

9 January 2024

Committee Secretary  
Youth Justice Reform Select Committee  
Parliament House  
George Street  
Brisbane Qld 4000

By email: [youthjustice@parliament.qld.gov.au](mailto:youthjustice@parliament.qld.gov.au)

Dear Committee Secretary

### **Youth Justice Reform Inquiry ('the Inquiry')**

Thank you for the opportunity to provide a submission in response to the above.

#### **About QCOSS and this submission**

Queensland Council of Social Service (QCOSS) is the peak body for the social service sector in Queensland. Our vision is to achieve equality, opportunity, and wellbeing for every person, in every community.

QCOSS has drawn upon ongoing research and engagement with community organisations across Queensland in the development of this submission. This engagement has included a Youth Justice Roundtable hosted in partnership with the Queensland Aboriginal and Torres Strait Islander Child Protection Peak and the Youth Advocacy Centre in December 2023 ('the Roundtable'). The Roundtable was attended by a range of stakeholders, including First Nations Elders, community sector professionals, and other key stakeholders with expertise in youth justice.

This submission has been structured in response to the Inquiry's Terms of Reference. We note the additional release of an issues paper from the Committee regarding victims of crime and have also sought to address some of the issues raised from that paper.

#### **Development of a new Youth Justice Strategy**

Participants of the Roundtable noted the Queensland Government's Youth Justice Strategy was due to end in December 2023. Participants agreed that the Queensland Government should advance the development of a new Youth Justice Strategy in partnership with First Nations Peoples and the community sector, in parallel with the current Youth Justice Reform Select Committee Inquiry. They also implored the Queensland Government to develop policy that seeks to keep the community safe and restore community confidence by reducing youth offending and re-offending, while respecting children's human rights and working to reduce the level of harm caused by current systems.

Building on the four pillars of 'intervene early', 'keep children out of court', 'keep children out of custody' and 'reduce re-offending', Roundtable participants are seeking the development of a new Youth Justice Strategy that invests in communities, transfers the delivery of solutions to community, and:

- is co-designed with First Nations Peoples and centres the voice of children
- is developed in accordance with Queensland's *Human Rights Act 2019*



- seeks to remove children under the age of 14 from the justice system
- increases ongoing and sustained investment in First Nations-led evidence-based services and supports to address the underlying causes of offending
- seeks to ensure Closing the Gap justice targets are achieved
- ensures all children have access to culturally appropriate services and supports, including education, health, disability services, AOD services, and housing.

While it is important to build on the current strategy, it should be noted that the Queensland Government has not been adhering to the four pillars of their Youth Justice Strategy ('intervene early', 'keep children out of court', 'keep children out of custody' and 'reduce reoffending').<sup>1</sup> While there have been several welcome investments, the most recent Queensland budget included disproportionate spending on targeted police squads, along with building and staffing places of detention.<sup>2</sup>

### **The prevention of entry and diversion of youth offenders from the justice system with specific consideration of risk and protective factors that reduce crime**

QCOSS members have emphasised that the root causes of problematic behaviour must be addressed to reduce crime and make communities safer. Children who are involved with, or at risk of involvement with the justice system, often have complex needs. Many of these children have multiple physical and mental health challenges and disability often caused by trauma and entrenched disadvantage.<sup>3</sup>

The Minister for Youth Justice has acknowledged that every young person identified as a 'serious repeat offender' in Queensland had a substance addiction.<sup>4</sup>

The Queensland Youth Justice Census 2022 indicates that, of the young people who were held in custody in a youth detention centre or watchhouse:

- 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, training or employment
- 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 at least one behavioural disorder.<sup>5</sup>

<sup>1</sup> Queensland Government. (2018). *The four pillars: A snapshot*. Department of Child Safety, Youth and Women. <https://www.dcssds.qld.gov.au/resources/dcsyw/youth-justice/reform/four-pillars-fact-sheet.docx>

<sup>2</sup> QCOSS. (2023). Queensland budget analysis 2023 – 2024. <https://www.qcoss.org.au/publication/state-budget-2023-2024-our-analysis/>

<sup>3</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>4</sup> Queensland Government. (2023). *Estimates—education, employment and training committee— education; industrial relations; racing* (Estimates Hearings Transcript 2023) (p. 78).

