Executive summary

Introduction

In June 2019, the Director-General of the then Department of Youth Justice† (Youth Justice), asked the Queensland Family and Child Commission (QFCC) to assist in ‘monitoring youth justice initiatives and examining options that will inform future youth justice systems and processes.’ The intent of this was to ‘ensure that recent investment decisions of government are implemented and continuously improved to support the best outcomes for children, young people and the community.’

This report addresses the Youth Justice request in the context of the QFCC’s Oversight Strategy 2020–22, from which we drew two key questions:

• Are youth justice reforms ensuring there is a reliable, trusted system built on shared connections and commitment?
• Are youth justice reforms ensuring children’s rights, well-being and safety are being upheld and protected?

The report considers activities and projects related to pillars two and three of the Queensland Government Working together Changing the Story: Youth Justice Strategy 2019–23 (the Youth Justice Strategy), which are:

• Keep children out of court.
• Keep children out of custody.

The Australian Institute of Health and Welfare defines a youth justice system as:

the set of processes and practices for managing children and young people who have committed, or allegedly committed, an offence. In Australia, it deals primarily with young people aged 10–17 at the time of the offence.

When we refer to the youth justice system in this document, we are talking about all the government and non-government agencies involved.

While Youth Justice was responsible for developing the strategy and related Youth Justice Strategy Action Plan 2019–21† many initiatives, especially those relating to early intervention and prevention, are being led by other departments. The action plan includes seven Queensland Government departments as lead agencies.

We chose to draw heavily on the views of frontline service providers in Mount Isa, Townsville and Brisbane. We also included the voices of a small number of children and family members. By listening to these groups, we could gauge the impact of reforms on the communities and individuals for whom they were intended.

Findings on key questions

Are youth justice reforms ensuring there is a reliable, trusted system built on shared connections and commitment?

1. The percentage of children and young people in contact with the formal (statutory) youth justice system is very small—representing 0.3 per cent of children aged 10 to 17. Forty-five per cent of children and young people never return to the statutory youth justice system after their court matter is finalised.

2. There are good examples of state government agencies working together, and the focus on keeping children out of court and custody may be further strengthened by Aboriginal or Torres Strait Islander community controlled organisations and non-government agencies having opportunities to increase their leadership and participation in these collaborations.

3. There has been a strong move towards working with the families of children in the system, and agencies are recognising the importance of this. Lessons are emerging that will contribute

† In November 2020, the Department of Youth Justice was merged with the Department of Child Safety, Youth and Women to form the new Department of Children, Youth and Multicultural Affairs.
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| to ongoing improvement of services and greater benefits for families. |
| Behaviour change is hard, yet stakeholders understand and affirm the importance of support for young children and their families as a way to prevent initial or ongoing engagement of children in the youth justice system. |
| There are plenty of services for vulnerable young people in Mount Isa, North Brisbane and Townsville; however, many services are activity-based. High risk or repeat offenders need specialist help to address the offending behaviour, including treatment of poor health, trauma or family dynamics where that has contributed to the behaviour. |
| Data on over-representation of Aboriginal and Torres Strait Islander children in the youth justice system: |
| – continues to show there is an insufficient response to the needs of Aboriginal and Torres Strait Islander children and their families |
| – is not linked well enough to data on health, education and housing |
| – is not detailed enough to use in local and community-led responses. |
| There has been no improvement to the statistics on over-representation. Despite this, Aboriginal communities and families, Torres Strait Islander communities and families, and families in general, have limited opportunities to provide input into program design and prioritisation of funds for initiatives intended for them. Closing the Gap action planning provides an opportunity for government to include Indigenous communities and agencies in decision making about how to achieve the youth justice target in the new agreement. |
| Legislative and policy changes, made in response to particular incidents, may make it harder for the system to achieve the intended outcomes of the Youth Justice Strategy. |

