



**youth affairs network qld**

## **SUBMISSION**

**TO THE**

**DEPARTMENT OF FAMILIES YOUTH & COMMUNITY CARE**

**ON THE**

**PRINCIPLES UNDERLYING THE YOUTH JUSTICE PROGRAM**

**BY THE**

***YOUTH AFFAIRS NETWORK OF QUEENSLAND INC.***

*Prepared by*

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## ***ABOUT THE YOUTH AFFAIRS NETWORK OF QUEENSLAND INC.***

The Youth Affairs Network of Queensland (YANQ) Inc. is the peak community youth affairs organisation in Queensland. Representing approximately 400 individual and organisational members from Queensland's youth sector, we promote the interests and well being of young people across the state, especially disadvantaged and/or marginalised young people. YANQ advocates for and with young people to government and the broader community. YANQ also encourages and participates in the development of policies, programs, projects and research that is responsive to the needs of young people. YANQ also supports and promotes multiculturalism. As such, YANQ continues to sustain the Non-English Speaking Background (NESB) Policy Officer position. The NESB Youth Issues Network (NESBYIN) supports the NESB Policy Officer position at YANQ. NESBYIN is an issues based Network comprising of 135 individual and/or organisational members drawn from Queensland's youth and ethnic sectors respectively.

## ***INTRODUCTION***

YANQ welcomes the opportunity to input into the Department of Families, Youth and Community Care's (DFYCC) consultation process on the Principles Underlying the Youth Justice Program as detailed in the discussion paper dated August 1999. YANQ's values base and operational charter demands that we are driven and informed by our membership. As such, YANQ develops policy and submission responses in partnership and collaboration with its members. However, YANQ is increasingly concerned about the timelines often associated with consultation processes such as this one. We believe that the time available for YANQ to consult with a range of its members is extremely limited. Consequently, it is YANQ's view that the consultation process regarding the Principles Underlying the Youth Justice Program is far from genuine and therefore fundamentally flawed. Furthermore, YANQ strongly believes that government department's such as DFYCC must begin to give credence to the voice of the community youth sector, which has consistently conveyed these concerns over a number of years without ever witnessing any significant changes to consultation processes.

Additionally, YANQ and the community youth sector are concerned about the clear lack of coordination between respective government departments regarding the timeliness of releasing discussion papers and subsequent consultation processes. For example, YANQ's small core staff team of three workers has completed 10 submission responses to government departments during 1999. We believe that this has placed undue pressure on YANQ as the peak body and our members. Furthermore, YANQ strongly objects to the Youth Justice Branch's process of distributing three separate discussion papers that are so explicitly linked (these being the Review of the Juvenile Justice Act 1992, Review of the Detention of Children and Young People in Watchhouses and the Principles Underlying the Youth Justice Program). This demonstrates a lack of coordination within one branch of DFYCC which hardly instills any degree of confidence that a whole range of departments could coordinate their activities.

While YANQ affirms that community youth workers can often give a legitimate voice to disadvantaged or marginalised young people throughout Queensland on issues that affect their lives by feeding informed perspectives to the peak body, we also believe that government must consult widely with a range of young people. Again, YANQ's concern relates to the distinct lack of time available to achieve this in a fair and genuine way.

YANQ believes that participation by young people in government decision-making processes is developmental. Further, processes to ensure that disadvantaged and/or marginalised young people are given the opportunity to participate at levels comparable with their more fortunate peers must be especially developmental. That is, they need to be developed over time through a range of mechanisms rather than being driven by political expediency. It is little wonder that for many young people in Queensland the *politic* is perceived as inaccessible, and represents no more than an ivory tower where the few who think they know best can make largely uninformed decisions on behalf of the many, who consequently remain politically disenfranchised (for more details on

YANQ's views on youth participation refer to Attachment A). This, like many other government consultation processes, must be named for what it is – *tokenistic*.

