

# High Risk Youth Court



## Evaluation of the High Risk Youth Court

Department of Justice and Attorney-General  
**Magistrates Courts Service**

January 2023

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## Acknowledgement to Country

The Queensland Government respectfully acknowledges the lands on which the High Risk Youth Court sits and recognises the Traditional Owners and custodians in the Townsville region – the Bindal and Wulgurukaba peoples who have walked and cared for their lands and waters for thousands of years. We pay our respect to Elders past and present.

We acknowledge that Aboriginal and Torres Strait Islander peoples are diverse, each with their own ways of knowing, being and doing. With this understanding, we extend respect to Country and Traditional Custodians across Queensland including Aboriginal and/or Torres Strait Islander people reading this evaluation. We appreciate the generosity of Aboriginal and Torres Strait Islander peoples as knowledge holders, who maintain spiritual connections to Country and understanding of traditional lore, for their contributions to this evaluation.

As a reader of this evaluation, we invite you to acknowledge the Country that you are reading this document from.



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## Foreword

The evaluation team would like to sincerely thank all of the survey participants, focus group members, interviewees and findings workshop participants who freely gave their time.

The evaluation has benefited from the willingness of all participants to contribute their experiences, cultural insight, knowledge, and involvement with young people and Childrens Court across Queensland.

Marion Norton  
Manager, Research and Evaluation  
Courts Innovation Program

Please note: All stakeholder feedback has been taken into account by the evaluators. The evaluators have taken care to cite feedback that does not identify an individual or role.

## Glossary of terminology *(as used in this report)*

**Adjournment** – When charges are not finalised and are rescheduled.

**Aggrieved** - The person seeking protection in a domestic violence proceeding or named as the person to be protected on an order.

**Bail** - The right of an accused person to be released from custody after being charged with an alleged offence on the condition that they will return to court at a specified time or with other conditions. Bail may be granted by a Magistrate or watch-house police. The bail is formalised by the defendant signing a bail undertaking.

**Bail enlarged** - The decision by a Magistrate to extend existing bail to the next appearance date.

**Case file** - When one or more charges are lodged with the court a case file is created in QWIC.

**Charge** – A formal accusation that a person (*defendant*) committed a crime.

**Childrens Court** - A specialist court which deals with Magistrates Court matters involving child defendants. It is generally presided over by a Childrens Court Magistrate.

**Closed court** - All Childrens Court proceedings in the Magistrates Court are heard in a closed court. There are restrictions on who may attend or publish identifying information about a young person.

**Committal** - A committal is the process for transferring serious indictable offences to be determined in the Childrens Court of Queensland or Supreme Court.

**Criminal Responsibility** - A person under the age of 10 years is not criminally responsible for any act or omission. A person aged between 10 and 14 years is not criminally responsible for an act or omission, unless it is proved that at the time of doing the act or making the omission the person had capacity to know that the person ought not to do the act or make the omission.

**Defendant** - In criminal proceedings the defendant is the person who is charged with an alleged offence.

**Court Events** - Any court date when a charge is considered by the magistrate (or listed) in court.

**Fail to appear** - When a defendant does not appear at court when required, they are said to 'fail to appear'. The court may forfeit or revoke any bail undertaking and order a warrant to issue for the arrest of the defendant. The court may order the warrant to lie on file and the warrant is released if they don't appear at the next court event.

**Guilty** - The term guilty is used to state a defendant committed the offence. This can arise by a defendant pleading guilty to an offence or being found guilty by a magistrate.

**Lodgements** - refer to a new application or matter being lodged at the court. In Childrens Court it is usually police lodging charges for offences against a defendant. A lodgement initiates a case file being established.

**Magistrate** – A judicial officer who administers the law in the Magistrates and Childrens Court.

**Mention date** - is the set day (court event) that charges are to be considered by the court, but not finalised.

**Most Serious Offence** - is determined to be the most serious of the group of charges in a case file according to the National Office Index.

**National Offence Index** - ranks all offences across 162 categories according to their perceived seriousness in order to determine a most serious offence in a group of offences. The Index is

based on the [Australian and New Zealand Standard Offence Classification \(ANZSOC\)](#) (cat. no. 1234.0)

**Orders** – are decisions made by a court that instructs or requires a defendant or other party involved in the case (such as Youth Justice or the police) to do or not do something. Orders could be procedural or penalty related, or to grant bail to the defendant.

**Permitted to go at large** - A defendant is allowed to leave court without entering a bail undertaking on the condition they return at the next court date.

**Plea or Plead** - When asked, a defendant can enter a plea – they can plead ‘guilty’ or ‘not guilty’. If a defendant pleads ‘not guilty’ the proceedings progress to a hearing to determine the outcome of the charges.

**Pre-Court Custody** – The period a child is held in custody (by police) prior to their first appearance before the Court.

**QWIC** (Queensland Wide Interlinked Courts) - is the record management system that records criminal and quasi-criminal proceedings across various courts jurisdictions. It records details of court appearances for criminal matters as well as outcomes of court appearances (e.g. sentences). It also records information relating to applications for DV orders including court appearance, result of court appearance and orders made, etc.

**Remanded in custody** – When the defendant is held in custody (at the watch-house or detention centre) after being arrested by the police or in between court appearances.

**Respondent** - A respondent is the person against whom an allegation of domestic violence is made on an application for a domestic and family violence order, or a person restrained from doing certain things when a domestic violence order is made.

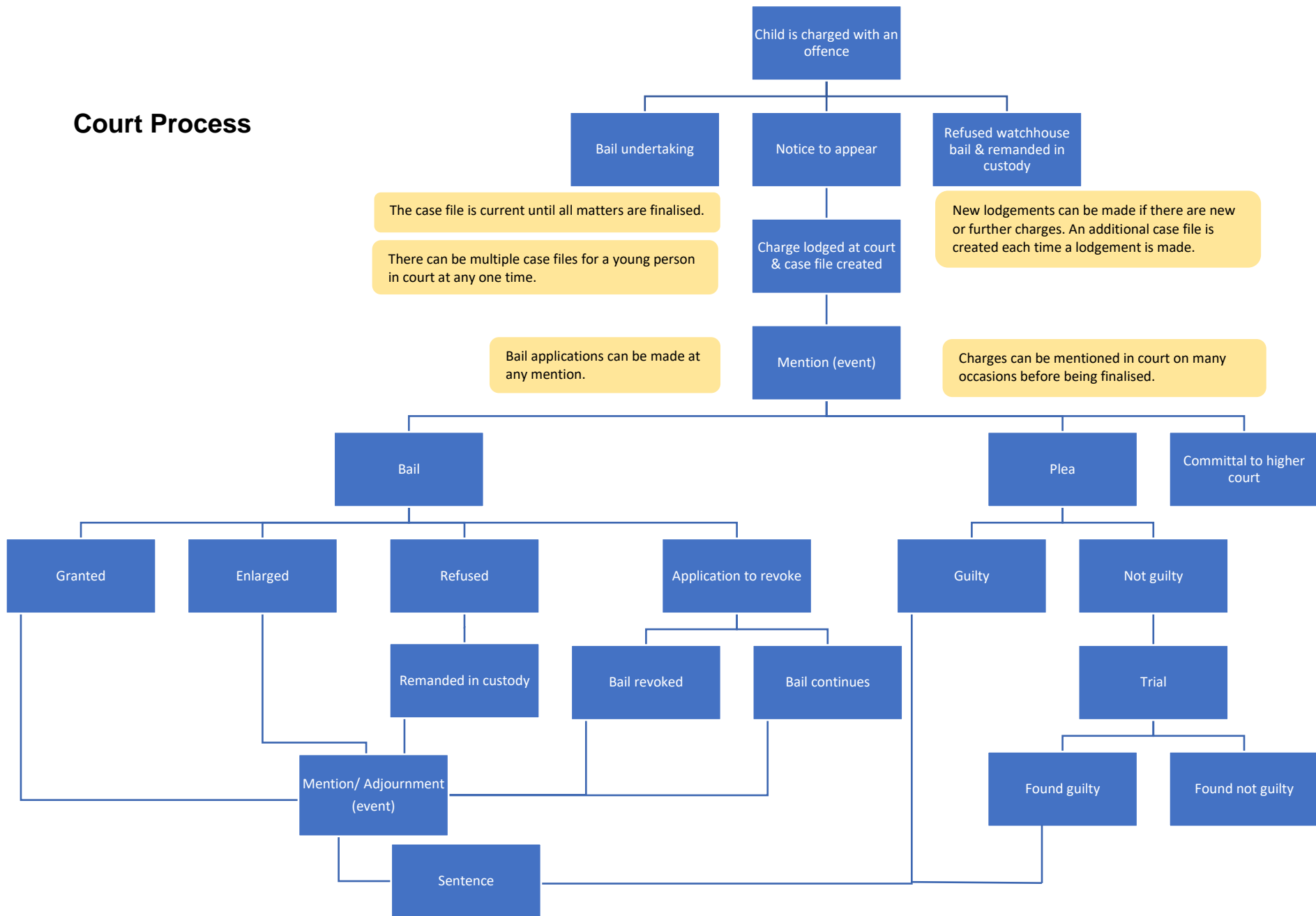
**Sentence** - (finalised appearance) - the determination by a court of the punishment to be imposed on a person who has been found guilty or has pleaded guilty to a charge.

**Show cause** - In this report, a show cause is a situation that occurs when a young person before the court is required to show the court why they should not be remanded in custody.

**Sources** - Childrens Court of Queensland Annual Report 2020 – 21; QWIC Manuals; Unit 2022 Australian Bureau of Statistics; Criminal Code Act 1899.

**Young people** – In the context of the analysis of courts data, young people refers to children between the ages of 10 and 17 years, and 18 year olds who are charged with an offence they are alleged to have committed as a child and are involved with the youth justice system, unless otherwise stated.

## Court Process



## Executive Summary

### *Operation of the High Risk Youth Court*

The High Risk Youth Court was established as a specialist list of the Townsville Childrens Court in February 2017 as part of the Townsville Community Youth Response.

The court operates in the same way as other Childrens Courts (Magistrates Courts) with a magistrate presiding, a prosecutor presenting the case for the prosecution and legal representatives from Legal Aid Queensland, Aboriginal and Torres Strait Islander Legal Service or private lawyers advocating for the young person. As in Childrens Courts (Magistrates Courts), court liaison officers represent the Department of Children, Youth Justice and Multicultural Affairs (Youth Justice and Child Safety) and the Department of Education to support the court. In addition, Aboriginal and Torres Strait Islander Elders and Respected Persons support young people and their families in relation to court proceedings.

### *The evaluation of High Risk Youth Court*

The evaluation of the High Risk Youth Court in Townsville is based on its operation from February 2017 to 30 June 2022. The purpose of the evaluation is to provide advice on how the High Risk Youth Court is contributing to improving outcomes for young people in the justice system in the context of Youth Justice reforms. To provide a comparative lens, the evaluation included observations of five Childrens Courts at Beenleigh, Richlands, Brisbane, Mackay and Townsville, and analysis of lodgements of charges in those court locations over five years.

The evaluation gathered information from a wide range of sources including:

- desktop analysis of program documentation, reports and research literature pertaining to offending by young people, needs of young people with repeated contact with the courts and ways in which courts are responding to children's needs
- court data – a sample of *lodgements of criminal charges* over 5 years from 1/7/2017 to 30/6/2022 and observation of Childrens Courts in five locations: Beenleigh, Richlands, Brisbane, Mackay and Townsville (Children's Court and High Risk Youth Court)
- court data – *process of each lodgement* through to finalisation of charges for High Risk Youth Court participants
- court data – *domestic and family violence lodgements* (criminal and civil) involving a young person as an aggrieved or respondent young person (Townsville and Queensland-wide)
- youth justice data – time in sentenced and unsentenced custody for High Risk Youth Court participants
- perspectives of over 140 stakeholders involved in Childrens Courts, government program managers and front-line staff, and non-government service providers through interviews, focus groups and surveys.

