



20 October 2016

Mr Michael Drane
Director
Youth Detention Review
GPO Box 149
Brisbane Q 4001
Email: enquiries@youthdetentionreview.qld.gov.au

Dear Mr Drane

Re: PACT Submission – Youth Detention Review

Thank you for your letter dated 23 September seeking Submissions in relation to the Independent Review of Youth Detention in Queensland. We would like to commend the Queensland Government for their initiative in this regard.

Protect All Children Today Inc. (PACT) is a Queensland non-profit community organisation established in 1986 as a service provider of court support as well as advocating for vulnerable children, young people and their families. PACT's Child Witness Support Program provides support for children and young people who are required to give evidence in criminal court matters, either as victims of, or witnesses to, a crime. PACT recruits Child Witness Support Volunteers to provide child victims and witnesses with support and information about the Criminal Justice System. It is through our experience that we offer the following comments.

We would like to preface these comments by stating that sadly, child Defendants are often former victims of crime. Children tend to learn through observation and exposure. Therefore, the need for early intervention is critical.

PACT strongly believe that the imprisonment of children and young people should be the last resort wherever possible, with other forms of restorative justice being offered. Increase in the costs of incarceration is likely to lead to less funding being available for victim services and preventative and rehabilitation programs. Insufficient provision of these services and programs breaches international human rights obligations.

1. Operation and Management of Queensland Youth Detention Centres

Children and young people are not cognitively equipped to foresee the consequences of their actions and need to receive warning about their behaviour, in order for it to act as a deterrent.

2. Operation and Management of Queensland Prisons with respect to 17 year old prisoners

Firstly, PACT raises the fact that the point at which a young person attains adult maturity varies greatly; it is not the case that each young person is of adult mind and cognition from the age of 17.

The Queensland Criminal Justice System recognises that 17 year olds are of sufficient maturity to be held fully accountable for their actions. However, this is contrary to research undertaken by many youth development experts.

Vice Regal Patron: His Excellency the Honourable Paul de Jersey AC, Governor of Queensland

The age of the youth when committing the offence should definitely be taken into consideration, as significant development and growth occurs between the ages of 15 and 18.

The positive steps taken by a youth offender to rehabilitate whilst in detention should also be a considering factor prior to transfer to an adult facility. In addition, automatically transferring a child to an adult facility without appropriate transition measures and in the absence of any consideration of the individual's needs and level of functioning will expose young offenders to unnecessary stressors.

Moreover, in the absence of ongoing and appropriate rehabilitation programs, or the introduction of secure youth housing, youth offenders will be exposed to, and/or influenced by, adult criminals unnecessarily. The impact of this will be increased recidivism and/or will result in more youths becoming victims of violent crimes by older prisoners. The trauma and long term effects of this must be considered.

3. Oversight of Queensland Youth Detention Centres

In view of the specific allegations of the mistreatment of young people raised in the media and other public commentary, it would appear that current oversight mechanisms are ineffective or poorly implemented. PACT believes that oversight mechanisms need to be adequate to protect the fundamental rights and entitlements of young people in detention. If this is not the case, the rehabilitative process is negatively impacted and young offenders may pose more of a risk to the community and themselves on their release from detention.

4. Oversight of Queensland Prisons

PACT supports changes to the oversight of Queensland Prisons in relation to the management of 17-year-old prisoners in Queensland prisons to improve the processes for incident management, complaints and oversight. Any mistreatment or abuse of vulnerable young people in the prison system is unacceptable. A custodial sentence is the punishment imposed by the Court and young offenders should not be subject to further arbitrary discipline or abuse within the prison environment. Such infringement of their fundamental rights simply reinforces their negative attitudes and impedes any rehabilitative efforts.

5. Interim Measures – Transfer of 17-year old Prisoners in Queensland to Youth Detention Centres

Ensuring the personal safety of young offenders in prisons must be a priority pending their transfer to youth detention. This applies equally to juveniles under 17 years of age in youth detention who may be negatively impacted by older offenders entering the Youth Detention Centre. Segregating prisoners effectively in both prisons and Youth Detention Centres will incur management and cost issues beyond PACT's expertise. However, we acknowledge that whilst these changes are necessary for the well-being of 17-year old offenders, the financial burden of these policy improvements will undoubtedly impact on government finances available for victims of crime and any pro-active measures to address crime in the community such as counselling and support services.

6. Programs and Services delivered in Youth Detention Centres including addressing causational issues underlying offending behaviours

As PACT provides services for child victims and witnesses to crime, our organisation is not in a position to provide feedback on existing programs for 17-year old prisoners to address their offending behaviour.

7. Current cultural programs and services and their effectiveness in addressing the specific needs of Aboriginal and Torres Strait Islander young people in youth detention.

Although PACT is unable to offer an opinion on the effectiveness of current program resources for Aboriginal and Torres Strait Islander young people in youth detention, it can confirm through evidence-based feedback how a culturally specific approach can benefit young Aboriginals and Torres Strait Islanders. In 2012, PACT introduced the Thursday Island Project to enable young Aboriginals and Torres Strait Islanders victims and witnesses to be supported in a culturally appropriate way by a court support worker from their local community. This project has proved most successful and continues to generate positive feedback from all involved. Therefore, we would encourage investigation into appropriate cultural programs that could be implemented to assist young Indigenous offenders.

8. Any information on current policies, practices and programs relating to the terms of reference in Youth Detention Centres in Queensland and other Australian jurisdictions.

Please note the PACT does not have the expertise to provide meaningful input in relation to this issue.

9. Any information relating to national and international models of service delivery responding to young people and offending behaviour management that may be relevant to the review.

Please note the PACT does not have the expertise to provide meaningful input in relation to this issue.

Should your staff require clarification or further information on any of the issues raised, please do not hesitate to contact Mrs Jo Bryant, PACT's Chief Executive Officer on telephone 3006 9030 or email jbryant@pact.org.au.

Thank you for the opportunity to provide this Submission. We trust that PACT's input has been of value.

Yours sincerely



Alexandra Marks
Chairperson



Jo Bryant
Chief Executive Officer