The following comments are directly related to various sections in *Part A: Background Information* of the discussion paper:

- YANQ is concerned that the Foreword and Executive Summary do not highlight the importance of government partnerships with community.
- *Part A: 4.2* – YANQ believes that the role and function of the Queensland Police Service (QPS) within the context of youth justice is a key area of concern. Both YANQ and the QPS have acknowledged through the Inala Police and Youth Partnership Trial Project that relations between young people, especially NESB and indigenous young people, and police officers needs to drastically improved. The trial project in Inala has resulted from YANQ and QPS's Cultural Advisory Unit being the Queensland representatives to the National Police Ethnic Advisory Bureau (NPEAB). The NPEAB recognise the Inala trial project as leading the way regarding processes that influence the development of better relations between young people and the police. The Inala trial project is currently working towards the development and implementation of a set of agreed upon protocols to guide interactions and relations between police and young people. However, a number of additional factors have been identified as having a potential impact on relations. These are essentially structural, but nevertheless, are areas of concern to YANQ, NESBYN and the youth sector. These factors specifically relate to QPS's recruitment processes and academy training program. YANQ and NESBYN believe that the Youth Justice Program should also be concerned with these issues and the development of partnerships with QPS to address them.
- *Part A: 5.1* – YANQ commends the Youth Justice Program for finally recognising the YACCA program as a key crime prevention response across Queensland. YANQ auspices and fully supports the YACCA Network and as such, recognises the invaluable work the various agencies undertake with young people in communities across Queensland.
- *Part A: 6.2* – YANQ is concerned that this section does not highlight the increasing numbers of young women who are appearing in court and the fact that there are little or no gender appropriate interventions.
- *Part A: 6.4* – YANQ commends the points raised in 6.4 that seem to reflect the kinds of facts that rebut the popular myth that juvenile crime is out of control.
- *Part A: 6.5* – YANQ is concerned about the personal and familial factors associated with '*youthful offending*' highlighted in 6.5. We believe that this information labels certain young people and reinforces negative images and stereotypes.

YANQ would like to note that responses to key questions in the discussion paper detailed in this submission are predicated upon our belief that '*youthful offending*' is a social, political and economic issue rather than an individual one. Successive government's in Queensland have failed to address the social and economic conditions of this state that continue to marginalise, disadvantage, disconnect and disenfranchise many people, especially young people. YANQ in no way accepts the dominant paradigm that suggests there are a number of *risk factors* associated with an individuals supposed predisposition to commit crime or engage in anti-social behaviour above and beyond their peers (refer to Pathways to Prevention Report 1999 for more details of the risk paradigm). YANQ's view that government has not taken responsibility for issues such as poverty in Queensland is partly demonstrable by virtue of the fact that the current Beattie government has not responded to a report by the Queensland Council of Social Services (QCOSS) (1999) that suggests approximately 25% of families in this state live on or below the poverty line. Indeed, the report has not solicited a response from any of the other major political parties in Queensland. This situation is nothing short of shameful. Government and the Queensland community will continue to struggle with issues relating to youthful offending and crime generally if we do not develop genuine responses to the actual causes. Principles and values that underpin the Youth Justice Program will remain rhetorical and ineffective if government does not begin to name, recognise and seriously challenge the real issues relating to youthful offending – that is, the social, political and economic conditions that impact so negatively on so many in Queensland.



## RESPONSES TO KEY QUESTIONS

*Question 1: In addition to the information sources that have been described, what other information should inform the Youth Justice Program principles?*

YANQ believes that there are two main sources of information, which are critical to a well-informed set of principles that underpin the Youth Justice Program: These are:

1. The views of disadvantaged and/or marginalised young people across the state on the kinds of principles required are quintessential sources of information. As suggested above, genuine consultation demands that a range of developmental mechanisms be adopted to create safe and supportive pathways that enable young people to participate if they choose to (as mentioned above, refer to Attachment A for more details of YANQ's perspective on youth participation).
2. DFYCC and the Youth Justice Program must begin to validate and accept the views of YANQ, the peak body in the community youth sector, in much more genuine ways. YANQ is a source of expertise and information regarding young people, yet we have not been directly requested to input this to inform the Youth Justice Program principles other than through this formal submission. YANQ acts as the legitimate voice for the community youth sector in Queensland to government and the broader community. YANQ's values, perspectives on key issues, and policy development processes are driven and informed by the most important element of the organisation, our members. Youth workers and the young people they work with consistently inform us that they see nothing changing in their community, even with the current Labor Administration in Queensland. This is very concerning because people expect Labor governments to be more responsive to the adverse and destructive affects of capitalism within its current global context. Yet the fact remains that the gulf between the rich and the poor is widening relentlessly. YANQ believes that this is a product of misplaced government priorities such as economic rationalism, which supercedes the very real needs of many in our communities who continue to hurt and suffer. YANQ is seriously concerned about government and bureaucratic reluctance to hear and act on the perspectives forwarded by YANQ on issues of concern to the youth sector. YANQ also relates this concern to the current lack of grass-roots policy development. It has been YANQ's experience over a number of years that government and bureaucracy seriously impede 'bottom-up processes' regarding policy development. Again, YANQ members consistently inform us that this has to change, or is it really about government and bureaucracy changing and at the same time acknowledging that a large part of the problem is their own fear about losing power in a society where oddly enough power equals success? A good example of this reluctance to act on the views of those in our communities relates to government and bureaucracy's failure to develop a coordinated whole-of government strategy to address the issues that impact on the lives of NESB young people in Queensland. YANQ and NESBYIN have considered this a key issue for the past 5 years, as do many of the people successful and current workers at YANQ have come into contact with across the state. Indeed, the development of a NESB Youth Strategy was endorsed as a key conference resolution at the 1998 Bi-Annual 5<sup>th</sup> State Youth Affairs Conference coordinated by YANQ. Government and bureaucracy have failed to act on the resolution.

YANQ also believes that the Youth Justice Program should have highlighted punitive Commonwealth policies that impact on young people and their likelihood to engage in offending. For example, the Common Youth Allowance and its negative impacts on the lives of young people, their families and communities is one such Commonwealth policy that YANQ and our state counterparts across Australia are extremely concerned about. The lack of access to public housing among young people and ways in which this impacts on their lives is also information that should be included. YANQ recognises that for many young people in Queensland, there exists a feeling and sense of hopelessness. YANQ believes that this information should explicitly inform the Youth Justice Programs principles.

YANQ would also like to note that the YACCA Network's development and documenting of best practice approaches to crime prevention from a service delivery perspective began in 1999. This project is yet to be completed. YANQ believes that if the resources and support necessary to assist the Network to complete this process had of been made available, then this would have acted as a critical source of information to inform the Youth Justice Program principles.

YANQ would also like to take this opportunity to express to the Youth Justice Program the importance of the community having easy access to the range of information held by this branch. This information assists and supports community youth workers to develop better practice models and to respond to issues more effectively. YANQ is requesting that the Youth Justice Program make a commitment to making this information readily available.

***Question 2: Please comment on the values for the Youth Justice Program.***

YANQ's views on the values for the Youth Justice Program are as follows:

- The values articulated in the discussion paper emphasise individual rights and responsibilities. YANQ is concerned that few of the values focus on government responsibilities. This can be clearly seen in the value that states “*crime is a result of combined structural, social, familial, and individual factors.*” YANQ is encouraged that social and structural factors have been identified as issues that influence and impact on a young person's likelihood to offend. However, it is concerning that other values for the Youth Justice Program do reflect ways in which government intend to address social and structural factors. Indeed, there is not even an in-depth discussion offered on the range of structural and social factors that government must take responsibility for and respond to. Why, for example, is there no value that indicates the current government's commitment to reduce and ultimately alleviate poverty? Or is this issue no longer a priority?
- YANQ would strongly suggest that a value be included that reflects a government commitment to crime prevention (please refer to Attachment B for more details regarding YANQ's view on crime prevention). Such a value could be tied to addressing the full range of social and structural factors that impact on young people and their likelihood to offend.
- YANQ is concerned that the Youth Justice Program's preferred understanding of ‘youth’ has been developed to be consistent with the developmental pathways approach (National Crime Prevention 1999), especially regarding ‘vulnerability to offending’ among young people. As mentioned earlier in this submission, YANQ does not support the Commonwealth's espoused position that focuses on a conglomerate of *risk factors* that predetermine an individual's capacity to offend or engage in anti-social behaviour. YANQ believes that the Youth Justice Program must be up-front about what they mean when stating that they value ‘developmental pathways’ approaches in line with Commonwealth perspectives. YANQ would be very concerned if the state government intends to adopt the *risk factor* discourse that does nothing more than blame the individual and obscure government responsibilities regarding the prevention of crime within a structural context.