<sup>5</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)

Children exposed to adverse childhood experiences and domestic violence are far more likely to become involved in the criminal justice system.<sup>6</sup> In the 2021–2022 financial year, Queensland Police Service responded to 138,871 domestic violence cases, a significant rise from previous years, with reports of children as young as eight on the streets at night due to safety reasons.<sup>7,8</sup>

The Queensland Audit Office has identified that there are few domestic and family violence supports available for children, especially in regional areas, and noted that multi-agency and holistic case management is needed.<sup>9</sup>

Poverty is also an underlying cause of children becoming involved in the justice system. In 2020–2021, 10 to 17-year-olds from the lowest socioeconomic areas in Australia were almost five times more likely to be under youth justice supervision than those from the highest socioeconomic areas.<sup>10</sup>

A community worker reflected on the fundamental importance of a holistic approach to supporting young people:

*“It is important to get in early to break the cycle. I have seen children dragged away from school and through the courts for stealing a sausage roll and a drink. Sometimes children go through a treadmill of court over months for a small shoplifting offence. Children are getting sucked into the system with prolific offenders. I am working hard to make sure young people don’t go to Cleveland Youth Detention Centre. When children go to Cleveland [Youth Detention Centre] it gets worse. They link with other peers involved in worse crime. It perpetuates the cycle. I would like to see more wrap around services for each young person...so the child isn’t put through court and dragged out of school. These children need support to get into school, more boots on the ground to help them, help to go to footy training, basic dental health, grocery support to get food on the table and support for families.”*

### **Effective ways to stop recidivism and protect the community from offending and the opportunity for community-controlled organisations with specific reference to the role of First Nations Peoples to provide support solutions and services**

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>11</sup> As at June 2023, on an average night, there were 214 Aboriginal and/or Torres Strait Islander young people in Queensland detention, making up 70 per cent of the detention population.<sup>12</sup>

<sup>6</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* (Research report, 13/2022) (p. 12). Australia’s National Research Association for Women’s Safety. <https://anrowsdev.wpenginepowered.com/wp-content/uploads/2022/07/RP.20.07-RynneRR2-Young-men-HSB.pdf>

<sup>7</sup> Dwyer, M. in Queensland Police Service. (2023). *Rise in domestic violence occurrences prompts safety message from police and support services*. My Police Queensland Police News. <https://mypolice.qld.gov.au/news/2023/03/01/rise-in-domestic-violence-occurrences-prompts-safety-message-from-police-and-support-services/>

<sup>8</sup> Gillespie, E. (2023). *Children as young as eight out on the streets due to domestic violence*. 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>9</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\\_2022%E2%80%9323%29\\_0.pdf](https://www.gao.qld.gov.au/sites/default/files/2022-11/Keeping%20people%20safe%20from%20domestic%20and%20family%20violence%20%28Report%205_2022%E2%80%9323%29_0.pdf)

<sup>10</sup> Australian Institute of Health and Welfare. (2022). *Youth justice in Australia 2020–21* (p.15).

<sup>11</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>12</sup> Australian Institute of Health and Welfare. (2023). *Youth detention population in Australia 2023*, Table S1 and S11. <https://www.aihw.gov.au/reports/youth-justice/youth-detention-population-in-australia-2023/data>

Overrepresentation in younger children is even more alarming. In the 2022-23 financial year, 86 per cent of 10 and 11-year-olds, 88 per cent of 12-year-olds and 68 per cent of 13-year-old children accused in a Queensland court of law were Aboriginal and/or Torres Strait Islander.<sup>13</sup> Of all children aged 10 or 11 who were held in Queensland watchhouses between 1 September 2022 and 30 September 2023 for two nights or more, 100 per cent were Aboriginal and/or Torres Strait Islander.<sup>14</sup>