### *High Risk Youth Court participation*

Over the five years from inception in January 2017 to June 2022, 117 young people between 10 and 17 years, and 18 year olds in the youth justice system<sup>1</sup> participated in High Risk Youth Court including 81 Aboriginal and Torres Strait Islander males, 23 Aboriginal and Torres Strait Islander females, seven non-Indigenous females and six non-Indigenous males.

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<sup>1</sup> From February 2018, 17 year olds were included in the youth justice system. 17 years olds (before February 2018) and 18 year olds (after February 2018) charged with offences alleged to have been committed as a child were also included.

## *Evaluation findings*

### *(i) Reduction of young people in contact with the court*

Observations of Childrens Courts in the five locations above showed examples of a therapeutic approach, with magistrates speaking respectfully and personally, giving encouragement and explanations and showing empathy to young people and their parents. At the same time, the magistrates guided the young person to reflect on the impact of their actions on the victim and their family, urged them to learn from their mistakes and to get help from adults to avoid further offending (Section 5.4).

During the five year period, overall the number of young people in contact with the five courts decreased over five years, even with an estimated increase in the age cohort population<sup>2</sup>. Townsville's frequency and type of youth offending was comparable to the four comparison court locations. Overall, three quarters of young people had fewer than six lodgements (Section 5.1.2) and locations had almost the same top 20 Most Serious Offences, with some variation in the ranking of offences (Section 5.1.4)<sup>3</sup>.

### *(ii) Experience of High Risk Youth Court participants*

Based on the administrative data and stakeholder perspectives, the evaluation found that most High Risk Youth Court participants:

- are vulnerable young people from marginalised and disadvantaged backgrounds requiring a high level of support, culturally suitable services and therapeutic approaches to address physical and mental health needs, trauma, developmental delays and disability
- did not appear to understand the court process and what was expected of them on an order or have the capacity to comply without substantial support
- experienced extended periods of time in contact with the court with almost half the lodgements with more than five court listings, a third with more than five adjournments, and half the charges not finalised within three months
- were in custody on remand for more than 60% of their custodial time and 35% of the participants had spent more than 12 months accumulated time in custody. Up to 31/3/2022, 111 of the 117 young people had custodial time, with only 44 having detention orders.

The program logic for High Risk Youth Court was based on the assumption that the court environment could provide a place in which the magistrate could openly discuss the rehabilitation options with the young person, their family, their legal representatives and government representatives.<sup>4</sup> However, stakeholders considered that the environment, including the use of video-link, did not enable the magistrate to develop rapport with young people and the court response was not able to be child-focused. Lengthy times on remand contributed to uncertainty, distanced young people from their family and community, and limited opportunities for well-planned and sustained therapeutic approaches to facilitate rehabilitation.

### *(iii) Court processes*

The evaluation noted that the quality and timeliness of the preparation for court matters and appropriate collaboration between government and non-government agencies, family and children is critical in all Childrens Courts to prevent delays in proceedings. Therefore, parties, particularly legal representatives and cultural supports such as community Elders, need sufficient time and a

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<sup>2</sup> Noting also that the population cohort increased with the inclusion of 17 year olds in the youth justice system. Eighteen year olds were not included in this population count because of the small number who continued in the youth justice in relation to offences alleged to have been committed as a child.

<sup>3</sup> That is, the proportion of young people within each location who had the offence as their Most Serious Offence varied (Table 8), but the 20 Most Serious Offences, were almost the same. See Glossary.

<sup>4</sup> As in adult specialist courts where participants give informed consent to participate.

suitable place to develop rapport and engage with young people so that they understand their options, can give instructions, understand court decisions, know what they have to do and can get help they need.

Stakeholders identified several barriers to providing certain confidential information in court and risks associated with asking the young person or their family to disclose information in court (Chapter 6). Legislative frameworks, including youth justice principles in the *Youth Justice Act 1992*, obligations to protect a person's identity under the *Child Protection Act 1999*, the *Human Rights Act 2019*, as well as rules of evidence and other legal, ethical and professional obligations of legal representatives, restrict the information that can be provided in court. Further, some stakeholders indicated that they did not fully understand what information the magistrate needed in order to make a decision and why.

Most stakeholders indicated that the court process was onerous for all concerned. Streamlining court processes was supported, ensuring the rights of the child were adhered to, and young people had the legal supports and protections available to adults.

### *Context of Youth Justice Reforms*

Youth Justice reforms were initiated and positioned around four objectives ('pillars') based on directions set by two reports (Smith, 2018; Atkinson, 2018). The four pillars for youth justice are the centre points of the Youth Justice Strategy (2019):

1. intervene early
2. keep children out of court
3. keep children out of custody
4. reduce reoffending (Atkinson, 2018, p.6).

An early review of the Youth Justice Reforms showed that positive outcomes were being achieved in some areas (Queensland Family and Child Commission, 2021) and although outside the scope of this evaluation, stakeholders in Townsville generally spoke positively about diversionary mechanisms established. The use of a systems approach with strong leadership, multi-agency and collaborative structures, proactive information sharing and community-led solutions and decision making were supported. Since 2019, structures created to bring together government and non-government services include:

- Multi Agency Collaborative panels – intensive, integrated case management of young people with serious offences and repeat offences
- Co-responder teams – diversionary approach for young people at high risk
- Townsville Stronger Community Early Action Group – working collaboratively with community and service providers to meet needs identified by families.

### *Limitations of the evaluation*

The evaluation has focused on the outcomes of the court processes for young people. Without case management data or direct access to young people through interviews, the evaluation has not considered the broader outcomes regarding individual changes in behaviour, attitudes to offending, or reoffending rates. Perspectives of young people have been provided indirectly by stakeholders who work closely with young people and their families. Other data limitations are specified through the report.

### *Conclusions of the Evaluation*

The court, with its partnering agencies, has an important role within the youth justice system to contribute to positive outcomes for vulnerable young people who come before it with repeated offending. There continues to be a high need for the Childrens Court in Townsville to provide a



therapeutic approach to these young people with a specialist list, but there is a limit to what can be done inside the courtroom and risks that the court process, itself, will lead to further harm for some young people.

To be effective in meeting its obligations to both community safety and to young people who offend as required by the *Youth Justice Act 1992* and the *Human Rights Act 2019*, the court environment and court processes for a specialist list need to respond purposefully to the capability and cultural needs of the young people and to ensure their time in the court and on remand are minimised. To achieve this, the court depends on the planned contributions of the broader health and community services system and community in general. The high proportion of Aboriginal and Torres Strait Islander young people within this cohort (89%) highlights the importance of ensuring that Aboriginal and Torres Strait Islander service providers and community leaders are at the forefront of designing and planning responses that effectively engage and support Aboriginal and Torres Strait Islander young people and their families in the court process in culturally safe ways.

The evaluation identifies five areas for further development. Implementation of process and practice improvements will require consideration of different views across stakeholder groups. Workable solutions to achieve agreed outcomes will come from the stakeholders working collaboratively and in alignment with governance frameworks for Townsville and the broader youth justice reform activity.

The evaluation has pointed out that Townsville's pattern of offending is not very different from that of four other locations. If this is the case, each Childrens Court location will have an equivalent group of vulnerable young people and a change in the approach suggested for the High Risk Youth Court could also be considered in other locations. Such changes may help to reduce custody (Pillar 3), reduce offending (Pillar 4), progress to meet Closing the Gap targets for the reduction of over-representation in the Youth Justice system and, importantly, contribute to improved long term outcomes for the young people, their families and communities as they move to adulthood.

## Recommendations/Areas for further development

### Recommendation 1

*That funding for a second, specialist list in Townsville is provided to maintain the operation of the Childrens Court in Townsville and to support a coordinated approach, informed by ongoing consideration of the circumstances and needs of vulnerable young people who continue to offend.*

Consider, for example,

- more time for legal representatives to spend with clients to ensure that they understand the process in the court and can give instructions
- ensuring DJAG court coordinator role is available to assist the court, and support engagement with stakeholders and necessary practical changes aimed at streamlining administrative court processes
- ensuring agencies are adequately resourced to support timely and streamlined court processes and provide appropriate training and development for relevant staff
- greater involvement of Aboriginal and Torres Strait Islander people.

**Goal:** *Deliver a tailored approach to young people with high needs in contact with the court through adequate resourcing to support the volume and demand in Townsville Childrens Court.*

## **Recommendation 2**

*That DJAG works with stakeholders, including the judiciary, to determine ways that the court could be more accessible for young people with high needs and more culturally safe for Aboriginal and Torres Strait Islander young people and their families to enable their involvement*

Consider, for example:

- removing the label “High Risk Youth Court” and focusing the special list on children with high needs
- involving Aboriginal and Torres Strait Islander peoples and Elders more in the court process
- developing the specialist skills of those attending court
- making the physical and aesthetic environment more child-friendly

There is also an opportunity to consider:

- making the court room more responsive to the needs of Aboriginal and Torres Strait Islander peoples, particularly children, based on evidence-based practice
- ongoing support for judicial education, recognising that Childrens Courts are specialist courts, and in the context of ongoing development of therapeutic approaches to engage young people and their families
- adapting the timing of the court mentions to reduce waiting time outside court.

**Goal:** *Young person and family interact with magistrate and understand what is happening in court.*

## **Recommendation 3**

*That DJAG works with relevant agencies to identify practice and administrative changes that would reduce the time of a matter in court, unnecessary adjournments and the length of time to finalisation by ensuring:*

- *information needed by the court is available at predictable times*
- *administrative processes are efficient and suitable.*

Consider, for example:

- supporting mechanisms for information flow and coordination between stakeholders pre and post court to support progress of court matters and enable agencies to perform related functions
- guidelines for lawyers and other participating agencies on ways to resolve blockages impacting on finalisation
- ensuring that legal representatives have sufficient access to the watch-house and detention centre to speak to the young person
- mechanisms for early disclosure of evidence and early resolution

**Goal:** *Matters are resolved more quickly.*

## **Recommendation 4**

*That DJAG works with relevant agencies to improve the (timeliness and relevance of) information provided to the court to assist judicial decision making required at particular events during proceedings and facilitate other engagement, without impacting on the proper conduct of the criminal proceedings*

Consider, for example, the most efficient and effective ways for court stakeholders in court to provide:

- a summary of the young person's details at first mention so that the magistrate has information to inform their interaction with the young person (e.g. needs, interests, relevant youth justice history)
- information to be considered for bail applications and sentencing (pre-sentence reports)
- information about opportunities for the young person to address their needs
- specialist assessments and reports (e.g. mental health, disability, cognitive impairment)

**Goal:** *The magistrate is supported to make well-informed decisions based on easily accessible information and the risk of unnecessary adjournment is reduced.*

### **Recommendation 5**

*That DJAG adapts the existing court stakeholder group to support Townsville Childrens Court sittings and ongoing process improvements, facilitated by a DJAG Court Coordinator with a focus on building stakeholder collaboration and coordination, and connected to existing multi-agency governance mechanisms in the youth justice system*

Consider, for example:

- including relevant stakeholders who operate outside the court such as Aboriginal and Torres Strait Islander service providers, community members, researchers and advocates
- terms of reference, informed by the evaluation
- the use of court and youth justice data to inform continuous improvement to enable monitoring of administrative efficiency and outcomes of the court for young people.

**Goal:** The coordination of stakeholders and commitment to continuous improvement in practice and administrative processes supports the operation of the Townsville Childrens Court and timely court responses.

# 1. Establishing High Risk Youth Court

## 1.1 Identified need and community-based responses

### 1.1.1 Community Youth Response

The *Queensland Police Service Annual Statistical Review 2015-16* noted a state-wide increase in property offences (5%) and unlawful use of motor vehicles (10%), and in particular an increase in *unlawful use of motor vehicle* offences (52%) in Townsville from the previous year (Smith, 2018 citing Queensland Police Service, 2016, p. 137). Concerns raised by the Townsville community about the extent of youth offending in Townsville in 2016 resulted in a public petition for measures to reduce youth crime.