***Question 3: How appropriate do you consider the objectives of accountability, community safety and individual and community capacity to be for the Youth Justice Program?***

**Accountability:**

YANQ agrees that individuals must accept degrees of responsibility for their behaviours. YANQ also encourages the further development of restorative justice approaches. However, YANQ does not agree with the Youth Justice Program's perspective that accountability for offending should only rest with offenders. YANQ acknowledges that the Youth Justice Program have extended this notion, but only to the extent of reparation to victims and reintegration of offenders into communities. While YANQ recognises the importance of reparation to victims and reintegration processes that are safe, supportive, and long-term for young people, we also recognise that accountability regarding government must be acknowledged regarding issues successive governments in Queensland have failed to address. Again, YANQ would view the issue of poverty as one such failure that will continue to impede genuine crime prevention. YANQ strongly believes that government must develop the foresight and integrity to assume some accountability for the *causes* of offending that they have failed to address. Otherwise, the blame the individual paradigm based on conglomerates of *risk factors* will continue to dominate the social agenda, and in turn, the cycle of demonising disadvantaged and/or marginalised young people carries on.

**Community Safety:**

YANQ is of the view that all people, irrespective of age or background, have the unequivocal right to be safe in their respective communities. However, YANQ believes that government has an unequivocal responsibility to ensure all communities are resourced and supported to be safe environments. As mentioned earlier in this submission, YANQ believes that current government priorities regarding global viability in the market-place and

competitiveness are misplaced to the detriment of local communities. If government were committed to resourcing and supporting the notion of community safety in the same way as they seem to be regarding viability in the global market-place, then the prevalence of offending would naturally decrease as people become more connected and valued as full and active citizens.

YANQ appreciates the views held by many in the community that young people should be detained as a last resort after committing serious offences. However, YANQ also strongly believes that there are far less punitive options than simply detaining young people. Young people in detention does not reduce crime, rather it creates a peer network where knowledge about crime is shared which in some cases increases the chance that young people will re-offend (YANQ – Youthspeak Information Sheet 1998). Indeed, YANQ believes that a key element of crime prevention rests with diversionary and developmental options to detention that are safe and supportive for young people. We can in many ways relate the experiences that have led to deinstitutionalisation to detention. That is, if we treat people in certain ways, then they are likely to adopt those behaviours as the 'norm'. The same can be said of detention. If we treat young people like 'criminals' then it is reasonable to expect that they may begin to act like 'criminals'. Treat people with respect, integrity and value, and they may reciprocate.

YANQ believes that government also has a responsibility to open up debate in all communities regarding the misconception that juvenile crime is out of control and that any degree of get tough responses are necessary. Data from DFYCC (1998) indicates that no more than 1% of young people aged between 10 and 16 years appear in Queensland courts in any one-year. Yet, there seems to be endemic beliefs in many communities that crime among young people is out of control. This pejorative misconception must be rectified. Queenslanders also need to be made aware of the costs associated with detaining a young person. In Queensland it costs the taxpayer about \$90, 000 a year to keep a young person in a detention centre. Diversion from detention also means diverting resources into more effective and humane programs designed to enhance the lives of young people who have offended. This in turn will benefit the whole community.

#### **Capacity:**

YANQ agrees with the Youth Justice Programs views regarding individual, family and community 'capacity'. Indeed, this perspective fits well with crime prevention within a social justice framework. However, while YANQ acknowledges that government has indicated that it has obligations in building and strengthening individual, community and family capacity, they must also ensure that this is not rhetorical by providing vastly increased resources to enable this to occur. YANQ also believes that if the Youth Justice Program are committed to meeting their obligations regarding the resourcing of communities, families and individuals to build and strengthen their capacity, then a whole-of-government approach and commitment is required.