The Queensland Government have been critiqued in the Productivity Commission's Closing the Gap report:<sup>15</sup>

*“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 (40.9 per 10,000 young people aged 10-17 years were in detention in Queensland on an average day in 2021-22...).”*

The Queensland Government should increase resourcing to community-controlled organisations to design, lead and implement programs for Aboriginal and Torres Strait Islander young people interacting with the justice system and their families. QCOSS members have consistently raised that current funding for community-controlled organisations is insufficient. This is compounded by short-term contracts and funding agreements that inhibit long-term planning. Community controlled organisations need to be supported and well-resourced.

### **Efficacy of justice programs including on-country programs, education, health and housing services**

Community based interventions and services are critical to addressing the root causes of crime outlined above. To be effective, these services and supports should be complementary to lifting families out of poverty and ensuring every child has access to secure housing.

International evidence shows that childhood homelessness strongly increases risk of involvement in the youth justice system and is often linked to trauma.<sup>16</sup> In Queensland, there are 150,000 households across Queensland with unmet housing needs.<sup>17</sup> According to the 2021 census, 17,646 children under 12 were homeless on census night, up 11 per cent from previous data.<sup>18</sup>

The Queensland Government should urgently release a plan which details a path to end Queensland's housing crisis and ensure every child has a roof over their head.

A community worker in North Queensland reflected on a need for more resourcing:

*“In Townsville there is only one bed of rest as safe accommodation for children involved in justice system. More safe places are needed for children after hours. Most services close earlier. There is a lot of alcohol and drugs in homes, domestic violence and overcrowding. Families need support for a safer environment for children.”*

There are numerous programs and initiatives achieving positive outcomes with children involved in the criminal justice system that should be further supported and expanded. There are also several funding gaps that must be addressed.

<sup>13</sup> Children's Court of Queensland. (2023). *Annual Report 2022 – 23* (p. 25).

<https://documents.parliament.qld.gov.au/tp/2023/5723T2106-255C.pdf>

<sup>14</sup> Queensland Government. (2023) Answer to Question on Notice 1195.

<https://documents.parliament.qld.gov.au/tableoffice/questionsanswers/2023/1195-2023.pdf>

<sup>15</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>16</sup> Thomson, S. et. al. (2013). Explaining homeless youths criminal justice interactions: childhood trauma or surviving life on the streets. *Community Mental Health Journal*.

<sup>17</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.qcoss.org.au/wp-content/uploads/2023/03/Hal-Pawson-Report-2023-Final.pdf>

<sup>18</sup> Australian Bureau of Statistics. (2023). *Estimating Homelessness: Census 2021*.

<https://www.abs.gov.au/statistics/people/housing/estimating-homelessness-census/latest-release#data-downloads>

The On Country program seeks to strengthen young people's cultural and family connection and engage young people with education, training and employment through healing camps and cultural mentoring. The On Country program in Cairns, delivered by Jabalbina Yalanji Aboriginal Corporation (Jabalbina) has been praised by the Director General of Youth Justice for its positive results.<sup>19</sup>

In a 2023 QCOSS webinar, '*Diverting all young children from jails, watch houses and courts*' workers from Jabalbina shared a positive case study of a young boy involved in crime who participated in cultural mentoring, support and healing camps and has grown to become an employee of Jabalbina who mentors young children entering the program.<sup>20</sup>

Currently, Queensland only has two 24-hour safe accommodation and diversionary hubs:

- Mount Isa Youth Hub is facilitated by North West Queensland Indigenous Catholic Social Services (NWQICSS). They provide a safe place for youth, with social, educational and cultural activities, and also provide case management referrals. Six beds are available at the hub through referral from Youth Justice and QPS.
- The Lighthouse is a 24-hour diversionary youth service facilitated by Townsville Aboriginal and Islander Health Service (TAIHS). Unpublished details 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, Deadly Choices – healthy lifestyle and social activities. Multiple clients stayed at the Lighthouse for overnight stays. Unfortunately, the Lighthouse is only funded for one bed.

