

**Queensland Child Protection
Commission of Inquiry**

Statement of Steve Armitage

I, Stephen William Armitage, of c/- Level 25, Anne St, Brisbane in the State of Queensland, Assistant Director-General, Youth Justice, Department of Justice and Attorney-General, solemnly and sincerely affirm and declare:

1. I make this statement pursuant to a request to provide information to the Queensland Child Protection Commission of Inquiry (the Commission).
2. I am the Assistant Director-General of Youth Justice, Department of Justice and Attorney-General.
3. I have held the position of Assistant Director-General since 4 June 2012. Prior to the commencement of this position, I was the Executive Director, Indigenous Education in the former Department of Education and Training from July 2007 to June 2012. From December 2004 to July 2007, I held the position of Executive Director, Strategic Implementation Branch in the former Department of Education and Training. I also held the positions of the Deputy Director-General, Families (2002 to 2004) and Executive Director, Youth Justice (1999 to 2002) in the former Department of Families.
4. My qualifications include a Bachelor of Social Work (Hons) from the University of Queensland.
5. As the Assistant Director-General, I have overall responsibility and accountability for the Youth Justice Program delivered by, Department of Justice and Attorney-General. An organisational chart outlining Youth Justice is attached as Annexure 1.
6. The Youth Justice Program aims to provide statutory youth justice community based and detention centre based services to ensure that young people are held accountable for their offending behaviour and that they are supported to become responsible members of the community through reparation and rehabilitation.

Introduction to the current Youth Justice system

7. The youth justice service system is delivered within the context of *Youth Justice Act 1992* and the *Childrens Court Act 1992*. The legislation provides a framework in which the following key principles are upheld:
 - Protection of the community from criminal offences
 - Encouraging young people to take responsibility for their actions
 - Providing programs and services to address offending behaviour and rehabilitate and reintegrate young people
 - Recognising the vulnerability and special protection required for children and young people and specifically recognising the needs of Aboriginal and Torres Strait Islander young people
 - The use of detention as a sentencing option of last resort
 - Ensuring that young people in youth detention services are safe and receive quality care
8. Services within the Youth Justice Program in Queensland are structured to give effect to these principles, dealing with young people who are alleged to have committed offences and the sentencing options in the *Youth Justice Act 1992*.
9. Queensland's youth justice system comprises of a number of agencies, including the Department of Justice and Attorney-General (JAG) who are responsible for delivering youth justice responses, statutory supervision and administering Queensland's courts and the Queensland Police Service who has first contact with the offending young person.
10. The effective delivery of services to reduce offending behaviour requires input from a broader range of government departments, including but not limited to Queensland Health and Department of Education, Training and Employment, Department of Communities, Child Safety and Disability Services, Department of Aboriginal and Torres Strait Islander and Multicultural Affairs and the Commission for Children, Young People and Child Guardian.

What JAG delivers

11. JAG provides court services for all criminal justice matters referred to the court.
12. Since machinery of government changes took effect in April 2012, JAG now has responsibility for the Youth Justice Program. These services were previously provided by the former Department of Communities.
13. With an estimated budget of \$142M in 2012-13, the Youth Justice Program provides youth detention centre services, community based youth justice services, youth justice conferencing services, limited early intervention services and funding for some non-government organisations.