For instance, YANQ and NESBYIN believe that the education system inherently disadvantages and marginalises many NESB young people who are newly arrived migrants to Queensland. This is due to the severe under-resourcing of the English as a Second Language (ESL) Program in Queensland state schools. The ESL Program is designed to enhance NESB young people's English language proficiency to a level where they are able to integrate into the mainstream education system and have every opportunity to reach their full scholastic potential. However, this is not the case (YANQ 1998). Unfortunately the state government only contributes approximately \$1.7Million to the ESL Program while the Commonwealth contributes approximately \$7.2Million. In other large states such as Victoria and New South Wales the state government matches the Commonwealth contribution on a dollar for dollar basis. Educational outcomes for ESL students in those states are consequently drastically enhanced. YANQ and NESBYIN are concerned that negative experiences in an education system that does not meet the needs of NESB young people is likely to influence negative perceptions of the communities these young people live in. This is an indicative example of the way in which government can systemically disable communities rather than enhancing their ability to build and strengthen capacity.

#### ***Question 4: What importance do you place on having coordinated and integrated interventions to address youthful offending?***

As mentioned in Question 3, YANQ believes that coordinated and integrated interventions ranging from crime prevention to early intervention and diversion are critical to the success of the Youth Justice Program. However, there seems to be very real barriers in bureaucracy that prevent genuine coordinated and integrated strategies.

Take the example cited above with regards to NESB young people and the ESL Program within the context of participatory crime prevention through educational programs. How will the Youth Justice Program or DFYCC ensure that Education Queensland begins to meet the needs of NESB young people? If they are unable to achieve this, then we continue to disadvantage and marginalise these young people and therefore increase the potential to marginalise and disadvantage the communities they live in. Indeed, DFYCC do not have a coordinated NESB Youth Strategy. What does this suggest regarding commitments to support communities to build capacity? Furthermore, indigenous young people continue to be severely over-represented in the juvenile justice system and the adult justice system. In fact, indigenous people in Queensland continue to be disadvantaged and marginalised to the extreme, which again is nothing short of shameful. The point here is of course is that communities and the various sectors that work with particular target groups have heard the rhetoric before. What we now want is a government that has the integrity to genuinely follow through on the rhetoric, otherwise, government might well be better advised not to bother saying anything at all because if things do not change then this has the effect of simply disenfranchising people even more.

***Question 5: How important are issues of access and equity to Youth Justice Programs and services?***

YANQ and NESBYIN believe that issues of access and equity are especially important among NESB young people, young women and indigenous young people. It is widely acknowledged for example, that NESB young people do not access services anywhere near a level comparable to their counterparts (see Seto, 1991, Not Seen Not Heard: An Impression of the Needs of NESB Young People in Brisbane, Newell & Miller 1999, Cultural Diversity: The Cooloola Story, Ferguson & Tu'ipulotu 1997, Valuing Cultural Diversity on the Sunshine Coast: Every face Tells a Story. Gathbonton & Hughes 1994, A Study of Access to Services by NESB Young People. Nguyen 1997, Housing Diversity, and Luxford 1999, Newly Arrived Migrants and Refugee Housing Issues Paper). Unfortunately, even though much research indicates access to services among NESB young people is a major barrier to their successful integration into community life, little seems to have occurred within government to address this issue. The current Multicultural Queensland Policy (1998) states that under the *Charter of Public Service in a Culturally Diverse Society* that government must ensure that all services are accessible to people from culturally and linguistically diverse backgrounds. However, it is YANQ and NESBYIN's view that resourcing issues for the community sector prevent services from addressing this issue and that at a structural level, policies and programs remain culturally inappropriate. There needs to be a paradigm shift if government and community are ever going to embrace multiculturalism in a real and genuine way. We need to look beyond traditional white Anglo 'ways of doing things' to account for the range of approaches a particular community may respond to and address issues. If the Youth Justice Program can achieve this, then they will be leading the way.