24-hour safe accommodation options and diversionary support must be available for children experiencing housing instability or domestic and family violence and should be expanded in other locations. These hubs must have enough beds, and staff who are trained to work with children who have experienced trauma.

A KPMG evaluation of the Sentenced Youth Boot Camp (SYBC) program introduced by the Newman Government, showed that the program was expensive, had low completion rates and may not divert young people from the justice system.<sup>21</sup> Regarding bootcamps, KPMG stated:

*"There is no perceptible difference either in terms of frequency or severity of re-offending of the recidivists between the SYBC participants and the comparison cohorts, and so no reduction in costs of future sentencing or costs to the community of offending behaviour."*<sup>22</sup>

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

Despite underfunding from the Queensland Government and a lack of demand-based and location specific service planning, community-led programs are effective in diverting young people from the justice system. For example:

- *Fire program*

The Fire program is delivered by Harbrow Mentoring in Cairns as a prevention and early intervention strategy to divert young people away from problematic behaviour and hot spots. Over 20 weekends from 26 May 2022, the program engaged with 1,920 young people, 1,341 of whom were diverted from the CBD hotspot and transported out of the area.<sup>23</sup>

<sup>19</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>20</sup> QCOSS. (2023). *Diverting all young children from jails, watchhouses and courts webinar* (video). <https://www.youtube.com/watch?v=MmpYXoRHYlc>

<sup>21</sup> KPMG. (2015). *Final report for the evaluation of Queensland's boot camps*, July 2015 (pp. 13, 122, 124) <https://documents.parliament.qld.gov.au/com/LACSC-4B8C/C20152016-8140/tp1-20Aug2015.pdf>

<sup>22</sup> Ibid, (p. 14).

<sup>23</sup> James Cook University. (2022). *Fire project evaluation: Final report (unpublished)*.

- *Horse Whispering Youth Program*

The Horse Whispering Youth Program delivers trauma informed, equine assisted programs for young people aged 12 to 18 who are at risk of disengaging from school, engaging in anti-social behaviours and/or interacting with the youth justice system. Survey responses from young people identified:<sup>24</sup>

- 40 per cent improved engagement with educational/vocational opportunities and positive social interactions
- 22 per cent improved attentional focus
- 22 per cent improved emotional regulation
- 18 per cent improved communication
- 30 per cent improved trust and connection
- 35 per cent improved behaviour
- 28 per cent improved self-confidence.

- *Resolve*

YFS deliver the Resolve program, an early intervention case management and diversion program in Logan for children aged 12 to 16 years old displaying early signs of anti-social and offending behaviours. An interim evaluation by Griffith University from June 2022 to April 2023 found that of the young people who completed the program:<sup>25</sup>

- 81 per cent had met their goals or needs
- 94 per cent improved their level of hope
- 78 per cent improved their life skills
- 84 per cent improved their wellbeing.

- *Ted Noffs Foundation*

Ted Noffs Foundation provide programs that help young Australians move beyond drugs, alcohol and youth justice involvement in locations such as Logan, Gold Coast, Caboolture and Townsville. An Australian evaluation of their PALM program in Sydney and Canberra, (noting the program also operates in Caboolture), found that there was a significant reduction in crime amongst high-risk young people who engaged in their program.<sup>26</sup>

- *Youth Bail Support Service*

The Cairns and Yarrabah Youth Bail Support Service (CYYBSS) seeks to reduce the number of young people entering detention through legal support, advocacy and by supporting young people's needs. The initiative is a partnership between Youth Empowered Towards Independence, Gindaja Treatment and Healing, and the Youth Advocacy Centre. The program provided 3,899 hours of court support on 2,649 occasions for 148 young people during the 2021-2022 financial year, with 24 percent of these young people aged 12-14 years.<sup>27</sup> CYYBSS supported young people via case management to reduce the likelihood of them entering the youth justice system in the future.