14. The purpose of the Youth Justice Program is to contribute to community safety through the provision of:
 - secure custody for high risk young offenders
 - supervision for young people subject to community based court orders
 - youth justice conferencing services where victims and others affected by a young person's offending have the opportunity to decide on how the young person should repair the harm they caused
 - programs to address offending behaviour and services to respond to factors contributing to offending behaviour.
15. The Youth Justice Program has responsibility for the secure custody of young people in detention centres where they are either remanded in custody or sentenced to a period of detention.
16. There are two youth detention centres in Queensland: Brisbane Youth Detention Centre and Cleveland Youth Detention Centre (Townsville). The average daily number of young people in detention (both sentenced and remand) in 2010-11 was 137.
17. Brisbane Youth Detention Centre (BYDC) has a built capacity of 118 beds. In 2001 the centre opened with 102. In February 2010 a further 8 beds increased capacity to 110 and in March 2010 another 8 increased capacity to its current capacity of 118.
18. Cleveland Youth Detention Centre (CYDC) has a built capacity of 48, however has operated with an interim bed capacity of 60 since 1 November 2007. CYDC is currently being expanded and when completed will have a 96 bed capacity.
19. While the daily average is 137, the number of young people in detention spikes. At times the number of young people in detention exceeds capacity.
20. Youth Detention Centres have a combined budget in 2010-11 of \$125.041M (\$41.2M operating and \$83.841M capital).
21. There are 16 Youth Justice Service Centres and 9 smaller outpost services which deliver supervision and intervention services to young people who are subject to supervised youth justice orders.
22. In 2010-11, the budget for Youth Justice Service Centres was \$31M.
23. During 2010-11, 1693 young people were subject to supervised youth justice orders. Young people are subject to a range of orders including probation, community service, supervised release orders, conditional release orders, intensive supervision orders and conditional bail.
24. Fourteen Youth Justice Conferencing services manage referrals to youth justice conferencing from the police and courts and conduct conferences.

25. During 2010-11, 2860 referrals were made to youth justice conferencing with 2387 conferences being held. Approximately 44% of these referrals were made by police with the remainder made by courts as either pre-sentence conferences or indefinite referrals (where no further action is required by the court); the estimated budget for youth justice conferencing was \$10M.
26. All services delivered through the Youth Justice Program work closely with justice system departments, human services departments and non-government organisations to coordinate the delivery of services for young people and their families. Research consistently demonstrates that this approach ensures the best chances of rehabilitation.
27. Non-government services are funded by JAG under the provisions of the *Community Services Act 2007* to deliver a range of other services to young people and their families. 15 organisations are funded a total of \$5.23M per annum to provide specialist case management, support and counselling to young people and their families. These services are generally outside the expertise of youth justice staff who focus on supervision and addressing offending behaviour. Annexure 2 is the Youth Justice Intervention Framework which outlines the nature of responsibilities of non-government organisations and youth justice services.
28. The 15 organisations are funded to deliver services under the following initiatives: Young Offender Support Services; Bail Support Services; Supervised Accommodation; Specialist Counselling Services; Employment Services; and Complex Needs Assessment Panel Services. None of the initiatives have state-wide coverage; rather service providers have been contracted based on local need.
29. Details of each service, geographic coverage and funding amounts and provided are included in Annexure 3.
30. Interventions orchestrated by the Youth Justice Program include strategies to address the causes of crime. The delivery of programs that target therapeutic, educational, employment, family functioning and accommodation outcomes involve human services agencies through government and non-government partners. The leverage from these services is critical to achieving community safety and life trajectory outcomes for young people.

Policy and practice context – Youth Justice contemporary challenges

31. Youth Justice responses are a nexus of community safety, accountability and rehabilitation. Public policy attempts to balance the sometimes complex objectives.
32. Young people in contact with the youth justice system are among the most vulnerable and disadvantaged in Queensland, with increasingly complex social, developmental and environmental issues underpinning the reasons for offending. This trend is consistent not only across Australia, but also across many developed nations.

33. The *Youth Justice Act 1992* underpins Queensland's youth justice system and applies a set of principles for dealing with young people. The principles require that the community should be protected from offences; the system should uphold the rights of children keeping them safe and promoting their physical and mental wellbeing; that children should be encouraged to take responsibility for their actions; and that children should be treated in a way that diverts them from the courts. However, where the nature of the offence requires the child to attend court and where guilt is established, detention is an option of last resort, but where detention is necessary that the child is safe and receives quality care.
34. The Government's recent commitment to trial Youth Boot Camps as a sentencing option to divert young people from detention is a further commitment to ensuring detention is utilised as a last resort.
35. This framework of principles and sentencing options establishes a practice context that primarily focuses on community safety through the rehabilitation and reintegration of young offenders to the community. The Youth Justice Program adopts an evidence base approach which focuses on achieving outcomes, particularly reducing recidivism and improving the protective factors that, if strong, reduce the likelihood of further offending.
36. Indigenous over-representation continues to be a challenge for the Youth Justice Program and indeed other human service systems. Aboriginal and Torres Strait Islanders continue to be over-represented in the justice system from point of police contact through to detention. Aboriginal and Torres Strait Islander young people enter the justice system at an earlier age with a higher likelihood of continuing through the juvenile system into the adult system.
37. Queensland has one of the highest remand populations in the country. In 2010-11 in Queensland there were 92 young people held on remand on an average night. This represents 68% of the total Queensland detention population. In comparison, in 2010-11 the Australian average was 58% of the total detention population were held on remand. The Youth Justice Program is continuously looking for opportunities to reduce the number of young people remanded in custody, through improving bail support programs and working with the legal sector and judiciary.