Issues for young women may include additional barriers that prevent them from accessing services such as the provision of safe and affordable childcare, transport, lack of information and general dis-connectedness from the broader community.

YANQ also believes that increased resources and support from the Youth Justice Program for the YACCA program would enhance the likelihood that more young people from a range of backgrounds would access services. Additionally, if the YACCA Network were resourced to complete the documentation of their best practice process then this would support the establishment and resourcing of new and continued innovative services as well as highlighting issues regarding access to services.

***Question 6: Are enhanced participation and partnerships important principles of youth justice?***

**Young People:**

YANQ is concerned about the statement made in the discussion paper that indicates the Youth Justice Program will endeavor to maximise the involvement of young people through consultations, research and so on. This concern relates to the following:

- In what ways have the Youth Justice Program sought to maximise the involvement of young people in Queensland in this consultation process? It is our view that very few young people across Queensland are aware of this consultation process.
- YANQ as the peak body for the community youth sector in Queensland has the mandate to advocate for and with young people to government and the broader community. YANQ and our members take the view that

the peak body can legitimately represent the views of disadvantaged and/or marginalised young people in Queensland through information we receive from community youth workers who derive their perspectives from the work they do with young people. Additionally, YANQ coordinates the Youth Consultative Network (YCN). YCN has a membership database comprising of approximately 100 young people in Queensland who can be contacted on an as needed basis regarding particular consultations. Youth sector workers and workers in the ethnic sector who are members of NESBYIN also feed valuable information through to YANQ regarding issues that are impacting on NESB young people. YANQ also supports the various youth interagencies across Queensland who share information on local issues relating to young people that require a peak body response. Yet, there is no mention of the valuable role that YANQ could play in the further development of the Youth Justice Program.

- YANQ is also concerned that the discussion paper has muted DFYCC's Youth Participation Strategy as a possible mechanism to involve young people in decision-making processes when it has yet to be developed, implemented or negotiated with the youth sector. Indeed, to date, YANQ and NESBYIN on behalf of many of our members have raised serious concerns regarding the proposals forwarded by DFYCC in relation to their Youth Participation Strategy. YANQ hopes that the Youth Participation Strategy is not a fore-gone conclusion, which is the kind of message that the Youth Justice Program is portraying by muting it in the discussion paper (as mentioned earlier please refer to Attachment A for more information regarding YANQ's views and concerns relating to DFYCC's proposed Youth Participation Strategy).

#### *Family & Community:*

YANQ commends the Youth Justice Program for recognising the importance of family and community among indigenous young people. However, we are disappointed that the Youth Justice Program has failed to highlight the importance of family and community among NESB young people. YANQ and NESBYIN are of the view that this sort of gap is a result of the fact that DFYCC have not yet developed a coordinated whole-of-government NESB Youth Strategy based on understanding and partnerships with the full range of stakeholders across Queensland.

YANQ agrees that partnerships between government departments and community-based organisations are necessary to ensure that responses to issues as they relate to young people are addressed more effectively. However, it is YANQ's view that government departments must be aware of the inherent power imbalance that accompanies such partnerships. This imbalance is due in part to the fact that community based organisations are often dependent on government departments they are expected to develop partnerships with for resources. This dynamic can therefore impact on proposed partnerships.

#### ***Question 7: Are the values and principles outlined sensitive to indigenous and other cultural values?***

YANQ agrees with the Youth Justice Programs perspective on the potential need to develop new programs and services to respond to indigenous young people's issues in the area of juvenile/youth justice. However, YANQ and NESBYIN are concerned that the Youth Justice Program has failed to identify the potential need for new services and programs to address the needs of NESB young people in the area of juvenile/youth justice. Again, we consider this over-sight to be a direct result of the lack of knowledge and understanding of the complex and convoluted issues that impact on the lives of many of Queensland's 80, 000 or so NESB young people. The development of a whole-of-government NESB Youth Strategy would bridge this gap in knowledge and understanding. YANQ is currently undertaking a national mental health research project utilising qualitative methodology to highlight the needs of NESB young people who have experienced depression, stress and/or anxiety. The community is responding to NESB youth issues proactively, we urge government to do the same. Government cannot reasonably expect mainstream service and program responses to always fit for NESB young people who often have very different cultural belief systems, backgrounds and lifestyles. Indeed, an assumption that mainstream responses are appropriate to NESB young people is culturally insensitive and does not validate cultural diversity or multiculturalism. This also contravenes the Multicultural Queensland Policy (1998) which states that all people are encouraged to express, share and value one another's cultural heritage. If government assumes that mainstream responses are adequate enough to meet the needs of NESB young people, then they are not valuing cultural differences or heritage.