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<sup>24</sup> Horse Whispering Youth Program. (2023). *Horse Whispering Youth Program Impact Measurement*. (Unpublished).

<sup>25</sup> YFS. (2023). *Evidence, Learning and Evaluation Summary, Resolve*. [https://www.yfs.org.au/wp-content/uploads/2023/09/RESOLVE\\_EVIDENCE-LEARNING-and-evaluation-summary\\_280723.pdf](https://www.yfs.org.au/wp-content/uploads/2023/09/RESOLVE_EVIDENCE-LEARNING-and-evaluation-summary_280723.pdf)

<sup>26</sup> Whitten, T. et. al. (2022). Influence of a residential drug and alcohol program on young people's criminal conviction trajectories. *Journal of Criminal Justice*. <https://www.sciencedirect.com/science/article/pii/S0047235222001519>

<sup>27</sup> Youth Empowered Towards Independence. (2023). *YETI: Annual Report 2021-2022*. [https://yeti.net.au/wp-content/uploads/2023/02/YETI\\_AnnRep2022\\_FINAL.pdf](https://yeti.net.au/wp-content/uploads/2023/02/YETI_AnnRep2022_FINAL.pdf)

Other examples of effective programs can be accessed in Justice Reform Initiative's Alternatives to Incarceration in Queensland report.<sup>28</sup>

### **Efficacy of alternatives to detention**

The Queensland Government must fund an alternative to the justice system for all children younger than 14. The minimum age of criminal responsibility should be raised to at least 14.

**Attached** to this submission is our budget submission, which details an alternative to the youth justice system for children under the age of 14.

### **Efficacy of detention and other consequences of offending, and the most suitable infrastructure used for custody, detention or residential components necessary to reduce crime**

Jailing young children can increase trauma and problematic behaviour, which fails to make anyone safer. Of the children sent to Cleveland Youth Detention Centre, 96 percent allegedly re-offend in the 12 months following their release.<sup>29</sup> Queensland has more children aged 10 to 17 in detention on an average night than any other Australian State or Territory, and more than NSW, ACT, SA, Tasmania and NT combined.<sup>30</sup> Queensland also has the highest recidivist rate of any state or territory.<sup>31</sup>

The Queensland Sentencing Advisory Council note 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>32</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>33</sup>

The Queensland Government has committed to building two new detention centres for children. In the 2021-22 financial year, it cost an average of \$2,086.32 per day to keep a child in detention.<sup>34</sup> In estimates hearings, the Director General of Youth Justice advised that the new 'therapeutic' detention centres would be more expensive.<sup>35</sup>

Roundtable participants urged the promotion of evidence-based policy and an acknowledgment of the serious limitations of detaining young people. They raised that halting the planning and construction of youth detention centres and directing funds to early intervention and diversion would be an example of an evidence-based approach to reducing youth crime.

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<sup>28</sup> Justice Reform Initiative. (2023). *Alternatives to incarceration in Queensland*, (pp. 18 – 27). [https://assets.nationbuilder.com/justicereforminitiative/pages/337/attachments/original/1685393777/JRI\\_Alternative\\_s\\_QLD\\_FULL\\_REPORT.pdf?1685393777](https://assets.nationbuilder.com/justicereforminitiative/pages/337/attachments/original/1685393777/JRI_Alternative_s_QLD_FULL_REPORT.pdf?1685393777)

<sup>29</sup> Queensland Government. (2022). *Response to Question on Notice*, No. 1270.

<https://documents.parliament.qld.gov.au/tableOffice/questionsAnswers/2022/1270-2022.pdf>

<sup>30</sup> Australian Institute of Health and Welfare. (2023). *Youth detention population in Australia 2023*, Table S14.

<https://www.aihw.gov.au/reports/youth-justice/youth-detention-population-in-australia-2023/data>

<sup>31</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>32</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>33</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>34</sup> Productivity Commission. (2023). *Report on Government Services 2023*, Part F, section 17: released on 25 January 2023, Table 17A.21.