The Youth Justice journey

Pre-Forde Inquiry

38. On 4 August 1992, Queensland parliament passed the *Juvenile Justice Act 1992* and the *Children's Court Act 1992*. The commencement of these Acts represented a significant philosophical shift from a care and control model to a justice and accountability model.
39. The *Juvenile Justice Act 1992* repealed the juvenile justice provisions of the *Children's Services Act 1965* and provided the legislative framework for the administration of juvenile justice in Queensland, the ethos of which informed practice and policy in the administration of youth justice practice and policy for Queensland. Further detail of all legislative amendments to the then *Juvenile Justice Act 1992* and now *Youth Justice Act 1992* is at Annexure 4.

40. The *Juvenile Justice Act 1992* established as a principle of juvenile justice that:
- a child who commits an offence should be:
 - (a) held accountable and encouraged to accept responsibility for the offending behaviour; and
 - (b) punished in a way that will give the child the opportunity to develop in a responsible, beneficial and socially acceptable way.
41. In 1995, the Conditional Bail Program was established. The key purpose of the Conditional Bail Program was to provide support to young people charged with an offence and released on bail, to meet their bail conditions.
42. In 1996 amendments were made to the *Juvenile Justice Act 1992* to introduce new ways to divert young people from the criminal justice system. This included providing for youth justice conferencing, as well as revising juvenile justice principles to ensure the protection of the community and the interest of victims were considered.
43. In 1997 in response to the Act amendments, a Youth Justice Conferencing program was established in three locations. This program was the first restorative justice program which brought together the young offender, the victim, community representative and the police. The program is designed to enable the young person to gain an understanding of the impact of their crime on the victim and community.
44. In 1998, the *Juvenile Justice Legislation Amendment Bill 1998* enabled the transfer of the responsibility of youth detention centres from the Queensland Corrective Services Commission to the then Department of Families, Youth and Community Care. This Bill integrated the administration of juvenile detention centres with other juvenile justice functions and direct responsibility for the delivery of the juvenile justice system to the then Department of Families, Youth and Community Care.
45. Until 1999 the Youth Justice Program and Child Safety Services were administered jointly through regional offices. In 1999 three stand alone Youth Justice Service Centres in Townsville, Ipswich and Logan were established as a pilot. The remainder of the state continued to deliver collocated services.

Post Forde Inquiry: 1999-2005

46. In response to the Forde Inquiry recommendations a number of critical actions were taken by the Government in the following years.
47. The Petford Training Farm in Far North Queensland was closed.
48. In 2001 a number of services were funded to provide a range of youth justice programs including:
- Griffith University to provide a specialist assessment and treatment program for young sexual offenders;
 - Youth Bail Accommodation and Support Service (YBASS) – to provide accommodation support services to young people subject to bail;