The *Townsville Stronger Communities* initiative was established to bring together relevant agencies to focus on early intervention and work on those barriers that lead to the trajectory of young people into crime in Townsville. The Townsville Stronger Communities Executive Group provided oversight to the Townsville Stronger Communities Action Group, with senior representatives from six government departments reporting to a Police Inspector: Queensland Police Service, Department of Child Safety, Youth and Women, Department of Education, Department of Housing and Public Works, Department of Aboriginal and Torres Strait Islander Partnerships and Queensland Health. The aim was to substantially reduce the incidence of youth crime by coordinating government and non-government support services and working more closely with young people at risk and their families (Smith, 2018, p. 9). The action group has since been restructured and is now known as the Townsville Stronger Communities Early Action Group.

Further analysis showed that almost half the offending was being committed by a small number of young people who had an extensive criminal record.

Following community consultations, the government announced the *Five-point Plan to reduce youth crime in Townsville* in September 2016. The five point plan included:

- targeted policing
- local community driven responses
- addressing the cause of offending including targeted youth justice responses
- boosting jobs and providing education and training to get young people job ready
- improving collaboration and service integration (Smith, 2018).

In December 2016, the government announced the *Community Youth Response* to provide a comprehensive diversion, bail and sentencing criminal justice response for young people repeatedly engaged with the criminal justice system in Townsville. Measures included:

- the establishment of the High Risk Youth Court
- intensive case management of young people who continue to commit offences
- an afterhours diversion service
- cultural mentoring for young Aboriginal and Torres Strait Islander offenders (Smith, 2018)
- the Bridge to flexi-school service.

### 1.1.2 [Our Future State: Advancing Queensland's Priorities \(2018\): Keep Communities Safe](#)

In 2018, the Queensland government set Keeping Community Safe as one of the key priorities. with an objective *to reduce the rate of youth reoffending through a coordinated government and community effort, focused on early intervention and diversionary programs.*

### *The Townsville Voice Report (2018)*

The government appointed Townsville Community Champion Major General (Retired) Stuart Smith AO, to conduct a review involving broad community consultation. The review consulted with over 800 residents between February and October 2018 and held seven community forums. The review found that the majority of the community supported a fair and sustainable approach to youth crime that addresses five themes:

- share more information on action being taken to address youth crime
- hold youths accountable for their actions
- support youth and their families to participate in education
- promote role models and mentors
- improve the diversionary justice process and timeliness within the youth justice system (Smith, 2018, p.5).

The report, *Townsville's voice: local solutions to address youth crime*, made 23 recommendations covering early intervention, prevention and rehabilitation, which were accepted in principle by the government in 2019. Recommendations addressing barriers related to young people and families included:

- support to strengthen family networks
- accessibility of public transport
- school attendance
- cultural resilience and cultural understanding
- youth services after hours
- youth mentor programs
- diversionary options in the youth justice system involving Elders
- restorative justice conferencing
- youth justice rehabilitation (Smith, 2018, pp.6-8).

In 2017-18, the Queensland Government committed \$6.8 million over two years to the Department of Justice and Attorney General (DJAG) which was responsible for Youth Justice at that time, as well as additional funding of \$500,000 internally re-allocated by the Department to continue intervention strategies under the Townsville Community Youth Response, noting Youth Justice moved to the newly formed Department of Child Safety, Youth and Women (12 December 2017). Funding included \$0.53 million for the Queensland Police Service over two years to provide additional prosecutorial staff to support the High Risk Youth Court as part of the Government's critical intervention strategies under the Community Youth Response in Townsville.

Following the initial investment, in 2019-20, the Queensland Government committed \$18.5 million over four years to DJAG (\$3.3 million), the then Department of Youth Justice (\$14.3 million) and Queensland Police Service (\$0.87M). The additional investment included increased funding to continue and expand the Townsville Community Youth Response and address recommendations in the *Townsville's Voice: Local Solutions to Address Youth Crime* report; and increased funding of \$3.3 million for DJAG court and funded services and Queensland Police Service funding to provide for additional prosecutorial staff.

## **1.2 Setting up High Risk Youth Court**

The High Risk Youth Court commenced in Townsville in February 2017, as a specialist court list which sat one day a week, to provide a consistent response to young people aged between 10 and 17 years who had repeated contact with the court. It was considered that extra time for these cases would enable the magistrate to engage with the young people and their families using a therapeutic

jurisprudence approach and to monitor their engagement and progress with intervention programs and services which aim to reduce their risk of offending.

Youth Justice<sup>5</sup>, Legal Aid Queensland, Child Safety, and Aboriginal and Torres Strait Islander Legal Services continued to provide the same services as they provide to Townsville Childrens Court. In 2019, the Townsville Justice Group commenced providing cultural support to young people and families and the Department of Education established Education Court Liaison Officers who attend both Childrens Court and High Risk Youth Court.

### *Review of High Risk Youth Court*

DJAG undertook an internal program review of the High Risk Youth Court in 2020 which identified practical ways to improve its operation including:

- refining eligibility criteria
- establishing a standard referral and assessment process involving the dedicated magistrate
- developing documentation to explain the purpose and operations of the program
- improving data collection.

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<sup>5</sup> Youth Justice was part of the Department of Justice and Attorney General when the High Risk Youth Court model was developed. Youth Justice is now within the Department of Children, Youth Justice and Multicultural Affairs.

## 2. Context of the High Risk Youth Court

This section includes a summary of youth justice reforms, government priorities, strategies and policies aimed at reducing offending by young people, indicating the changing context of the policy environment. The section acknowledges several significant government reports that have guided reforms within the last five years. It shows the trends in offending and sentencing and draws out the accumulating research knowledge about the needs of young people who continue to offend and ways to reduce their offending.

### 2.1 Priorities and strategies

Several government strategies are aimed at improving the wellbeing of vulnerable young people, including those who have repeated contact with the court, and incorporate actions that may address underlying needs that contribute to their offending. Strategies, legislation and international conventions that are directly aimed at reducing the number of young people in contact with courts and in custody are described in this section.

#### 2.1.1 Youth Justice Reforms

In December 2018, the Government released the [Working Together Changing the Story: Youth Justice Strategy 2019-23](#) (Youth Justice Strategy) in response to the findings and recommendations of the 2018 [Report on Youth Justice](#), prepared by former Police Commissioner Bob Atkinson AO, APM.

The report identified many causes of offending such as *family dysfunction, children experiencing abuse, neglect, poor school attendance resulting in poor educational attainment, mental health problems and neurological disabilities* (p.6) and proposed initiatives and improvements to be introduced, along with better coordination and collaboration and a place-based approach.

The report recognised the fundamental principles that *public safety is paramount and community confidence is essential* and outlined four objectives or ‘pillars’ for youth justice:

1. intervene early
2. keep children out of court
3. keep children out of custody
4. reduce reoffending (Atkinson, 2018, p.6).

The Youth Justice Strategy provides a framework that aims to strengthen the prevention, early intervention and rehabilitation responses to youth crime in Queensland. The [Youth Justice Strategy Action Plan 2019-21](#) announced:

- increased diversionary and bail support options
- increased involvement of Aboriginal and Torres Strait Islander people to improve cultural safety and responsiveness
- increased services to meet the needs of young people for education, housing, mental health, alcohol and other drug treatment, and increased community service options for young people while on supervised orders or on detention
- improved transition from detention with more options for rehabilitation
- delivering training and information for those working with young people in the youth justice system (Department of Youth Justice, 2019).

Programs that have emerged from the Strategy are described in Section 3.2.

In 2021, the Youth Justice Taskforce was established to provide whole-of-government strategic leadership and to improve community safety by targeting young people who engage in persistent and serious offending. The Taskforce is led by the Queensland Police Service and is charged with operationalising reforms tackling youth crime, including implementation of amendments to the Youth Justice Act and promoting and strengthening coordination between various agencies to reduce youth recidivism (myPolice, 2021)

The Taskforce has been implementing intensive multi-agency case management of high-risk repeat youth offenders in the top 10 percent cohort across the state. The cross-agency taskforce will focus on addressing issues including education, employment, health, accommodation and family supervision (myPolice, 2021).

### 2.1.2 *National Agreement on Closing the Gap and Queensland's 2021 Closing the Gap Implementation Plan*

The objective of the National Agreement on Closing the Gap is to overcome the entrenched inequality faced by many Aboriginal and Torres Strait Islander people so that their life outcomes are equal to all Australians.

Queensland is committed to the four priority reforms:

1. Formal partnerships and shared decision-making
2. Building the community-controlled sector
3. Transforming government organisations
4. Shared access to data and information at a regional level.

The target for Outcome 11 is, by 2031, to reduce the rate of Aboriginal and Torres Strait Islander young people (10 to 17 years) in detention by 30% so that Aboriginal and Torres Strait Islander young people are not overrepresented in the criminal justice system.

### 2.1.3 *Framework for Stronger Community Justice Groups (2020)*

The [Framework for Stronger Community Justice Groups](#) led by the Department of Justice and Attorney General, recognises the breadth of services that Community Justice Groups deliver to support Aboriginal and Torres Strait Islander people who come into contact with the justice system. Community Justice Groups carry out prevention and early intervention activities, assist during court processes and support people while in detention or transitioning from detention back to the community. Several Community Justice Groups have shown interest in engaging with young people to support their connections to their families and culture and to contribute to keeping them from offending and reoffending behaviours.

### 2.1.4 *[Our Way](#) and [Changing Tracks](#)*

*Our Way* is a generational strategy for Aboriginal and Torres Strait Islander children and families (2017 to 2037) developed with Family Matters Queensland and the Queensland Government following extensive discussions across the community. The aim of *Our Way* is for *all Aboriginal and Torres Strait Islander children in Queensland to have the right to a bright, healthy and powerful future — a future that is shaped by their own aspirations and unquestionable potential, rather than entrenched disadvantage and low expectations*. The target is to close the gap in life outcomes for Aboriginal and Torres Strait Islander children and families and eliminate the disproportional representation of Aboriginal and Torres Strait Islander children in the child protection system (Department of Communities, Child Safety and Disability Services, 2017, pp. 6, 8).



*Changing Tracks* are a series of action plans which progress the Our Way Strategy with a commitment to increase the proportion of community-controlled Aboriginal and Torres Strait Islander organisations delivering services (Department of Child Safety, Youth and Women, 2018).

The Queensland First Children and Families Board guides and oversees the *Our Way Strategy*.

### 2.1.5 Education Strategies

As connection to education is recognised as a protective factor for young people, the *Youth Engagement Strategy* includes several actions to reduce the risk of reoffending:

*State Schools Improvement Strategy (2022-2026): Every student succeeding.*

Regional Youth Engagement services facilitate local responses which will help young people who are disengaged to re-engage with education, training or employment ([Department of Education](#), 2022).

### 2.1.6 Youth housing strategy

Overcrowded, unsafe housing and not having a place to call home are common problems for many young people who find themselves in the justice system. [Towards ending homelessness for young Queenslanders 2022-2027](#) commits to supporting young people in Queensland and responding to their unique housing needs. *The policy acknowledges that safe, secure and affordable housing combined with appropriate supports is a foundation for young people to achieve their personal goals and improved whole-of-life outcomes...The strategy recognises that young people who experience homelessness are also more likely to access and cycle through health services, the justice system and detention facilities* (Queensland Government, 2022, p.6).

### 2.1.7 Queensland Health

Under priority 1 of [Better Care Together: A plan for Queensland's state-funded mental health, alcohol and other drug services to 2027](#), Queensland Health will provide new services and enhancements to existing services for children, adolescents and young people over the next five years, including: :

*Expanding existing forensic mental health services for children and young people at risk of interacting with the youth justice system or in youth detention, in alignment with Working Together Changing the Story: Youth Justice Strategy 2019-2023.*

*Exploring models of service for better responses to adolescents and young people with mental health needs and other complexities including challenging behaviours and/or intellectual or developmental disability* (Queensland Health, 2022, p. 25).

### 2.1.8 International Human Rights Laws

The [United Nations Convention on the Rights of the Child](#) provides that the best interests of the child shall be the primary consideration in all actions concerning children.