<sup>35</sup> Gee, B. in Queensland Government. (2023). *Estimates—Education; Industrial Relations; Racing*, (p. 84).

[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)

## Efficacy of systems and processes to provide immediate and ongoing support for victims of crime

More support is needed for victims of crime to ensure they experience a fair process. A study by the Centre for Innovative Justice about improving support for victims of crime found:

*“A common misconception about victims of crime is that their goals in relation to the criminal justice process are punitive. The reality, however, is far more complicated. Several of the victims of crime interviewed demonstrated empathy for the person who had harmed them, particularly where their offending occurred in the context of significant disadvantage, substance misuse or mental health needs. Victims of crime also described not wanting others to have the experience they had, framing their aims in terms of harm prevention, rather than retribution.”<sup>36</sup>*

Restorative justice conferencing provides a safe environment for the victim to discuss the impacts of crime. The child has the opportunity to take responsibility, learn from their mistakes and understand impacts of their behaviour. 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>37</sup>

Roundtable participants agreed that reforms should take account of principles of restorative justice and justice reinvestment. This approach is supported by evidence. A 2016 evaluation of restorative justice conferencing over a six-month period in Queensland found that 59 per cent of children who participated in the program did not reoffend within the six months following their conference, 18 per cent showed a decrease in post-conference offending magnitude, and 22 per cent had an equivalent or increased post-conference offending magnitude.<sup>38</sup>

Data was provided in Parliament on the reoffending rates of young people in Toowoomba who completed a restorative justice process, completed a supervised youth justice order, or completed a conditional bail program. The data demonstrated that reoffending rates were consistently lower among those who completed a restorative justice process.<sup>39</sup>

The Queensland Government has committed to establishing a Victims' Commissioner by the end of the 2023-24 financial year.<sup>40</sup> The Women's Safety and Justice Taskforce recommended that once the Victims' Commissioner has been established, they should undertake a review of the *Charter of*

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<sup>36</sup> Ellard, R. & Campbell E., (2020). *Improving support for victims of crime: Key practice insights*, Centre for Innovative Justice, (pp. 13, 14) RMIT University. <https://cij.org.au/cms/wp-content/uploads/2019/05/improving-support-for-victims-of-crime-key-practice-insights-centre-for-innovative-justice-november-2020.pdf>

<sup>37</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>38</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>39</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>40</sup> The Hon. Steven Miles and The Hon. Yvette D'Ath. *Interim Victims' Commissioner appointed, Joint statement*. 2 September 2023. <https://statements.qld.gov.au/statements/98579>



*Victims' Rights*.<sup>41</sup> The Victims' Commissioner and their office should be supported to conduct a review, consulting comprehensively with community organisations, and conduct reviews into other priority areas as needed. We also note the upcoming review of the *Human Rights Act 2019* (Qld), which will provide an opportunity to consider how the Act can be strengthened in relation to victims' rights.

## **Conclusion**

The Queensland Government should develop and implement a youth justice strategy that seeks to keep the community safe while respecting the human rights of children and victims. Further investment in early intervention and diversionary programs and initiatives to address the housing crisis and end poverty are effective evidence-based strategies to reduce youth crime. Of urgency, children should not be held in adult watch houses, and there is a need for an alternative to the justice system for children under the age of 14.

Thank you again for the opportunity to provide our submission. If you have any questions, please contact Aimee McVeigh, Chief Executive Officer at [aimee@qcross.org.au](mailto:aimee@qcross.org.au).

Yours sincerely



Aimee McVeigh  
Chief Executive Officer

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<sup>41</sup> Women's Safety and Justice Taskforce. (2022). *Hear Her Voice, Report Two, women's and girls' experiences across the criminal justice system* (p. 14). [https://www.womenstaskforce.qld.gov.au/\\_data/assets/pdf\\_file/0008/723842/Hear-her-voice-Report-2-Volume-1.pdf](https://www.womenstaskforce.qld.gov.au/_data/assets/pdf_file/0008/723842/Hear-her-voice-Report-2-Volume-1.pdf)