- North West Aboriginal and Torres Strait Islander Community Association (NWAICA) to address factors underlying the offending behaviour, including the cultural needs of Indigenous young people;
49. Queensland Health and Education Queensland commenced providing 24/7 health care services and formal schooling programs within both Youth Detention Centres.
 50. In 2002, the *Juvenile Justice Amendment Bill 2002* amended the *Juvenile Justice Act 1992*, the *Bail Act 1980*, the *Childrens Court Act 1992*, the Criminal Code, the *Criminal Offence Victims Act 1995*, the *District Court Act 1967*, the *Evidence Act 1977*, the *Jury Act 1995*, the *Police Powers and Responsibilities Act 2000* and other relevant legislation in response to the *Commission of Inquiry into Abuse of Children in Queensland Institutions* (the Forde Report) recommendations and to provide an improved, relevant and cohesive legislative basis to the administration of juvenile justice. The amendments commenced on 1 July 2003.
 51. A detailed summary of the amendments is at Part B Annexure 4. In summary, the amendments enhanced naming provisions, introduced a new sentencing option, strengthened the Childrens Court of Queensland, and incorporated a new “charter of juvenile justice principles”.
 52. The Bill included a list of basic rights of children in youth detention centres in the charter of juvenile justice principles, an obligation on youth detention centre staff to report harm suffered by a child in a youth detention centre and mandatory regular inspection of youth detention centres.
 53. The Bill also included a section (s.224AL) which allowed disclosure to specified people if a child is being placed in care under the *Child Protection Act 1999*. The section is now contained at s.293 of the Act.
 54. At this time the Government also took action to address over-representation of Indigenous children in juvenile detention centres and develop alternative placement options to reduce the number of young people being held on remand through the Queensland Aboriginal and Torres Strait Islander Justice Agreement (2000) and the Government’s response to the 2001 Cape York Justice Study was the *Meeting Challenges Making Choices* Report.
 55. Youth Crime Prevention Programs were established at a cost of \$0.68 million over 3 years, in Townsville, Charters Towers, Bundaberg, Rockhampton and Gladstone and twelve month projects were established in Mackay, Cairns and remote communities in Cape York at a cost of \$0.55 million over two years.

Specific responses for detention centres

56. As recommended by the Forde Inquiry, in 2001 significant capital works projects were prioritised in order to close the Sir Lesley Wilson Detention Centre, open Brisbane Youth Detention Centre (BYDC) and complete the upgrade of Cleveland Youth Detention Centre (CYDC).

57. During this year, all young people accommodated at the former John Oxley Detention Centre were transferred to the newly built BYDC. The John Oxley Youth Detention Centre subsequently ceased operating.
58. With the 2002 amendments to the *Juvenile Justice Act 1992*, the obligation for the department to report harm was strengthened with the enactment of the now section 268. Section 268 requires youth detention staff to identify and report harm that is suspected or alleged to have occurred in the youth detention context.
59. This obligation is provided oversight by the regular provision of this information to the Commission for Children and Young People and Child Guardian (CCYPCG) as mandated under sections 35 to 37 of the *Youth Justice Regulation 2003*.
60. Section 268 of the *Youth Justice Act 1992* does not exclude youth detention centre staff from their obligations to refer suspicions of harm under section 9 of the *Child Protection Act 1999* (ie. harm that may have occurred prior to young people entering youth detention). As part of the youth detention admissions process, young people are assessed to ascertain whether they may have been harmed prior to their admission (to ensure this is referred to Child Safety Services) and are provided an opportunity to make a complaint about any alleged mistreatment by the escorting Queensland Police Service officers.
61. Quarterly inspections of youth detention centres commenced in 2002 administered by the Youth Detention Inspectorate. The Inspectorate was separate from the Youth Justice program and this 'arms length' positioning from detention centre service delivery provides the Department with a robust and independent internal youth detention inspection model.
62. The Inspectorate's primary role is to inspect and monitor each Queensland youth detention centre at least once every three months in accordance with section 263(4) to ensure centre operations are consistent with the Chief Executive's responsibilities and that current operations reflect current policy and the legislative framework. This includes examining issues relating to the wellbeing and safe custody of young people in detention and the security and management of detention centres.
63. The *Commission for Children and Young People Act 2000* commenced in 2001 and expanded the CCYPCG mandate to advocate for children and young people, established the Commission as a statutory body, extended their Community Visitor Program to include children detained in youth detention centres and increased their power and function relating to complaints.
64. The CCYPCG plays a critical role in providing oversight to the youth justice system, particularly youth detention service delivery.
65. The CCYPCG Community Visitors regularly visit young people in youth detention to discuss issues of concern they may wish to raise. Community Visitors either resolve these issues locally with youth detention centre staff or refer issues relating to allegations of harm to the appropriate agency for action (eg. the CMC or QPS).

66. CCYPCG's youth justice monitoring role also includes receiving and investigating complaints about youth detention service delivery, conducting systemic reviews and audits and research detained young people's views about their youth detention experiences.
67. The CCYPCG has recently commenced a systemic monitoring plan across government agencies covering the youth justice system.