Article 37 of the Convention provides that:

*no child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time.*

*Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance.*

Article 40 of the Convention recognises:

*the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.*

The [United Nations Rules for the Protection of Juveniles Deprived of their Liberty](#) recognises that the juvenile justice system should uphold the rights and safety and promote the physical and mental well-being of juveniles. Imprisonment should be used as a last resort (United Nations, 1990).

## 2.2 Queensland Legislation

Childrens Courts are specialised courts that operate under the *Youth Justice Act 1992* and the *Childrens Court Act 1992*. The legislation recognises the need for specialised practice and procedures by police and courts for matters involving young people. The High Risk Youth Court is a specialist list within the Townsville Childrens Court and is constituted in the same way and has the same structure as the Childrens Court.

The *Criminal Code* (1899) specifies that children *under 10 years are not criminally responsible for any act or omission*. A child *under the age of 14 years is not criminally responsible for any act or omission, unless it is proved that at the time of the incident, they had the capacity to know that they ought not do it* (s29, Youth Justice Benchbook, 2020, p. 39).

### 2.2.1 Youth Justice Legislation

The [Youth Justice Act 1992](#)<sup>6</sup> is a code which sets out how children who have, or are alleged to have, committed offences are to be dealt with in the criminal jurisdiction. One of its objectives is: to recognise the importance of families of children and communities, in particular Aboriginal and Torres Strait Islander communities, in the provision of services designed to:

- (i) rehabilitate children who commit offences
- (ii) reintegrate children who commit offences into the community.

In particular, the *Youth Justice Act 1992* provides guidance on the following areas relevant to this evaluation:

- diversionary options from the courts such as a caution or restorative justice
- bail and custody – and the consideration of risk; and conditions of release
- the role of a parent during proceedings
- sentencing principles, pre-sentence reports, the need for children to understand the sentence
- orders on a child found guilty of an offence with detention as last resort.

The *Charter of Youth Justice Principles* in Schedule 1 of the Youth Justices Act underpins how the Act is intended to operate and the obligations of all parties involved. Fundamental principles include:

1. The community should be protected from offences and, in particular, recidivist high-risk offenders.
2. The youth justice system should uphold the rights of children, keep them safe and promote their physical and mental wellbeing.
3. A child being dealt with under this Act should be—
  - (a) treated with respect and dignity, including while the child is in custody

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<sup>6</sup> The *Penalties and Sentences Act 1992* applies in areas not covered by the Youth Justice Act 1992

- (b) encouraged to treat others with respect and dignity, including courts, persons administering this Act and other children being dealt with under this Act.
- 4. Because a child tends to be vulnerable in dealings with a person in authority, a child should be given the special protection allowed by this Act during an investigation or proceeding in relation to an offence committed, or allegedly committed, by the child.
- 7. If a proceeding is started against a child for an offence:
  - (a) the proceeding should be conducted in a fair, just and timely way
  - (b) the child should be given the opportunity to participate in and understand the proceeding
  - (c) the proceeding should be finalised as soon as practicable.

Principles 14 (Involvement of the child's community), 15(a) (cultural appropriateness) and 17(a) (reintegration into the community) of the Charter are particularly relevant to High Risk Youth Court participants who identify as Aboriginal or Torres Islander peoples.

Excerpts from the *Youth Justice Act 1992* including Schedule 1 are in Appendix 1.

#### *Recent key legislative amendments (relevant to High Risk Youth Court):*

In 2016:

- reinstatement of a court-referred youth justice conferencing program and expansion of the program to allow for increased flexibility in the delivery of restorative justice interventions as part of police-referred and court-referred conferencing
- reinstatement of the principle that a detention order should be imposed only as a last resort and for the shortest appropriate period.

In 2018:

- provision for the transfer of 17-year-olds to the youth justice system.

In 2019, amendment of the Charter of Youth Justice Principles to:

- reduce the period in which proceedings in the youth justice system are finalised
- remove legislative barriers to enable more young people to be granted bail
- ensure appropriate conditions are attached to grants of bail.

In 2021, amendments were introduced to improve community safety by targeting young people who engage in persistent and serious offending, including:

- introduction of a limited presumption against bail for young people charged with certain indictable offences in particular circumstances
- provision for decision makers to consider whether a parent, guardian or another person is willing to support a young person to comply with conditions of bail.

### 2.2.2 Human Rights Act 2019

The [\*Human Rights Act 2019\*](#) protects the rights of all people in Queensland who are impacted by offending behaviour and recognises the additional protected rights of young people because of their age and vulnerability. Public entities<sup>7</sup> are required to consider their obligations under the *Human Rights Act 2019* when they are performing their functions to support the operation of the High Risk Youth Court and young people. In particular, they need to consider whether their decisions and actions are compatible with the clauses in Table 1.

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<sup>7</sup> Includes organisation contracted to carry out functions for the State.

Decisions and actions need to balance the rights of the community to be protected with a well-reasoned proportionality consideration of any limitation of these rights under section 13 in the context of the specific circumstances of each affected child. This includes *whether there were any less restrictive and reasonably available ways to achieve the purpose* (Human Rights Act, 2019, s13 (d)).

**Table 1: Excerpts from the *Queensland Human Rights Act, 2019***

Excerpts from the <i>Queensland Human Rights Act, 2019</i>	
No. Title	Clause
S13 – Human rights may be limited	<p>(1) A human right may be subject under law only to reasonable limits that can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom.</p> <p>(2) In deciding whether a limit on a human right is reasonable and justifiable as mentioned in subsection (1), the following factors may be relevant –</p> <p>(d) whether there are any less restrictive and reasonably available ways to achieve the purpose</p>
S21 - Freedom of expression	<p>(2) Every person has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds, whether within or outside Queensland and whether –</p> <p>(a) orally; or</p> <p>(b) in writing; or</p> <p>(c) in print; or</p> <p>(d) by way of art; or</p> <p>(e) in another medium chosen by the person.</p>
S25 - Privacy and reputation	<p>(a) not to have the person’s privacy, family, home or correspondence unlawfully or arbitrarily interfered with.</p>
S26 - Protection of families and children	<p>(2) Every child has the right, without discrimination, to the protection that is needed by the child, and is in the child’s best interests, because of being a child.</p>
S28 - Cultural rights – Aboriginal peoples and Torres Strait Islander peoples	<p>(1) Aboriginal peoples and Torres Strait Islander peoples hold distinct cultural rights</p> <p>(2) Aboriginal peoples and Torres Strait Islander peoples must not be denied the right, with other member of their community –</p> <p>(a) To enjoy, maintain, control, protect and develop their identity and cultural heritage, including their traditional knowledge, distinctive spiritual practices, observances, beliefs and teachings; and</p> <p>(b) to enjoy, maintain, control, protect, develop and use their language, including traditional cultural expressions; and</p> <p>(c) to enjoy, maintain, control, protect and develop their kinship ties; and</p> <p>(d) to maintain and strengthen their distinctive spiritual, material and economic relationship with the land, territories, waters, coastal seas and other resources with which they have a connection under Aboriginal tradition or Island custom; and</p> <p>(e) to conserve and protect the environment and productive capacity of their land, territories, waters, coastal seas and other resources.</p> <p>(3) Aboriginal peoples and Torres Strait Islander peoples have the right not to be subjected to forced assimilation or destruction of their culture.</p>
S30 - Humane treatment when deprived of liberty	<p>(1) All persons deprived of liberty must be treated with humanity and with respect for the inherent dignity of the human person.</p>
S31 - Fair Hearing	<p>(1) A person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.</p>

	<p>(2) However, a court or tribunal may exclude members of media organisations, other persons or the general public from all or part of a hearing in the public interest or the interests of justice.</p> <p>(3) All judgments or decisions made by a court or tribunal in a proceeding must be publicly available.</p>
S32 - Rights in criminal proceedings	(3) A child charged with a criminal offence has the right to a procedure that takes account of the child's age and the desirability of promoting the child's rehabilitation.
S33 - Children in the criminal proceeding	<p>(2) An accused child must be brought to trial as quickly as possible.</p> <p>(3) A child who has been convicted of an offence must be treated in a way that is appropriate for the child's age.</p>
S36 - Right to education	(1) Every child has the right to have access to primary and secondary education appropriate to the child's needs.

## 2.3 Trends in offending and sentencing

Only a small proportion of Queensland young people come before the court each year (2% in 2016/17), incurring fewer than nine percent of all Queensland criminal offences<sup>8</sup>. The number of young people offending has reduced, but since 2016/17, the number and severity of offences has increased (Queensland Government Statistician's Office, 2021). In 2020/21, 10% of young offenders committed 46% of all proven offences.

*Within Queensland's small group of young offenders, there is an even smaller group of chronic, repeat or serious offenders. These small cohorts need more intensive help beyond that provided by many diversion programs because of a combination of factors that may include drug or alcohol dependency, school or employment problems, and/or an absence of appropriate care and support (Childrens Court of Queensland, 2021).*

This section provides snapshots of offending by young people in Queensland and their involvement with the courts to provide a base for the analysis of five Childrens Court locations, including the High Risk Youth Court in Chapter 5. Data has been selected from several recent reports, noting that the reports are based on different reporting years and use different counting rules. Trends in this period are also impacted by the 2018 legislative change to include 17 year-olds in the youth justice system and changes in court services delivery resulting from the Covid 19 pandemic. Data about the needs of young people in the youth justice system is provided in Section 2.5.1.

The reports in this section include:

1. *Contact of young people with Childrens Courts through lodgements, Queensland and Australia, 2020/21* (Productivity Commission, 2021).
2. *Involvement of Queensland young people in the youth justice system, 2019/20* (Department of Children, Youth Justice and Multicultural Affairs, 2021).
3. *Differences in offending by young people and adults, 2016/17* (Queensland Government Statisticians Office, 2017).
4. *Outcomes of court for young people in Queensland, 2020/21* (Childrens Court of Queensland, 2021).

<sup>8</sup> Note that in 2016/17, Childrens Court included 10 to 16 year olds and 17 year olds attended adult court.

5. *Types of offences committed by young people 2005/06 to 2018/19* (Queensland Sentencing Advisory Council, 2021).
6. *Young people sentenced with Unlawful Use of a Motor Vehicle and Burglary Offences 2005/06 to 2017/18* (Queensland Sentencing Advisory Council, 2020).
7. *Young people sentenced by most serious penalty, Magistrates Court 2020/21* (Childrens Court of Queensland, 2021).

1

**Queensland and National Childrens Courts: Criminal Justice 2020/21**  
**Lodgements:** Qld, 16,909  
**37%** of Australian criminal lodgements  
 No. per 100,000: Qld, 325; Aust. 176  
**Finalisations:** Qld, 20,089  
**41%** of Australian criminal finalisations  
 No. per 100,000: Qld, 387, Aust 191  
 Appearances per finalisation\*  
 Average: Qld, 4 (lowest); Aust. 4.3  
 Real net recurrent expenditure  
 28% Australian expenditure  
 Per finalisation: Qld, \$644; Aust. \$955  
**Source:** Productivity Commission, 2022, Report on Government Services, 7A Courts, Data tables)

2

**Qld Youth Justice Pocket Stats 2019/20**  
 Out of **533,374** children aged 10-17 years  
**0.6%** had a proven offence  
*On an average day:*  
**0.3%** were supervised in the community  
**0.04%** were in custody  
 47% of young people who have a finalised court appearance never return to the Youth Justice System  
*In custody on average day:*  
 - 208 young people  
 - 86% on remand  
 - 70% Aboriginal and Torres Strait Islander young people  
**Source:** Department of Children, Youth Justice and Multicultural Affairs 2022

3

### Young people and adults

Fewer young offenders but more offences each:

<b>In 2016/17</b>	Children	Adults
>1 police proceeding	38%	34%
Av. number of offences	4.2	2.9

Why do they get more offences?

- Less experience and accomplished in committing crimes without getting caught
- Commit crimes in groups and with other children making them more noticeable
- Commit crimes nearer where they live so easily found
- Commit property crimes requiring follow up for insurance purposes.

