

Queensland Program of Assistance to Survivors of Torture and Trauma (QPASTT)

3 December 2024

Submission to the Inquiry into the Making Queensland Safer Bill 2024

The Queensland Program of Assistance for Survivors of Torture and Trauma (QPASTT) has been providing trauma recovery services for people of refugee background for over 27 years. We deliver a suite of programs tailored to individual, family, group and community recovery. We continue to evolve our knowledge and skills through partnership with refugee communities and trauma survivors, with the commitment to continuously improve our cultural safety practices and service delivery model.

QPASTT acknowledges that many people from refugee background flourish in Australia, building rich and rewarding lives. However, this is not the case for everyone. The failure to halt the perpetuation of intergenerational trauma and systemic disadvantage continues to impact many families, children and young people. The needs of these young people and families are not ameliorated but further exacerbated by the amendments in this Bill. There must be a stronger focus on prevention, early intervention and accountability for young people, their families and the broader community.

While in Queensland, people from refugee background are not a large proportion of our state's population, the community's concerns about youth justice and children's wellbeing are pronounced and significant. There is no formal data available on the cultural and linguistic identity of young people in the youth justice system, who do not identify as First Nations. However, families, community members and community leaders have expressed their concern of the perceived increasing growing representation of young people from refugee background in the youth justice system.

This is an indictment on systemic failures for young people and their families as they seek to establish a new life in Australia. The consequential detrimental impact on the community surrounding these young people further emphasises the need for comprehensive reform on prevention, early intervention and post-vention supports. In the words of a community leader "There is no bigger problem for us than when we cannot see a future for our children."

QPASTT believes that the amendments to Youth Justice Act 1992 and the Childrens Court Act 1992 proposed through the Making Queensland Safer Bill 2024 (the Bill) will **not** making Queensland safer, or reduce serious crimes committed by children and young people. QPASTT is concerned that the Bill will exacerbate rather than address systemic inequities and perpetuate intergenerational trauma.

QPASTT is an organisation that works with individuals and communities that have experienced human rights abuses. Our organisation is deeply committed to the application and protection of human rights. We are deeply concerned that this Bill sits in contravention to Human Rights Act 2019 and the United Nations Convention on the Rights of the Child 1989, particularly with regards to the mandatory detention of children and abolishing the principle of detention as a last resort, the Bill is warranted.

QPASTT believes that representation of First Nations young people in youth justice system and youth detention and lack of recognition in this Bill is discriminatory and based on race. The over-representation of First Nations children and young people, and young people of African backgrounds is due to intergenerational trauma, and that this trauma is perpetuated by marginalisation in economic, education and justice systems.

The Queensland Youth Justice Strategy identifies that most young people in the youth justice system have experienced substance use, exposure to family and domestic violence, are disengaged from education, not in stable housing, have disabilities, and mental health concerns¹. Failure to recognise and respond to these inequities and challenges in proactive, preventive and constructive measures, favouring punitive, punished based measures of minimum periods of detention that actively limits restorative justice measures will further entrench recidivism, will not make Queensland safer. Rather, there is clear and recent evidence that detention and custodial sentencing of children and young people increases recidivism and perpetuate criminal behaviour².

Additionally, there is a lack of evidence that harsh punishment, such as detention and mandatory pathways to adult incarceration, on evidently traumatised or intellectually disabled children will reduce crime rate without appropriate treatment, and intensive family and community support. The experience of youth detention to date that these factors of appropriate treatment, consistent access to education, and intensive family and community support are not provided. There is no evidence that the youth detention or youth justice workforce has the capacity to provide these rehabilitative supports, and the youth detention system does not have the resources to ensure these supports.

QPASTT works with a small number of people that have been detained in youth detention and were subsequently transferred to adult prison and/or immigration detention. Their common experience is as follows:

- All struggle to identify an intervention at the point in time of their youth offending that would have encouraged pro-social life path
- As young adults with very uncertain future prospects, they describe feeling lost and that as young people they struggled to find their way and navigate life systems
- When they were engaging in criminal activity, they retrospectively can identify that they didn't have insight into the cause and effective of their behaviour – rather they were just wanting to get through every day
- None could identify a rehabilitation programs or interventions experience in youth justice system that would have provided stability and support to enable them to consider their behaviour and future consequences

¹ Queensland Government (2024) *A Safer Queensland: Queensland Youth Justice Strategy 2024-2028*. The State of Queensland (Department of Youth Justice).

² Walsh, Tamara, Beilby, Jane, Lim, Phylicia, and Cornwell, Lucy (2023). *Safety through support: building safer communities by supporting vulnerable children in Queensland's youth justice system*. Brisbane, QLD Australia: The University of Queensland.



This clearly identifies that what is missing in the youth justice system effective, culturally safe early intervention and prevention strategies that offer pro-social possibilities for children and young people.

QPASTT acknowledges the traumatic and detrimental impact of criminal offending of children on victims of crimes and their families. We support appropriate legal and policy mechanisms that place the balance between accountability, rehabilitation and early intervention based on the appropriate age of children and other past and current factors.

QPASTT urges the Queensland Government to reconsider the Making Queensland Safer Bill 2024. QPASTT believes that the amendments within the Bill will further entrench systemic disadvantage and harm to children and young people. QPASTT does not believe that the Bill will deter serious offending and will not make child offenders more accountable for the actions, particularly if restorative justice measures are limited as a result of the Bill.

QPASTT welcomes an opportunity to meet with Government representatives at any of our locations in Logan, Brisbane, Toowoomba, Cairns and Townsville. We invite you to meet with us and some of the young people, families and communities we work with who are actively invested in creating positive and hopeful futures to benefit our local communities.