**Are youth justice reforms ensuring children’s rights, well-being and safety are being upheld and protected?**

| 9. Improvements to the rights, well-being and safety of children can be made by police, educators and health providers. Examples of delays in school enrolment and in receiving medical treatment were provided to us and are included in this report. |
| 10. The system does not always provide the most vulnerable children and families with equitable access to specialist services and support, particularly in remote communities. Access to these services is sometimes not available until children arrive in the statutory youth justice system. |
| 11. Not enough health and education support is available for children below the age of 12. Recent funding to primary schools for extra psychologists is welcome and should be part of an ongoing funding shift to focus on the earlier years of schooling. |
| 12. There has been a focus on student engagement in education, but not enough consistency in ensuring continuity of education for children on disciplinary absences or for those who struggle to fit in a mainstream school. |
| 13. The Queensland Children’s Court’s efforts to produce plain English versions of charges and bail conditions for families and children is commendable, and this work needs to continue and expand to magistrates’ courts. |

**Future opportunities**

As part of its brief to examine options for future youth justice systems and processes, the QFCC has found:

- The youth justice system would be more effective in improving the lives of vulnerable children and keeping the community safe if it viewed at-risk young people through a rights and well-being, rather than just a criminal, lens.
- New programs and projects where the primary audience is Aboriginal children and families, and/or Torres Strait Islander children and families, should be community-led.
- Governments (both state and federal) need to make long-term, outcomes-based investments...
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in prevention and early intervention in the health of children and families, with regular review points. Investment should not be siloed by agency but shift to person-centred care.

- The Queensland Government should continue to strengthen the growing focus on prevention and early intervention for young children (that is, birth–five years of age) and their families through multi-agency co-operation and partnerships.
- Data needs to be linked to Youth Justice from other critical systems including Child Safety, Health, Education and the Queensland Police Service, and broken down to regional and local levels, to help communities make decisions and prioritise services relevant to their region (this is also in the National Agreement on Closing the Gap).
- While a long-term culture shift within the Queensland Police Service towards crime prevention and community policing remains essential, there could also be regular training for police officers about working with children, Aboriginal peoples, and Torres Strait Islander peoples.
- Youth Justice, the Queensland Police Service, legal services and courts could consider collaborating on improving communication with families and children involved in the statutory youth justice system. This includes keeping families informed about the status or progress of their child’s case, ensuring families have the means to attend court, and explaining things in ways that can be understood by the client and family.
- As identified in the Atkinson report, a coordinated media strategy should be adopted to promote and support the policy position of the Youth Justice Strategy.

Chapter 5 provides more detail on future opportunities.

Conclusion

The Youth Justice Strategy includes the use of prevention, early intervention and collaboration to tackle underlying causes of youth crime.

This is a sound approach, and the QFCC supports it. While recent youth justice reforms may contribute to reducing the numbers of some young people in the youth justice system, they could be improved. Many initiatives focused on activities that did not include dedicated case management or specialised therapy and were not designed to cater for clients with very complex behaviours.

While national data suggests a downward trend of children placed on supervision orders or in detention, legislative change and new initiatives by government over many years have failed to improve the over-representation of Aboriginal and Torres Strait Islander children in the youth justice system. Families must be included in all decisions relating to their children, and the rights of children made central to funding decisions and to the work of professionals, courts and family services.

As required by the Australian Government’s Closing the Gap and outlined in the Queensland Government’s Changing tracks, an action plan for Aboriginal and Torres Strait Islander children and families, the Queensland Government must increase the pace at which it is returning decision-making affecting Aboriginal communities and Torres Strait Islander communities to those communities.

If the long-term goal of reducing youth crime is to be achieved, investment should focus firstly on reduction of the factors that may contribute to a young person committing crime, and secondly, on young people already in the formal system who are committing most of the youth crime.

The QFCC urges government to stay the course and continue to provide long-term funding in accordance with the Youth Justice Strategy. This will support the significant strides needed towards reducing youth crime and realising the right of every Queensland child to be safe, with opportunities to succeed.
Every single program they’ve got him in now, finishes once he goes to court. There’s no help after that. It just stops dead. So, there’s no continuity of care ... there’s no follow on, there’s no follow up.