**Source:** Queensland Government Statistician's Office (2021) *Youth offending. Research Brief.*

4

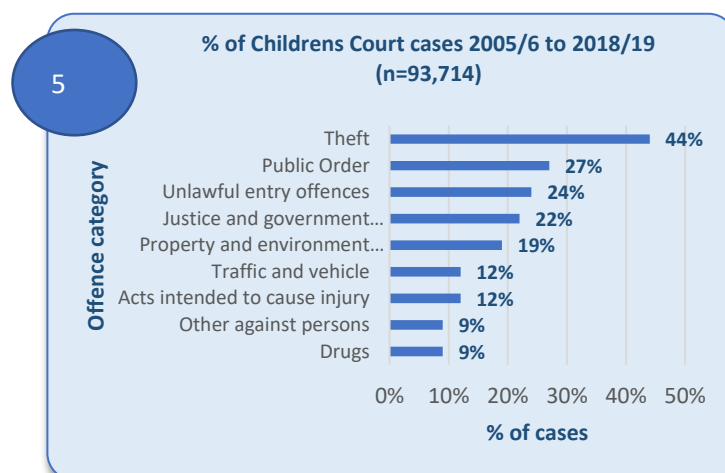
### Queensland Childrens Courts (including higher courts)

#### Annual Report 2020/21

*Defendants:*

**4340** young people had a charge finalised  
**10%** of defendants committed **46%** of the finalised charges  
**72%:** were male  
**20** were 10 years old.  
**46%** were Aboriginal and Torres Strait Islanders (8% youth population).  
 Over half those under 15 years were Aboriginal and Torres Strait Islanders.

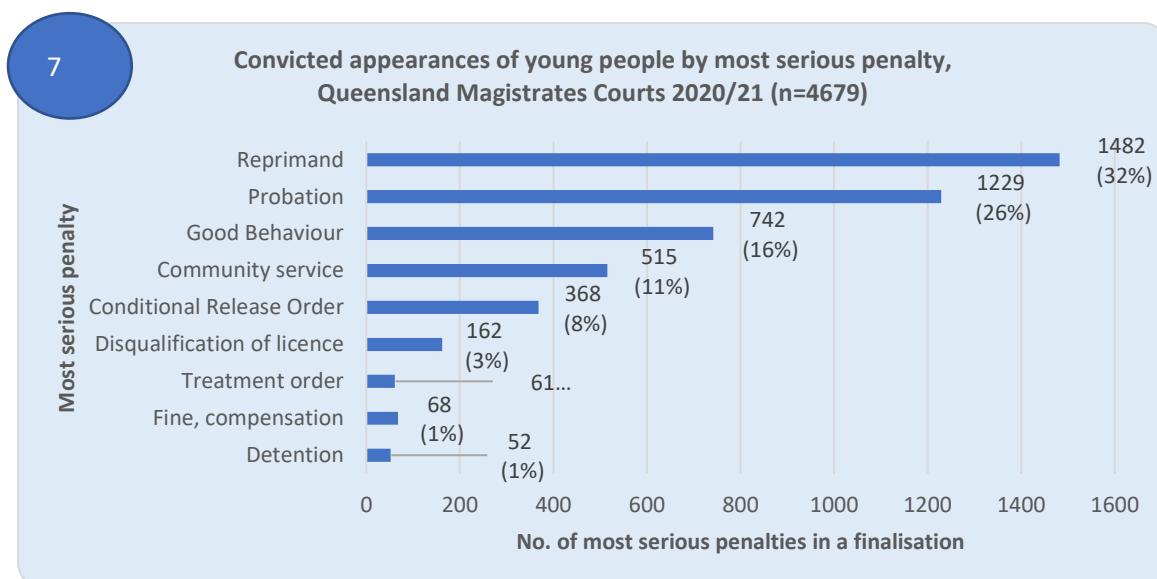
**Source:** Queensland Childrens Court Annual Report (2022)



6

	Unlawful use of a motor vehicle 2006-2019	Burglary 2006-2019
The offences	<i>Unlawful use</i> without the consent of the owner; includes a passenger in a stolen vehicle	<i>Burglary</i> : being in a dwelling and committing a crime or planning to. Also 'break and enter', 'unlawful entry'
Young people' proportion of offences (4% of all offences)	28% of UUMV offences	30% of burglary offences
Males	73%	88%
Aboriginal and Torres Strait Islanders	57%	61%
Most common age (finalised)	17 years	16 to 17 years
<i>Penalty</i>		
Custodial sentence		20%
Probation		27%
Community service order		23%

**Source:** Queensland Sentencing Advisory Council (2019) *Sentencing Spotlight on Burglary*  
Queensland Sentencing Advisory Council (2020) *Sentencing Spotlight on Unlawful use of a motor vehicle*





## 2.4 Important recent government reports

### 2.4.1 Atkinson Report

The Report on Youth Justice led by Bob Atkinson in 2018 has briefly been mentioned in Section 2.1.2, including the four objectives known as the Four Pillars that set the direction for youth justice reforms. The report articulates the many causes of offending for young people and proposes a long-term, holistic suite of solutions, emphasising the need for multi-agency collaboration and a place-based approach. Overall, the report concluded that:

*The system currently responds quite well to one-off adolescent offenders, provided there are sufficient family and community supports in place (Atkinson, 2018, p.28).*

Of particular relevance to this report are initiatives and improvements to urgently reduce the negative impacts of custody on young people who re-offend by reducing the number of:

- children on remand in detention
- children entering detention for the first time
- Aboriginal and Torres Strait Islander children in the youth justice system, particularly those in detention.

Proposed initiatives for consideration included:

- new sentencing options, for example, for *those* experiencing serious mental health issues or committing very serious violent offences
- bail and supervised bail options which are delivered well and have the confidence of the courts
- use of restorative justice taking into account the evidence from evaluations of what works
- alternative sentencing approaches
- alternative types of targeted orders
- alternative custodial approaches (Atkinson, 2018).

### 2.4.2 Hear her Voice: Reports 1 and 2

The [Women's Safety and Justice Taskforce](#) was established in 2021 to examine coercive control and the experience of women across the criminal justice system.

The Taskforce has now produced two reports:

- *Hear her Voice: Addressing coercive control and domestic and family violence in Queensland Volumes 1 to 3 (2021)*. The report presents a four-phase plan to address coercive control.
- *Hear her Voice: Women and girls experiences across the criminal justice system Volumes 1 and 2 (2022)*. Many of the 188 recommendations relate to the experience of young women in court and in custody. Recommendation 93 proposes:

*a whole-of-government strategy for women and girls in the criminal justice system as accused persons and offenders... to incorporate a public health approach and aim to prevent women and girls offending, reduce the risk of reoffending and improve the experiences of women and girls who are involved in the criminal justice system as accused persons and offenders (Women's Safety and Justice Taskforce, 2022).*



Other recommendations from the *Hear her Voice* (2022) report see improvements are needed in:

reducing the time in the watch-house and on remand	standards of care with a gendered view	separation from offenders while on remand
considerations for sentencing and bail	needs of girls with a disability	integration to community on leaving custody
access to health care if pregnant	support from sexual violence	non-invasive screening
psychological care	specialist mental health	trauma support
contact with family	access to education -	rehabilitation programs parenting support

Source: Women's Safety and Justice Taskforce, 2022

### 2.4.3 Family and Child Commission Report

At the request of the Director General of the Department of Youth Justice in 2019, the Queensland Family and Child Commission undertook a review of the progress of youth justice reforms leading to the report: *Changing the Sentence: Overseeing Queensland's youth justice reforms*. Townsville was one of three locations in focus. Relevant to the High Risk Youth Court Evaluation, the report identified:

- good examples of government agencies working together and the focus on keeping children out of court and custody which may be further strengthened by Aboriginal and Torres Strait Islander community controlled organisation and non-government agencies having opportunities to increase their leadership and participation in these collaborations.
- a strong move towards working with the families of children in the system and agencies recognising this (Queensland Family and Child Commission, 2021, p. 6).

Improvements were suggested in:

- data linkage at local and regional areas
- communication with families and children between Youth Justice, Queensland Police Service legal services and courts including the status or progress of their child
- addressing gaps in specialised therapy and catering for clients with very complex behaviours
- returning decision making to Aboriginal communities
- meeting rights, well-being and safety of children by agencies including police, educators and health e.g. access to education (especially on disciplinary absences) and medical treatment.

The report reinforced that: *interventions that fail to actively engage with Aboriginal and Torres Strait Islander people at all stages (including development, implementation, delivery and evaluation) are likely to be ineffective* (p. 40).

Advice provided by children engaged during the review included to:

- *make sure young people understand what is happening and what is expected. Keep the parents and guardians of children and young people informed and involved.*
- *listen and respond to the plans and ideas each child and young person has for themselves* (p. 37).

From their interaction with children, the reviewers found that the biggest challenge for young people trying to end their criminal activity was having no friends because their friendship group had been fellow offenders (p. 37).

For the future, the review concluded that: *the youth justice systems would be more successful in improving the lives of vulnerable people and keeping the community safe if it viewed at-risk young people through a rights and well-being lens rather than just a criminal lens* (p.7).

## 2.5 Research about young people's needs and practice responses

Historically, youth crime has been treated with the same approach as adult offending, with the imposition of harsh penalties leading to incarceration. The Queensland *Youth Justice Act* 1992 recognised the special needs of children that need to be considered when dealing with the law and in recent years, good practice in reducing youth crime has reinforced the social and economic benefits of addressing the causes of offending behaviour over a punitive approach (Department of Child Safety, Youth and Women, 2018). In 2018, Queensland included 17 year olds as children in the youth justice system in line with other Australian jurisdictions.

There is growing understanding of the nature and causes of youth offending and how to divert young people from crime and an increasing focus on the underlying factors that affect young people who continue to offend and endanger the safety of the community. In particular, the evidence now shows how brain development impacts decision making and how risk-taking behaviour may be understood in an under-developed adolescent brain (Queensland Sentencing and Advisory Council, 2021). Understanding the impact of adversity in childhood is considered to be critical to effective youth justice service delivery (Malvaso et al., 2022).

This section provides a brief overview of factors that contribute to offending, particularly for the most vulnerable young people, and reports evidence of effective strategies in redirecting young people's behaviour for their own safety and wellbeing as well as for the benefit of the community.

### 2.5.1 Young people who have repeated contact with the court

Research indicates that most young people who enter the youth justice system, especially those who have served time in custody (either on remand or sentenced) are likely to present with an array of vulnerabilities and complex needs. Time in custody can exacerbate these issues rather than alleviate them (Clancy, 2020; Queensland Sentencing Advisory Council, 2021, p. 43). Custodial time has been found to be harmful because:

- interactions and bonding with anti-social peers encourage anti-social behaviour
- restricted positive interactions with pro-social peers, limit access to positive role models
- being labelled as a criminal is stigmatizing and makes reintegration to the community more difficult
- there is reduced opportunity for education and rehabilitative programs
- there is reduced access to family or other support networks (Queensland Sentencing Advisory Council, 2021, p. 15).

Providing a range of options that are tailored to children's individual needs can help keep children out of detention while keeping the community safe. This may include Restorative Justice Conferencing, family group conferencing and bail support.

#### *Risk factors for repeated offending*

Young people who offend are more likely to have been exposed to risk factors and less likely to have had protective factors (Farrington et al., 2006). In its report *Kids in Court: The sentencing of children in Queensland*, the Queensland Sentencing and Advisory Council provides an overview of risk and protective factors and categorises them into four broad levels of influence: individual, interpersonal, community and structural/societal factors. Their detailed analysis focusing on risk factors is summarised in Figure 1.