#### ***Question 8: how important do you consider the principle of reintegration to be in working with young people who have offended?***



YANQ believes that the principle of reintegration into family and community regarding young people who are exiting detention is critical. We view this stage as the transition from the tertiary end of intervention to the beginning of the cycle of prevention.

However, effective reintegration requires significant resources to be channeled into communities to enable this to occur safely, effectively, and in ways that protect the integrity of the young people involved. Currently, there are some resources such as the new Community Youth Justice Centres. However, there are still not enough resources in the community to allow this to happen. Serious consideration needs to be applied to the housing, employment, health and educational needs of the young person in transition from detention to community/family. It is also essential that the safety of young people never be compromised during this transition, especially regarding young women and the threat of violence.

***Question 9: Are there any other considerations that would ensure that services and interventions provided by the Youth Justice Program are best practice?***

- YANQ reiterates the need for supporting the YACCA Network to document the work undertaken regarding best practice. YANQ views this work as invaluable to improved service delivery to young people and the overall development of the Youth Justice Program.
- YANQ believes that evaluation processes need to be owned and coordinated by local communities in which the service/program exists. It is also critical to involve a range of young people in these evaluations.
- YANQ believes that gay, lesbian, bisexual and transgender (GLBT) young people may require specific support needs in the area of intervention.
- YANQ and NESBYN believe that young people from diverse religious backgrounds who have been identified in the discussion paper as a group who may require specific support needs in the area of intervention should be extended to include all NESB young people.
- YANQ believes that best practice principles should be viewed by the Youth Justice Program as inherently fluid and therefore open to change and modification. Indeed, best practice principles should not always be viewed as universal. What works in one community may be quite different to what works in another. Within this context, it is critical that a range of community stakeholders, especially young people, youth services, and YANQ should have input into the process of developing and/or reviewing best practice principles.

***Question 10: What comments do you have about the role of the Youth Justice Program in crime prevention?***

It is YANQ's view that the Youth Justice Program should develop a primary role regarding crime prevention. A primary role in crime prevention would give the Youth Justice Program the potential mandate to enable grass-roots policy development, service enhancement, and program development to occur. Given the YACCA program sits under the broad umbrella of the Youth Justice Program and has been recognised as the key response to crime prevention in Queensland, it follows that a primary role be developed that encourages grass-roots policy development in partnership with communities and young people.

YANQ would be concerned about the Youth Justice Program's potential role in the area of crime prevention if a significant focus were to be developed regarding individual *risk factors*. As mentioned earlier in this submission, YANQ views crime and crime prevention as a social, political and economic issue as opposed to an individual one.

***Question 11: What do you consider to be the value of diversionary programs?***

YANQ believes that the value of diversionary programs relates to the fact that young people who have minimal contact with the juvenile justice system are much less likely to end up in the adult one, and a very high percentage of young offenders will not re-enter either criminal justice system, if they are dealt with in a respectful and supportive way. Diversion must be a key principle in crime prevention (YANQ – Youthspak Information Sheet 1998). YANQ's fundamental belief is that 'get tough' responses do not reduce crime and actually reduce the capacity for positive change in young people and their communities. YANQ also believes that 'get tough' responses must not be transferred into diversionary programs such as 'boot camps'. Such

transference processes strain the fundamental philosophy of diversionary programs. YANO is also concerned that the discussion paper cites police cautioning powers as a form of diversion, when in fact, police cautioning powers are being applied in negative and damaging ways for young people. For example, if a young person is dealt with through police cautioning, *which does not incorporate due legal process*, they still attract a criminal record. YANO seriously questions how this process can reasonably be seen as *diversion from the juvenile justice system*. Indeed, such a process undermines some of the most basic principles that underpin our justice system.

