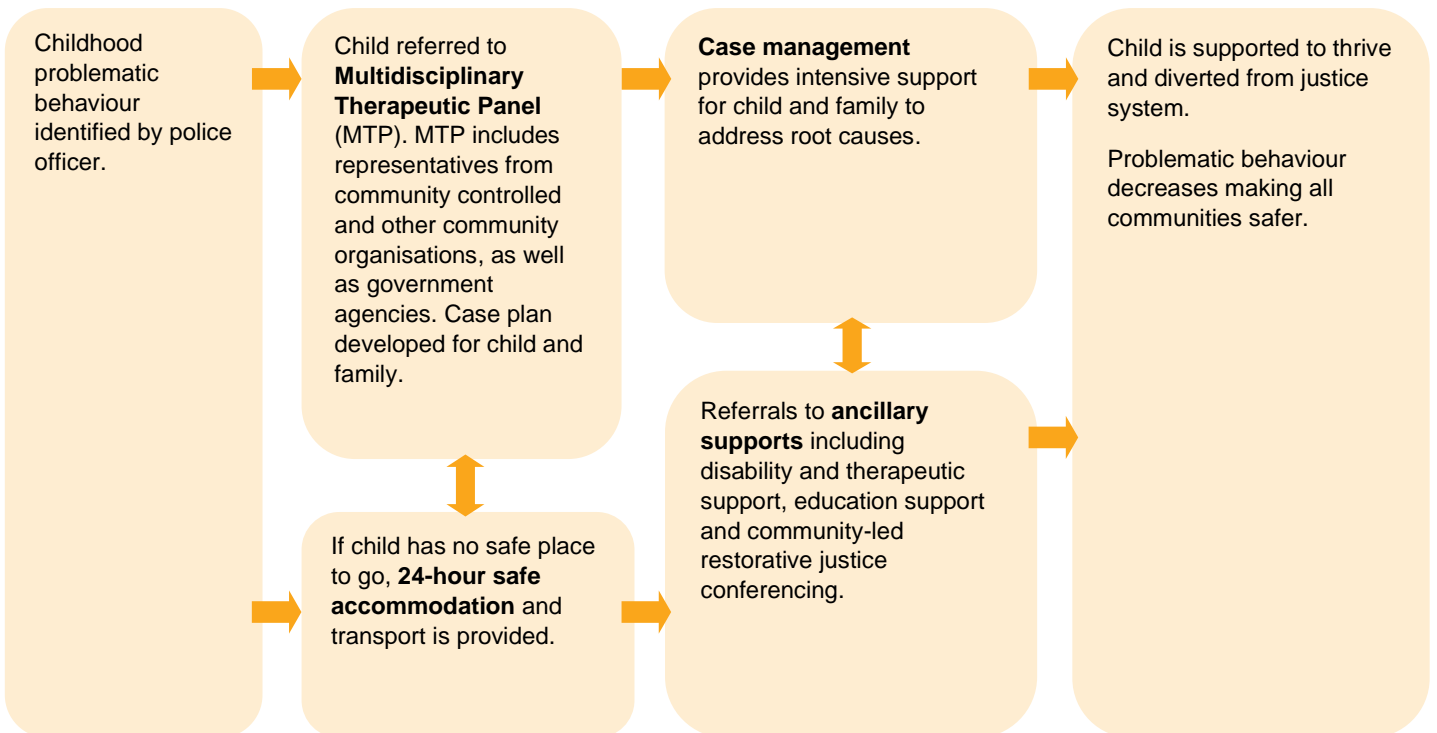
<sup>83</sup> Queensland Government. (2022). *Response to Question on Notice No. 790 by the Minister for Children and Youth Justice and Minister for Multicultural Affairs*. <https://documents.parliament.qld.gov.au/tableoffice/questionsanswers/2022/790-2022.pdf>.

Figure 1: Current and alternative model

Current model – what can happen to a child aged 10 – 14 years



Alternative model for children aged 10 – 14 years



## Cost of an alternative response

The ACT Review provides an indication of the costs that would be associated with adopting an alternative, service-led response to children interacting with the justice system.<sup>84</sup> The costs include:

- appointing members to the Multidisciplinary Therapeutic Panel: \$875 per diem for the chair and \$800 per diem for 8 other members, estimated to be at least \$110,000 per year
- providing secretariat support to the panel: approximately \$130,000 plus oncosts
- appointing a wraparound coordinator and three therapeutic coordinators for the wraparound service: approximately \$500,000 plus oncosts and allowances
- a brokerage for the wraparound service: \$50,000 per child per year
- employment of care workers as part of the embedded youth outreach response: approximately \$160,000 plus oncosts and allowances
- provision for crisis accommodation: up to \$1,500 per child per night.

MTPs, outreach, wrap around support and therapeutic coordination should be implemented in 12 Queensland locations based on need. Safe accommodation should be available in all locations and 24-hour safe accommodation and diversion hubs implemented in eight locations based on need.

Budget breakdown for Queensland service system response for children 10 - 13 years old

Program	Cost
MTP (Chair and 8 members) (12 locations)	\$1,320,000
Secretariat (12 locations)	\$1,560,000
Case management (12 locations)	\$6,000,000
Brokerage for wraparound service (121 children)	\$6,050,000
24-hour safe accommodation and diversion hubs in 8 locations with transport	\$10,400,000
Other accommodation	\$2,737,500
Additional costs including services, cultural support and other transport.	\$10,000,000
Community-led restorative justice	Assign existing funds for under 14s for community-led coordination. No additional funds required.
<b>Total cost:</b>	<b>\$38,067,500</b>

While most children needing safe accommodation will be supported through 24-hour diversionary hubs, other accommodation may be needed in locations with less need. Funds for 'Other accommodation' is based on providing accommodation to 25 per cent of children under 14 in detention each night (5 children). Please note that 'brokerage' is based on support for 121 10- to 13-year-olds who spent time in youth detention in 2021-2022. The 'additional costs' of \$10,000,000 is allocated for other services so children have access to support for their needs.

QCOSS acknowledges and thanks Clayton Utz for their support and assistance with the preparation of this paper.

<sup>84</sup> McArthur, M., Suomi, A., & Kendall, B. (2021). Review of the service system and implementation requirements for raising the minimum age of criminal responsibility in Australian Capital Territory (p. 7). *Australian National University*. [https://www.justice.act.gov.au/\\_data/assets/pdf\\_file/0006/2072364/Raising-the-Age-Final-Report.PDF](https://www.justice.act.gov.au/_data/assets/pdf_file/0006/2072364/Raising-the-Age-Final-Report.PDF)