**Figure 1: Risk Factors for Young People to Reoffend**

Individual	Interpersonal	Community	Structural/Societal
<ul style="list-style-type: none"> <li>•neuropsychological development</li> <li>•impulsivity</li> <li>•traumatic brain injury</li> <li>•substance use</li> <li>•mental health</li> <li>•attention deficit disorder</li> <li>•Fetal Alcohol Spectrum Disorder</li> </ul>	<ul style="list-style-type: none"> <li>•family, peers</li> <li>•domestic and family violence</li> <li>•child maltreatment</li> <li>•parenting skills</li> <li>•parenting antisocial behaviour</li> <li>•peer pressure</li> <li>•bullying</li> </ul>	<ul style="list-style-type: none"> <li>•poverty</li> <li>•unemployment</li> <li>•housing</li> <li>•homelessness</li> <li>•social exclusion</li> </ul>	<ul style="list-style-type: none"> <li>•availability of resources</li> <li>•accessibility</li> <li>•structural factors limiting needed support:</li> <li>•Aboriginal and Torres Strait Islanders</li> <li>•people with a disability</li> <li>•parental education</li> </ul>

**Source:** Compiled from: Queensland Sentencing and Advisory Council, 2021

Recent reports confirm that young people in the youth justice system experience some of these risk factors. The Queensland Annual Youth Justice Census (2021) surveyed the needs of 1642 young people under active supervision in the community (supervised order and/or conditional bail program) and in custody in youth detention centres and/or watch-houses (remand/sentenced). Information about suspected or diagnosed needs was provided by case managers/workers, restorative justice convenors and Transition 2 Success (T2S) program staff (Table 2).

**Table 2: Percentage of young people with suspected or diagnosed needs in the youth justice system 2021**

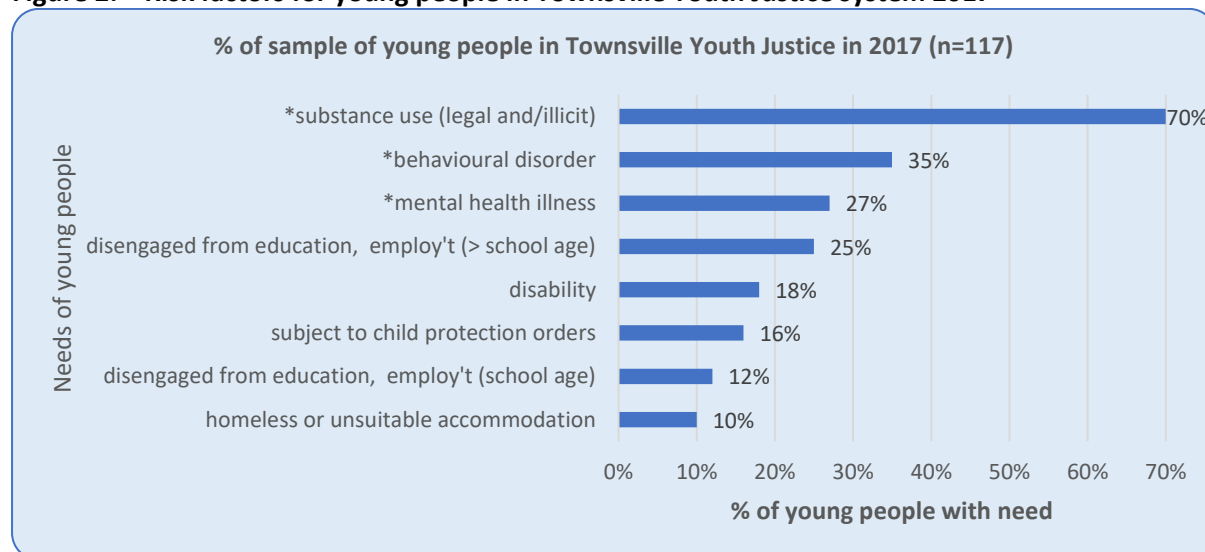
Profile	2021
	% young people
Mental health and/or behavioural disorder	45%
Disability (cognitive/intellectual, physical, sensory)	15%
Fetal Alcohol Spectrum Disorders	8%
Experienced or been impacted by domestic and family violence	51%
Parents have been held in adult custody	31%
Living in unstable and/or unsuitable accommodation	32%
Totally disengaged from education, training or employment	52%

**Source:** Department of Children Youth Justice and Multicultural Affairs, *Youth Justice Census Summary*, 2018—21.

A 2016 study of young people in detention in Western Australia found that 89% had a least one domain of severe neurodevelopmental impairment and 36% were diagnosed with Fetal Alcohol Syndrome Disorder (Bower et al., 2018).

A brief analysis of the needs of the 117 young people in the youth justice system in Townsville in March 2017, showed that many of them experienced the risk factors above (Smith, 2018). Figure 2 shows the breakdown of factors in order of frequency. Figure 3 shows the factors diagrammatically. A higher proportion of Aboriginal and Torres Strait Islander young people are likely to experience these risk factors.

**Figure 2: Risk factors for young people in Townsville Youth Justice system 2017**

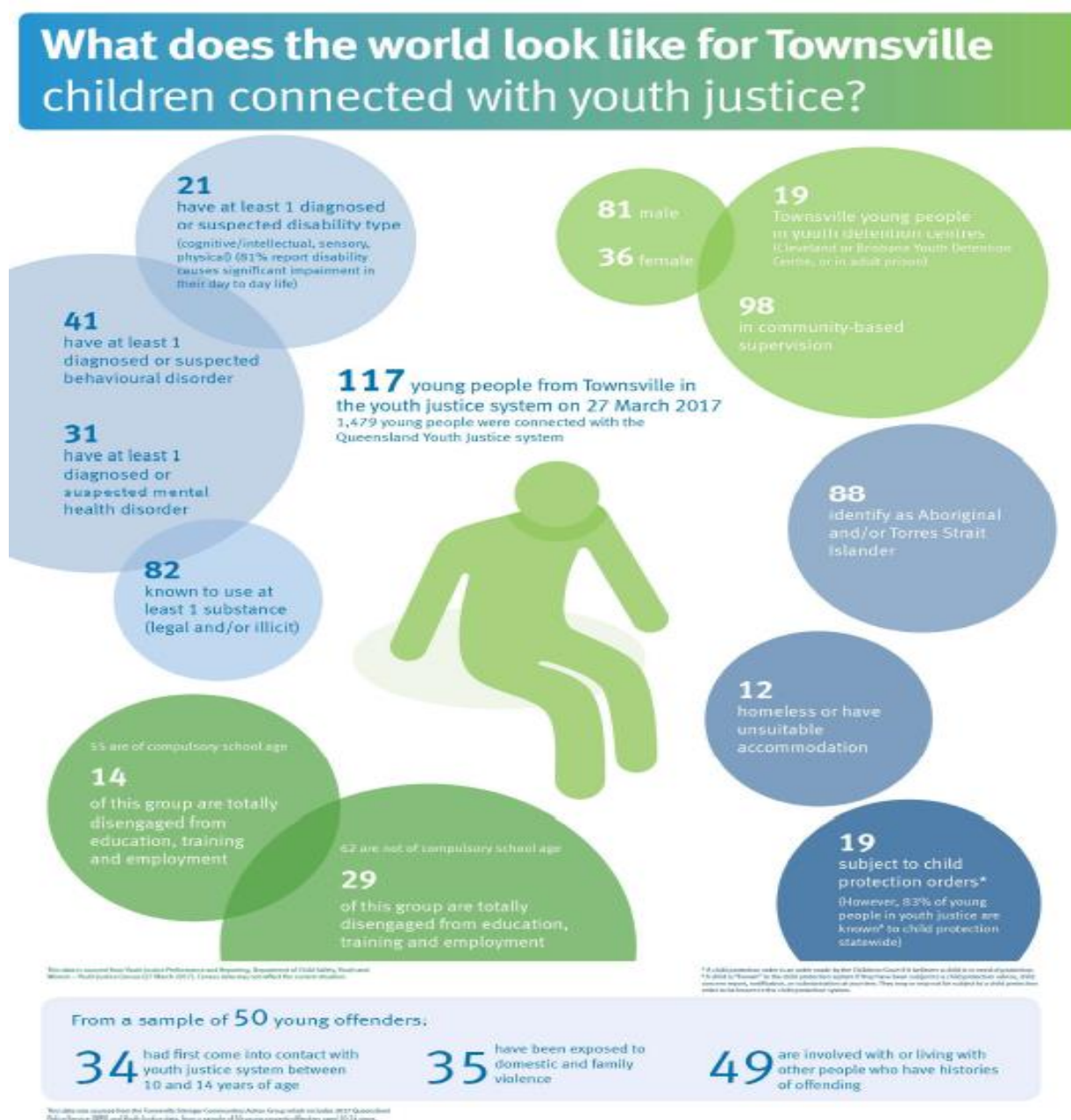


**Source:** Smith, 2018

**Note:** Based on Figure 3 below from Smith (2018) report \* at least one aspect of this factor diagnosed or suspected.

The analysis presented in the Smith report also found that 35 of a sample of 50 young people who had offended had been exposed to domestic and family violence.

Figure 3: Needs of a Sample of Offenders in Townsville in 2017



### Research regarding individual risk factors

#### Mental health

Young people involved in the youth justice system are at increased risk of experiencing mental illness or poor mental health. Rates of mental health problems are higher for children in detention compared to community-based orders. Disorders include mood, disruptive behaviour, psychotic and anxiety disorders. Young people with mental health disorders may demonstrate:

- a high rate of self-harm
- more physically aggressive behaviour
- one-off events and/or chronic needs for some time (Borschman et al., 2014).

Racism, stigma, environmental adversity and social disadvantage constitute ongoing stressors and have negative impacts on Aboriginal and Torres Strait Islander people's mental health and wellbeing. (Commonwealth of Australia, 2017, p.8).

### Brain development, Cognition, Language

Learning to regulate emotions and communicate in pro-social ways with guidance from parents and other adults and peers is part of normal adolescent development. However, lack of security, care, love, stability and prosocial modelling of behaviour can have serious impacts on a young person's social, emotional and cognitive development (Fry et al., 2020). Young people may experience poor emotional regulation such as high impulsivity and reduced resilience which can increase the risk of offending or reoffending.

*Complex trauma affects the developing brain and may interfere with a child's capacity to integrate sensory, emotional and cognitive information, which may lead to over-reactive responses to subsequent stress and long-term effects such as cognitive, behavioural, physical and mental health problems* (National Child Protection Clearinghouse, 2010).

### Neurodiversity

The number of young people in youth justice who are diagnosed with Attention Deficit and Hyperactivity Disorder and Autism Spectrum Disorder shows the importance of knowing how to communicate effectively with young people with neurodiversity. Increasingly, schools are modifying learning approaches to improve the outcomes and engagement of these young people.

Understanding the brain's capacity '*to change, modify and repair itself throughout the life course*' (Green & McDermott, 2018) gives therapists new approaches that take advantage of brain plasticity.

Ongoing negative responses to young people with neurodiverse systems builds their frustration, sense of difference and exclusion. However, recent research shows there are many positive traits that are clouded by their contradictory problem behaviours. For example: *a lack of focus alongside super-focus; a lack of direction as well as highly directed entrepreneurialism; procrastination and dedicated rapid achievement; impulsive wrong-headed decision making and inventive, 'out-of-the-blue' problem solving; social cluelessness and uncanny intuition and empathy*. Therapists are now working with these young people to help them adapt the behaviours that are not socially acceptable and to take advantage of their exceptional skills (Hallowell & Ratey, 2022). Employers are now seeking out people with neurodiversity traits because of the increased benefit to their workplaces ([Employment Hero](#), 2022).

### Fetal Alcohol Spectrum Disorder

Research indicates a high prevalence of Fetal Alcohol Spectrum Disorder (FASD) in young people in the justice system, particularly for Aboriginal and Torres Strait Islander young people, leading to poorer health and high rates of mental health disorders. FASD is the most common non-genetic cause of intellectual impairment in the western world (Ruben et al., n.d.). In outback Queensland health clinics, assessments have indicated an incident rate of 15 cases per 1000 Aboriginal and Torres Strait Islander people. Difficulties in childhood development include memory, attention, cognition, language, motor skills, social skills, controlling emotions and impulses and academic achievement. Undiagnosed FASD may lead to:

- a lack of understanding of investigative procedures and court processes
- frequent impulsive behaviours
- being subject to repeated detention (Australian Indigenous Health Infonet, 2021).