2004 CMC Inquiry into Abuse of Children in Foster Care

68. In 2004, following the CMC *Inquiry into Abuse of Children in Foster Care*, the child protection and youth justice functionality split and the Department of Child Safety and the Department of Communities were established. At this time five youth justice locations operated (Townsville, Ipswich, Logan, Caboolture and Hervey Bay). In 2005-06, this expanded state-wide with 16 youth justice service centres becoming operational. At the same time youth justice conferencing services expanded to become a state-wide program.
69. In 2005/06 the budget for the Youth Justice Program was \$45.17M. Youth Justice service delivery accounted for \$21.38 million including \$7.22 million for youth justice conferencing. The two detention centres had a combined budget of approximately \$23.79 million. The number of young people subject to supervised youth justice orders in 2005/06 was 1571.

Commitment to continuous improvement: 2006-2012

70. Throughout the period from 2006 to 2012 activities focussed on strengthening youth justice responses. The framework for youth justice responses was based on evidence to ensure the safety and wellbeing of young people. This period also ensured that the measures put in place immediately following the Inquiry continued to ensure that all youth justice services were appropriately delivered, monitored, recorded and reported and that information sharing provisions were maintained and improved.
71. In 2006-07, a youth justice quality assurance framework was developed to support the delivery of high quality youth justice services and enable the department to measure its performance against a range of key performance indicators and service standards.
72. During the same year the Mater Counselling Service was established as a pilot program to provide preparatory support and therapeutic interventions for young people, families and victims who are referred to a youth justice conference in relation to a sexual offence. Further Bail Support Services were funded in Atherton, Mount Isa and Townsville.
73. A trial of Indigenous Conferencing Support Officers (\$0.56M for six positions) and Indigenous Service Support Officer roles (\$0.44M for five positions) commenced as a part of the continued focus on improving the cultural competence of youth justice service delivery. These positions are now part of the Youth Justice Program structure.
74. In 2007, the *Community Services Bill 2007* amended the *Juvenile Justice Act 1992* to enable information acquired through the administration of the Act to be made available to officers of the Department of Child Safety for the purposes of the *Child Protection Act 1999*.

75. Offence focused programs of Aggression Replacement Therapy (ART) and Changing Habits and Reaching Targets (CHART) were purchased and implementation across the state commenced. ACT for Kids was funded to provide the innovative Youth Opportunity Program in Cairns to provide interventions and support to at-risk young people and their families and bail support.
76. In 2007-08, significant work was undertaken in response to increasing demand on the system and to ensure the detention centres could continue to deliver quality service with this increased demand.
77. This included funding of \$82M over four years to undertake initiatives to expand facilities including a multi-purpose building to provide educational, vocational and therapeutic services and a Reintegration Unit to enable young people nearing the end of their sentence to reside in a less supervised environment to focus on developing their independent living skills at CYDC. An upgrade to infrastructure to improve health, safety and security at both BYDC and CYDC and the introduction of a skills development program for Youth Workers (Cert IV – Youth Work) to improve their ability to manage young people.
78. Also as part of this funding allocation, in 2007 CYDCs bed capacity was expanded from 48 to 60 as an interim measure to meet demand.
79. The Australasian Juvenile Justice Administrators (AJJA) has a set of standards for juvenile custodial centres and these standards were implemented as part of these upgrades and are now embedded in all aspects of youth detention policy, process and practice, including most notably within the Youth Detention Inspectorate's Inspection Framework. Accordingly, each youth detention centre is inspected on a quarterly basis to ensure its compliance with the AJJA standards. The AJJA Standards is at Annexure 5.
80. In the 2009-10 budget, funding of \$170.7M over four years was allocated to upgrade and expand the CYDC. At the completion of this work CYDC will have a built bed capacity of 98.
81. During 2008 and 2009 a review of the *Juvenile Justice Act 1992* was undertaken. In March 2010, amendments were introduced and the *Juvenile Justice Act 1992* was renamed the *Youth Justice Act 1992*.
82. The amendments aimed to strengthen the Act's approach to youth crime and were based on evidence and community feedback. They included a widening of the Courts' powers to hold young people more accountable for their offending behaviour and also sought to place an increased focus on addressing the concerns of victims and meeting community expectations.
83. Specifically, the amendments gave the courts specific powers to place curfews on young offenders to reduce the chances of them re-offending and to ensure they are properly supervised.