***Question 12: What comments do you have in relation to this program's involvement in early intervention activities?***

YANO views early intervention as a crucial component of the Youth Justice Program. Where early intervention activities, services and programs occur through other departments, there must be a clear and transparent coordination of activities. However, YANO would also like to reiterate its belief that crime prevention is the more critical form of intervention if it is genuine and designed to address the actual causes of offending such as poverty, unemployment and disadvantage. As mentioned throughout this submission, YANO does not believe that early intervention should be predicated around the targeting of individuals based on individualised *risk factors*. Rather, mechanisms such as Youth Support Coordinators must be enhanced to ensure that those potentially at risk are identified early enough to enable interventions to work effectively. Other such mechanisms may include all schools developing comprehensive referral systems as a way to support young people to access services, increased resources for the YACCA program, youth workers in all state schools, resources for YANO to develop a Youth Justice Policy Officer position and a Public Relations Policy Officer position (the Public Relations Policy Officer position would work toward the development of strategies that enhance positive images of young people through media and in communities across Queensland), and the development of alternative forms of education that meet the needs of young people who fall out of the mainstream education system.

***Question 13: Please provide details of any other best practice principles for intervention that you are aware of.***

1. That best practice principles be developed to meet the needs of local communities and that these are fluid and open to change.
2. The process of evaluating best practice is owned by the community as opposed to centralised bureaucracy.
3. That best practice principles be developed within the context of crime as a social, political and economic issue as opposed to an individual one.
4. That best practice principles be culturally sensitive enough to recognise that new service and program responses may need to be developed with indigenous and NESB communities.

***Question 14: What are the major practice implications the proposed principles raise?***

YANO believes that one of the key implications for practice lies in the fact that young people have to be held accountable for their actions in absence of any degree of recognition from government that they are accountable for creating and sustaining the kind of society that influences and forces offending behaviour. The lack of government responsibility in this area means that accountability measures are enforced upon young people and the services that work with them. The community in turn is unable to hold government accountable for inaction regarding the actual causes of offending.

Clearly, for many services and workers who will be affected by the principles outlined in the discussion paper, there is little or no sense of ownership or participation in their development. In effect, this means that changes to funding and service agreements, best practice guidelines and evaluation to name a few, will be forced onto workers and communities. YANO believes that this is not best practice process and demonstrates clear flaws in the development and impending implementation of the principles.

## ***YANQ's KEY RECOMMENDATIONS***

1. That the YACCA Network be fully resourced to complete its documentation of their best practice report and that the key findings be inputted into the development of the principles that underlie the Youth Justice Program.
2. The Youth Peak/Statewide Agencies Group that currently meets the Minister for DFYCC and Director General on 2/3 occasions per year become formally involved with senior officers within the Youth Justice Program.
3. That the Youth Justice Program influences the immediate development of drug and alcohol rehabilitation programs in detention centers.
4. That homelessness is recognised as not being a crime. Therefore, the provision of bail accommodation must be developed to include a broad range of strategic alternatives across Queensland.
5. That government and the Youth Justice Program accept responsibility and accountability for addressing the actual causes of crime and offending behaviour through recognition that these are social, political and economic issues as opposed to individual ones.
6. That the Youth Justice Program influences the immediate development of a whole-of-government NESB Youth Strategy for Queensland.
7. That the Youth Justice Program resource the community through YANQ, the youth peak body, to develop a Youth Justice Policy Officer position and a Public Relations Youth Justice Officer position to develop strategies to enhance the positive images of young people through media and in communities across Queensland.
8. That the Youth Justice Program investigates its links with SAAP, especially in relation to the issue of under 14-year-olds being unable to access SAAP services due to current guidelines and resourcing.
9. That the Juvenile Justice Act 1992 be amended to increase the age of criminal responsibility from 10 years to 12 years, and that those young people in the juvenile justice system who are aged 17 years be considered juveniles right up until their 18<sup>th</sup> birthday.



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