There are complex reasons for higher problematic alcohol use in Indigenous populations, some of which relate to past colonial policies, family dispersal, dispossession from land, community and culture resulting in intergenerational trauma and family experience of government bodies including the criminal justice system treating them unfairly (Bower, 2018).



### Language and communication disorders

Children who are engaged in the youth justice system with repeated offending are highly likely to have undiagnosed oral language difficulties making it hard to express themselves or to understand what is said to them (Lount et al., 2017). Several international studies have shown the prevalence of developmental language delay amongst young people who offend, which impacts on their capacity to recount events and importantly, for restorative justice processes, to explain their behaviour or express sorrow and apologise as is expected (Winstanley et al., 2021). Research showed that children with development delay were over 2.5 times more likely to reoffend within a year regardless of other neurodevelopmental disorders, callous-unemotional traits, adversity scores and the number of previous offences (Winstanley et al., 2021).

### Acquired brain injury

An acquired brain injury can impact on a child's physical, cognitive, behavioural and communication skills. Children who experience an acquired brain injury are at a heightened risk of engagement in the criminal justice system when compared with children who do not have an acquired brain injury as a result of:

- shortened attention spans
- difficulty regulating emotional responses and inhibiting impulses
- difficult switching behaviour when necessary and empathising with others
- inability to recognise the full impact of their behaviour on others
- lessened capacity to self-correct, learn, and think flexibly (Brain Injury Australia, 2008a)

*Brain injury can occur due to accidents (motor vehicle, sport), stroke, brain tumors, infection, poisoning (e.g. chroming), lack of oxygen, violence, neurological disease (Australian Institute of Health and Welfare, 2012). Young people with repeated offending have shown a high frequency of frontal and temporal lobe abnormalities and/or brain damage. Alcohol intoxication can exacerbate aggression responses as it affects the frontal lobe damage (undated). Brain injury also increases the risk of homelessness, drug misuse, psychiatric disability, social isolation and family breakdown (Brain Injury Australia, 2008a, 2008b).*

### Needs of young people in out-of-home care

Young people who are on dual orders (child protection and youth justice) often present with complex needs which require both long term and multi-agency responses. Young people who have had several different placements in out-of-home care, those with the most negative pre-care experiences and those who continue to experience abuse in their teens, are the ones who research shows need most assistance (Mendes et al., 2016). High rates of attachment disorders are found in young people who offend, associated with abuse, neglect and family separation.

The survival skills that young people adopted to protect themselves when they could not 'fight' or 'flight' may now be anti-social and threatening (van der Kolk, 2005). These behaviours may present as high levels of anxiety, hypervigilance, lack of trust, violence, explosive responses to frustration, and mental health illnesses such as a personality disorder, manic depression and dissociative disorders. Trauma responses may include post-traumatic stress disorder (Hiller et al., 2021). Children may also have experienced multiple grief and loss and suffer from depression and feelings of abandonment, which can be exacerbated each time a care worker or other adult they have developed an attachment to, is changed (Moran et al., 2017; Gibson, 2021).

### Needs of young people who are homeless

Unstable and unsuitable accommodation is a common factor for young people with repeat offending. Some have left unsafe home environments or out-of-home care. Behaviours described in previous paragraphs make it difficult for some young people to sustain relationships. The private market is out of reach without finance and with an offending history, and lack of maturity and knowledge make it difficult for a young person to manage a tenancy independently. Homelessness

compounds the young person's difficulties, low self-esteem, lack of security and makes access to support needs harder (Duff et al., 2022, p. 21).

The Youth Foyer model attempts to overcome these barriers by providing a safe space and access to professional advice and skills (Section 3.2.1).

#### Needs of young people who are victims of crime, violence and racism

The impact of witnessing domestic violence on children has been recognised for some time, but recently the incidence of children as victims has also been highlighted. Children may take on roles to protect a parent or other children and learn signs to escape. They may have divided loyalties and be very confused, especially if a parent vacillates in extremes of behaviour. Children exposed to domestic and family violence are more likely to suffer from depression, be homeless, use substances, engage in risk-taking behaviours and experience, or use violence and be controlling and manipulative in relationships ([Australian Institute of Health and Welfare, 2021](#); Corrie & Moore, 2021).

Young people who are victimised by peers also lose their sense of safety. Repeated instances of bullying, aggression, racial slurs, taunting and physical assault can affect childhood and adolescent development *and substantially alter how they see themselves and interact with the world*. They may carry weapons, join a gang, drop out of school and into offending as a result of their negative emotional state, powerlessness, and lack of coping strategies and support, and gradually progress towards emotional detachment. Adults in positions of authority need to be alert to the underlying trauma suffered by those who have been repeatedly victimised and apply protective factors (Pickens et al., 2016).

Research has also identified that racism *has the potential to negatively affect development in children and young people with consequences for health and mental wellbeing, education and social outcomes* (VicHealth, n.d.). Racism is linked to:

- higher rates and risk of anxiety and depression
- psychological distress
- behavioural problems
- disengagement from health activities
- smoking and excessive alcohol consumption.

Children of parents affected by racism are at increased risk of developing emotional and behavioural problems through less supportive parenting and mental health (VicHealth, undated, about 2011). Systemic racism leads to marginalisation, discrimination and internalisation of racial stereotypes, impacting on the development of a prosocial identity during adolescence when young people are navigating the impacts of social status and personal growth (Trent et al., 2019).

#### Research of effective strategies to accommodate differences

The above descriptions may help to demonstrate how difficult it may be for the young person to sit for long periods in court or on video-link and to behave as expected in very stressful situations. Strategies that have been used in a range of settings which may be applicable to various roles within the court setting include:

- the importance of trusting relationships and trauma-informed care to develop emotional safety, with priorities set by the young person (Levenson, 2020)



- replacing environmental stimulation, insecurity and administrative stress with quiet personal spaces, noise control and structured activities of high interest to the young person (Hallowell & Ratey, 2022)
- relational case management and treatment practices (Crane et al., 2020)
- community-based options (for custody) (Underwood & Washington, 2016, p. 2)
- a dynamic system of care that extends beyond treatment while a young person is in the youth justice system (Underwood & Washington, 2016)
- valuing culture as a protective factor.

*Moving away from a problem-focused approach that relies heavily on tertiary interventions towards one that promotes safety and wellbeing when working with Aboriginal and Torres Strait Islander children and young people to support a strong sense of identity and cultural pride, providing opportunities to participate in cultural life (Healing Foundation, 2017).*

### 2.5.2 Responses aimed at reducing offending by serious and repeat offenders

Youth Justice uses several evidence-based programs targeting particular criminogenic factors as well as rehabilitation and reintegration as described in Section 3.2.1. Evaluations of several of these programs are in progress. To test their effectiveness in reducing subsequent offending requires quite a period of time (e.g. one to two years) post intervention. Some evaluation findings are expected in 2023.

#### Healing programs

Many Aboriginal and Torres Strait Islander children and young people have experienced trauma directly as well as intergenerational trauma due to family dispersal, injustice, forced removal from family, kinship and country and the impacts of other historical government policies. These memories are raw and injustice continues. Healing programs involve a 'holistic, strengths-based, asset-driven approach' focusing on the collective experience rather than on what's *right with you*. By encouraging community cohesion and rebuilding connections to culture and Country, the healing process supports the young person's personal development and improves family relationships.

The emphasis is on restoring, reaffirming and renewing a sense of pride in cultural identity, connection to country and participation in community. Cultivating a sense of this cultural distinctiveness is inextricably linked with spiritual, emotional, social health and wellbeing and is also an important part of strengthening communities ([Healing Foundation](#), 2017).

Healing programs are also recommended as a response to family violence ([Carlson](#) et.al., 2021).

### 2.5.3 Impact of crime on victims and communities

The impact of crime on victims, particularly in relation to violence can be profound, including pain and suffering, loss of family members and relationships, ongoing trauma-related, mental anguish and fear that can lower the quality of life with disruptions of work, confidence and safety. It can have a ripple effect to many people not directly harmed, such as family members, friends, work colleagues and the broad community.

Costs can be extensive, not only for the recovery of individuals immediately affected, but also due to treatment costs for others, increased public security measures, law enforcement, replacement of public infrastructure, insurance and loss of commercial incomes in affected locations. Youth crime is often visible and offending related to burglary, theft and unlawful use of motor vehicles can have devastating consequences.

Factors that are critical for the healing process include seeing that the person committing the crime is held to account, acknowledges that what they did was wrong, apologises and makes amends (Fuller, 2015).

## 2.5.4 Court responses

### *A therapeutic approach*

Therapeutic jurisprudence is an approach to vary the traditional conduct of courts to reduce trauma caused by confrontation during the court process and to assist in the rehabilitation of the offender. With the leadership of the judicial officer, the approach creates an inclusive and respectful environment following principles of empathy, compassion, listening, problem solving and collaboration towards a common goal, rather than an adversarial goal ([Lens, 2017](#)).

*Therapeutic approaches maximises the positive psychological and emotional effects of the law and, using the behavioural sciences as an underpinning, seek to develop therapeutic outcomes for all stakeholders. Features of a therapeutic approach could include a more active role for participants where they are encouraged to participate in court dialogues, contrary to the traditional role of courts as a place to dispense justice (Gavin & Kawalek, 2021).*

At the request of Childrens Courts Victoria, in 2020 the Royal Melbourne Institute of Technology (RMIT) conducted a review of approaches to children's courts in other jurisdictions. The review identified several high-level principles that should inform the processes and practices of courts dealing with children's matters. The principles include:

1. The Court is child-focused
2. The Court promotes the participation of children and families in the court process
3. The Court incorporates problem solving, collaborative and multidisciplinary practices
4. The Court is supported by a specialised and trained workforce
5. The Court provides culturally responsive approaches (RMIT Centre for Innovative Justice, 2020).

The review describes how jurisdictions including New Zealand, Canada, Scotland, England and Wales address youth justice matters through positive practice and initiatives. In New Zealand the process for dealing with family group conferencing is more informal and occurs at the preliminary stages of children's cases, incorporating restorative justice principles to promote families' opportunities to engage in their children's matters. A 'cross-over list' identifies young people involved in both youth justice and child protection matters to ensure that those with complex needs receive more intensive support and to ensure that the court has information about how the young person's trauma experience impacts their behaviour and function. This assists the court to identify possible underlying causes for offending and guides the coordination of resolutions which in some cases can lead to charges being dismissed or placement issues being addressed.

*The long-term human, social and economic costs associated with trauma and adverse experiences are substantial and demonstrate the need for trauma-informed prevention and intervention (Royal Melbourne Institute of Technology, Centre for Innovative Justice, 2020).*

In Victoria, independent clinicians provide expert assessments to identify the child's needs and best interests to guide assessments and these assessments can extend to the young person's family. This practice is in-line with the United Nations Convention on the Rights of the Child which outlines that the best interests of the child must be a primary consideration. The physical layout and appearance of some Victorian Childrens Courts have been adapted to be child friendly and less intimidating with adequate spaces for support services, families and play areas.

A recent study of south-east Queensland magistrates courts found that the current legislation and court structures are *potentially conducive* to mainstreaming therapeutic approaches (Waterworth, 2021). For example, bail conditions can be used therapeutically to impose conditions that can be

monitored, including attendance at programs. It is not an offence to not meet the conditions but bail can be revoked (Waterworth, 2021).

*For individuals suffering from serious psychological, physical, financial and legal problems, contact with the court system offers both a crisis point and an opportunity for significant therapeutic change if therapeutic principles are applied (Waterworth, 2021).*

Lawyers can assist by articulating the person's reasons for offending, what will be done to remedy the underlying causes of offending, and what might be in their best interest in the long term. Magistrates have the opportunity to *build a useful working alliance* with the defendant that can then become a resource for the defendant when they *find it difficult to take practical steps to improve their lives*. Magistrates use their authority to *motivate, ensure compliance and monitor the defendant's progress and provide individually tailored judicial responses*. A strengths-based approach provides a foundation for positive change and gives hope, by promoting self-determination to facilitate positive behaviour. Procedural justice requires an 'ethic of care' and listening to defendants (Waterford, 2021). These approaches take the justice process beyond the traditional 'carrots and stick' understanding of human behaviour change in order to move towards more productive outcomes.