84. Despite the amendments implemented in 2010 Queensland continued to have very high remand in custody populations and in response to this, in January 2011 a remand reduction project commenced in partnership with Legal Aid Queensland. The project aimed to enhance young people's access to a range of bail and bail support options. The project resulted in changes to departmental policy, practice and processes to enable young people to more readily bring bail applications before the court. There continues to be monitoring of remand data and remand reduction strategies generated by the initial project.
85. Processes remain in place as a result of this strategy to ensure bail merit is reviewed for all young people in custody. While this process saw a reduction in 2011 the remand population has increased again in 2012 to near record levels. Analysis of the bail population and court processes will continue to explore additional strategies to appropriately reduce remand.
86. In late 2011, in response to data that indicated that a small number of young offenders were responsible for a high proportion of crime, an integrated case management initiative was launched. The initiative was a whole of government response led by the Youth Justice Program. Local panels were formed with representatives from across government and non-government organisations to discuss and determine a case management approach to respond to the individual needs and offending behaviour of identified young people.
87. This collaborative approach results in the young person receiving the range of services they require, including education programs, suitable accommodation, access to health, mental health, drug and alcohol services, support to address offending behaviour and family support. These panels are most effective when relevant human service agencies and local non-government organisations are actively involved.
88. Investment in contemporary information systems has been the last major investment in the Youth Justice Program. Commencing in 2004 and concluding in 2012 is a suite of new youth justice information systems collectively known as Youth Justice Information Management (YJIM) that has reshaped how data is collected on youth justice matters, from first court appearances through to admissions and release from youth detention centres. The YJIM program of work was allocated at total of \$40.67M in capital and \$23.18M in operating expenses over this time.
89. The program of work has delivered four key ICT systems. The Integrated Case Management System (ICMS) provides for integrated case management and court functionality and reporting, a system also utilised by Child Safety Services. The Detention Centre Operational Information System (DCOIS) provides a comprehensive and centralised repository for young person information within a youth detention centre. The Integrated Criminal Justice System, formerly known as the Integrated Justice Information system (IJIS) links justice agencies and police and creates a single person identifier. The development of YJIM has occurred in parallel with the IJIS processes that is now contributing to a criminal justice dataset that will be used to test the effectiveness and efficiency of interventions. While not included in the original scope of the program of work the Conferencing, Reporting and Information System has been implemented through judicious project and budget management at no additional cost.

90. Collectively this suite of information systems will enable youth justice to provide state-wide consistency in case, court, conferencing and detention centre management practice, improved data quality, accuracy, currency and confidentiality, greater process transparency, more timely information updates and a single state-wide view of all relevant court information about youth justice clients, including an electronic court diary and court outcomes. As the full utilisation of these systems only became effective this year, the Youth Justice Program is in a position to review its performance measurement framework and introduce improved performance reporting capability.
91. Following the March 2012 election all youth justice services were transitioned to the Department of Justice and Attorney-General. This transition enabled the whole youth justice service area (detention centres, regional service centres, policy, performance, programs and practice) to be coordinated in a much flatter structure under one Senior Executive Officer, and provides new opportunities to align the Youth justice Program within the justice sector and clarifies the role of youth justice as justice administrators.

Profile of YJ clients

92. Data consistently shows that the majority of young people in contact with the youth justice system are male. For example for the five years between 2006-07 and 2010-11 young males represented approximately 80% of young people admitted to supervised youth justice orders. An overview of youth justice data is at Annexure 6 and a summary of youth justice annual statistics from 2006-07 to 2010-11 is at Annexure 7.
93. Indigenous young people are over-represented in the youth justice system and in the more serious stages of the youth justice system. For example, in 2010-11:
- 49% of young people admitted to supervised youth justice orders were Indigenous.
 - Indigenous young people represent 23% of total police cautions for young people aged 10-16 (stable from 2009-10), but comprised 57% (down from 58% in 2009-10) of the average daily number of young people in detention.
94. Conversely, there is an under-representation of Indigenous young people in diversionary options (e.g. cautioning, conferencing) relative to their involvement in other parts of the youth justice system.
95. Young people in the youth justice system present with multiple and complex needs, often without support systems to address these needs, e.g. family, community or school support. These needs include mental health issues, substance misuse and lack of stable accommodation with appropriate role models and supervision.
96. Risk assessment using an evidence based assessment tool is undertaken with all young offenders entering supervision. This tool assesses the level of risk of re-offending of young people based on a set of evidence based risk factors.
97. Of the 1522 young people who were formally assessed during 2012:
- 38% were assessed as moderate to high risk of reoffending with their family circumstances (e.g. inadequate supervision, inappropriate parenting, inappropriate discipline) presenting as a significant factor;

- 57% were assessed as moderate to high risk with their lack of engagement in education or employment presenting as a significant factor;
 - 63% were assessed as moderate to high with substance abuse (including drug and alcohol usage and substance abuse linked to offending) presenting as a significant factor; and
 - 63% were assessed as moderate to high risk with their peer relations (e.g. anti-social associates and few positive peers) presenting as a significant factor.
98. This data indicates that in addition to ensuring that there is a direct consequence for a young persons behaviour, effort must be directed at addressing support systems for families, improving education and employment engagement, addressing substance misuse, improving access to mental health and health services and developing positive social skills and networks, to reduce young people's long term risk of reoffending.
99. In addition to the above risk factors, a large proportion of young people in the youth justice system were known to the child protection system (69% as at 30 June 2011).
100. If a young person in the youth justice system is subject to intervention by Child Safety Services, this is often referred to as 'dual intervention'. Dual intervention involves Child Safety Services and Youth Justice Services working with a young person to ensure their safety and wellbeing.
101. In cases of dual intervention, each service maintains individual case management responsibility for the young person and the two coordinate the services they deliver to that young person.
102. Coordination of services includes both Youth Justice Services and Child Safety Services participating in joint assessment and planning processes (e.g. Youth Justice staff can be invited to participate in Child Safety Services' legislated Suspected Child Abuse and Neglect (SCAN) panels). There are also existing legislative provisions that allow the sharing of relevant youth justice information with Child Safety Services (and visa versa).

The way forward

103. The way forward is a matter of government policy and subject to the availability of resources. The following are my views.
104. The research and evidence on how to best achieve a reduction in youth crime has improved significantly since the 1990s. The investment in the youth justice program, particularly since 1999, has enabled Queensland to establish a Youth Justice Program that now ensures young people have clear consequences for their offending.
- a. Youth Justice Services Centres deliver high quality evidence based programs that respond to criminogenic needs.
 - b. Youth Detention Centres are providing safe environments for young people while ensuring the community are safe by ensuring there are no escapes.

- c. Victims are also more frequently involved in the justice process now through the use of Youth Justice Conferencing.
105. Notwithstanding these developments there remain opportunities to improve responses to young people and their families that can break the cycle of offending and in doing so improve the safety of our communities.
 106. These opportunities present themselves in terms of identifying young people who are on a trajectory into the justice system and intervening in those critical protective factors to reduce the chance of offending in the first instance.
 107. One of the significant risk factors for involvement in the justice system is disengagement from school. Improving the capacity or capability of an education system to retain children and young people in active learning will impact on the level of youth crime.
 108. Research demonstrates, as does Queensland's own data that a family's functioning is also a contributing factor in a young persons offending behaviour. 69% of young people in the justice system have had prior contact with the child safety system.
 109. New South Wales has recently commissioned research into the developmental levels of young people in detention centres. The findings from this study and others identify higher than average community levels of developmental delay and mental illness in the detention centre populations. Additional studies have identified very high levels of Acquired Brain Injury in the same population.
 110. Research and inquiries into the over-representation of Aboriginal and Torres Strait Islander young people have consistently found that Indigenous young people are over-represented in primary health, education and child safety indicators.
 111. The protective factors such as education, family functioning and primary health all provide indications as to when a young person is at an increased likelihood of offending. Information available to the service systems that provide responses to these factors can assist in identifying these high risk young people. Anecdotal evidence from 'place based' initiatives routinely finds that officers across these service systems are able to identify the same high risk young people.
 112. Once a young person has been identified, the opportunity then needs to be seized with a collective and coordinated response to the individualised circumstances of that young person and family. This provides a challenge for government to work outside of the silos of jurisdictional responsibility and discrete performance measures and work collectively on often very complex and intergenerational problems. While these challenges are difficult to overcome the cost-benefit for the community and government is well documented.
 113. In addition to the opportunities that are provided by earlier intervention there are also significant opportunities to refine the youth justice program and its interface with both the justice system and the broader human services system
 114. If opportunities for early intervention are not present then evidence demonstrates a tertiary response will be required.

115. Research suggests that periods of incarceration, while providing the most serious consequence for behaviour and protecting the community from further offending for that period of time, have little effect on young people's future offending behaviour. Where detention is ordered, the most benefit is achieved by this being followed by periods of community based supervision and intervention.
116. This is despite the best example of integrated service delivery occurring within the states two Youth Detention Centres.
117. Within the detention centre young people are able to access high quality primary and forensic health care delivered by Queensland Health. They are also able to access quality education programs delivered by Department of Education, Training and Employment.
118. Improvements in basic literacy levels of three years in education are regularly achieved within three months once the young person is in detention centres. Identification of hearing and sight problems is regularly diagnosed for the first time in the detention centre, particularly for Aboriginal and Torres Strait Islander young people.
119. The ability of the youth detention centre environment to achieve these outcomes with these young people is undermined by the availability or access to equivalent level of service provision and support when young people return to the community.
120. The Governments commitment to trial Youth Boot Camps is a proposal that looks to bridge this gap. A whole of government commitment to Youth Boot Camps can deliver highly structured community alternative to detention including the delivery of education, training, therapeutic programs that involve the family and longer term mentoring. With appropriate levels of intensity and structure the program can provide a consequence for the young person's behaviour and also brings together evidence based interventions that provide a chance to break the offending cycle.
121. Government will soon be considering options for the implementation of trial Youth Boot Camps. Documentation of the governments approach to youth boot camps may be available to the commission in the coming months.
122. Once a young person has entered the justice system breaking the offending cycle becomes incrementally difficult. In part this is because the causes of the offending behaviour are likely to be entrenched and therefore the response required is incrementally more complex and expensive. At present there are key service types that are required to improve the chances of breaking the offending cycle; these include:
 - Community based intervention for the families of young people and children who are risk of offending (limited coverage in Queensland).
 - Supported accommodation for young people with a lack of suitable, stable accommodation (only one in Queensland, Townsville).
 - Substance abuse services for adolescents (only one in Queensland, Brisbane)

- Specialist counselling services for high risk young people such as those who have committed sexual offences (only two service providers in Queensland, both based on South East Queensland with limited capacity to provide services in other locations due to current demand)

123. Over the past 20 years in Queensland, there have been attempts at either integrating or separating child protection and youth justice functions. This has been accompanied by increased levels of investment and improvements in both service systems.

- Experience has shown that the question of which is a better approach is not as relevant as:
- appropriate levels of investment in both child protection and youth justice accompanied by specialised skills across each function;
- high levels of collaboration between child protection and youth justice functions;
- appropriate levels of investment in prevention, early intervention and tertiary intervention across both functions.

124. The nexus between youth justice and child protection is as important as the nexus between youth justice and education, health and police. An integrated service system is crucial. There needs to be congruence at a policy level and collaboration at a practice level across all government service providers.

125. The alignment of youth justice services into DJAG will enable the development of the justice sector, while maintaining the collaboration across all human service agencies. Fundamental to the youth justice role is the administration of youth justice. The delivery of youth justice responses are complex and this role is not undertaken by any other agency.

I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1867*.

Signed.....

 Stephen William Armitage

Taken and declared before me, at Brisbane this 16 day of August 2012.

Witness.....


~~Solicitor/Barrister/Justice of the Peace/Commission for Declarations~~

Attachments

1. Youth Justice Structure July 2012
2. Youth Justice Intervention Framework
3. Youth Justice Services Investment
4. History of Youth Justice legislative amendments
5. Australasian Juvenile Justice Administrators Standards for Juvenile Custody Facilities
6. Overview of Youth Justice data 2010-11
7. Youth Justice Annual Summary Statistics 2006-07 to 2010-11