### [Video-Link](#)

Video-links were introduced in Childrens Court in 2002 and have many efficiency advantages in reducing time in transporting children from detention centres and spending time in watch-houses and saving time for court staff. Usage of video-links increased considerably during COVID restrictions.

However there are also identified issues with the nature of the communication. In a study of young people at a Queensland detention centre, the researchers found that the video interactions compromised the development of trust, particularly for lawyers.

*The general consensus was that AVLs ( video-links) significantly limits a practitioner's ability to remind children how to behave in court. As a result, children participate differently over AVL than in face-to-face, with some children even making admissions over the video link conference (Page & Robertson, 2016).*

The research also found that gratuitous concurrence is a prevalent issue on video link. Gratuitous concurrence is the tendency for a person with limited power to agree to any question asked, to avoid looking stupid. This is particularly common for Aboriginal and Torres Strait Islander people, people living in poverty and people with limited literacy. People will say 'yes' to the question 'Do you understand?' Children also have set answers that give a false indication of their level of cognition. In the video situation, the lack of body language makes it much more difficult for a person to read the signs and because of the limited time, lawyers cannot use standard checks that they would use to test the young person's capacity to give instructions. Stakeholders were concerned that the convenience of video-links would limit young people from attending court in person for critical sessions such as sentencing.

Practice Direction 1/19 for the Childrens Court of Queensland, released in 2019, requires that a video-link shall only occur if the child is legally represented and consents. The presiding judicial officer must take several factors into account including any special needs of the child including the need for support of a parent, carer or other person. The Practice Direction emphasises the need for face-to-face connections at other times:

*The child must have had adequate opportunity to meet in person privately and give instructions to the legal representatives who should ensure that the child understands the limitations of a video or audio*

*attendance. The legal representatives should assess the capacity of the child to deal with a video or audio appearance* (Childrens Court of Queensland, 2019).

Further, there must be facilities for the young person and the legal representative to meet privately after the proceeding to ensure the child understands the outcomes.

Similar results from a study by the Australian Institute of Criminology in 2021, emphasise the risks of amplifying injustice by using video-link in court unless there are protections for the vulnerable (Australian Institute of Criminology, 2021).

Further research may be required to understand and mitigate the risks or potential risks of the use of video-technology, acknowledging that the use of such technology may have positive benefits, including reducing the time and frequency that children are in custody or on remand (including time spent in adult watch-houses).

## 2.6 Conclusion

This chapter has described in some detail, the strategic environment and evidence-base in which responses to young people with repeated contact with courts occur. It demonstrates the complexity and multi-disciplinary nature of youth offending and the importance of multi-government integrated approaches that are developed with communities to address the underlying issues, for children, families and communities, that contribute to offending.

The trends show that the current approaches appear to be reducing the number of young people coming into contact with courts, but as emphasised by the Atkinson (2018) report, the young people remaining in court and custody are the ones who are most disadvantaged.

Understanding and responding to the needs of these young people, from a whole-of system perspective is necessary to see progress in reducing the number and time for young people to be in court and custody, and, in particular, to meet the Closing the Gap targets to reduce the overrepresentation of Aboriginal and Torres Strait Islander young people in custody.

### 3. Operating the High Risk Youth Court in Townsville

High Risk Youth Court operates as a specialist Childrens Court list which sits in addition to the Townsville Childrens Court. The work conducted in the court, during the court sitting, is a relatively small part of the overall work required for the court to operate. There are many stakeholders who play specific and important roles that impact on the outcomes for High Risk Youth Court participants and their families. This chapter provides a broad description of these roles, and provides useful background to inform Chapters 5 to 7.

The purpose of the evaluation specified in the Evaluation Framework is *to provide advice on the contribution that High Risk Youth Court makes to improving outcomes for vulnerable young people in the justice system, in the context of the current youth justice reforms* (Department of Justice and Attorney General, 2022). This chapter includes information about youth justice reform structures and services operating in Townsville that affect young people with repeated contact with court, and their families.

The chapter includes three sections:

1. *Inside High Risk Youth Court* describes the operation of the High Risk Youth Court when matters are being heard, progressed and finalised, the program theory in which it operates, and the roles and responsibilities of staff and judiciary attending the Court.
2. *Outside the court room* which outlines:
  - (i) government services that provide administrative and regulatory oversight and rehabilitation for young people who participate in High Risk Youth Court
  - (ii) community services that impact on both the court outcomes and the wellbeing of the young people brought before the court.
  - (iii) Youth Justice Reforms in Townsville which address repeat offending.
3. Youth Justice Reforms which include:
  - (i) Multi-Agency Collaborative Panels
  - (ii) Co-Responders
  - (iii) Information sharing protocols
  - (iv) Townsville Stronger Communities Early Action Group.

#### 3.1 Inside High Risk Youth Court

##### 3.1.1 Function of High Risk Youth Court

Townsville Childrens Court and High Risk Youth Court may sit each business day of the week, with four scheduled days for listed matters<sup>9</sup> and the fifth day to hear fresh matters if required. In accordance with legislative requirements to protect the identity of children, both are closed courts with restrictions on who may attend court proceedings or publish identifying information about a young person.

The High Risk Youth Court was established to deal with the matters of the small number of children with a history of previous offending and who are assessed as highly likely to re-offend.

The High Risk Youth Court usually considers between eight to 12 matters each sitting day. In contrast, the Childrens Court usually hears 30 or more matters each sitting day. The smaller volume

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<sup>9</sup> Currently: High Risk Youth Court meets on Tuesday and Wednesday; Childrens Court meets on Thursday and Friday.

of matters provides an opportunity for the magistrate to spend more time with the young person, their legal representatives and their support networks to gain an understanding of the young person, their family and their culture, available and their progress in changing behaviour.

During the court sitting time, young people wait in the foyer at the court and enter the court one by one as Childrens Court is closed to the public. Most young people in custody appear via video-link if they consent and the magistrate approves. They may be required to attend court for sentencing. Young people may have a parent, parent representative, residential care worker with them in court or on the phone. Without a parent or guardian present, the young person cannot be sentenced or given bail and matters are adjourned.

The main aim of High Risk Youth Court is to ensure that all of the people responsible for the care of the young people before the court are connected in order for the court to make the best informed decisions taking into account the safety of the community, impact on victims, and the accountability and rehabilitation of the young person. The approach includes:

- ensuring the young person's appearances are heard by the same magistrate who understands their background and history and takes time to explain the court process to the young person
- enabling the young person and their family to engage with programs and the court process taking into account the young person's age and capability
- providing opportunities for the young person to be accountable for their behaviour
- with the support of the Townsville Justice Group, taking into account a young person's cultural background and efforts at rehabilitation when considering bail and sentencing
- facilitating a collaborative approach to support and treatment related to the young person's circumstances
- ensuring young people referred to High Risk Youth Court have access to support services and programs to address issues related to offending, recognising the high needs of the young people in this cohort.

### 3.1.2 Program theory

High Risk Youth Court was established as part of the Community Youth Response to address concerns regarding community safety in Townsville, and to contribute to reducing the risk of harm from young people with repeat offending in the community.

At a high level, the program logic is that:

- court services (inputs) are provided by the court and partnering agencies, **so that**
- the specialist therapeutic court *involves* the young person in the court process and support services with collaboration from government and non-government agencies, **in order to**
- *engage* the young person and their family with court requirements including programs to address the young person's needs, **so that**
- the young person is accountable for their behaviour, complies with court orders and the risk of reoffending is reduced.

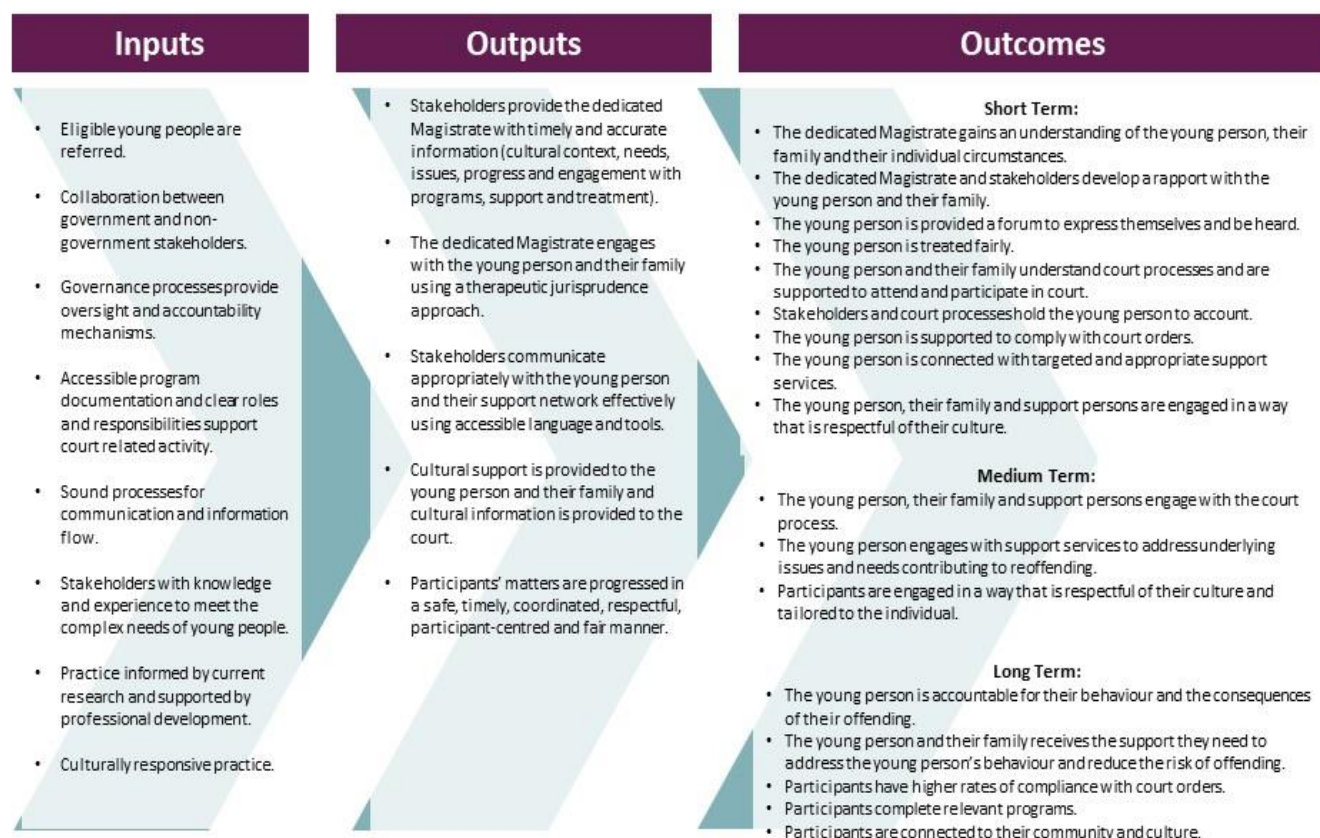
Based on adult specialist courts applying therapeutic approaches, the model recognises that initially the young person attends the court in compliance, becomes *involved* in the court process by understanding what is going on (and the link between behaviour and consequences), and gradually *engages* in meeting the requirements imposed by the court (e.g. conditions of bail) as a result of the rapport built with the magistrate.

The detailed program logic in Figure 4 outlines the key components of the High Risk Youth Court and visually represents the relationships between program inputs, expected outputs and the intended short, medium and long term outcomes.



**Figure 4: High Risk Youth Court Program Logic**

## High Risk Youth Court (HRYC) Program Logic



### 3.1.3 Referrals of Young People

At the discretion of the Childrens Court Magistrate, referrals to High Risk Youth Court can be made for young people aged between 10 and 17 years and living in the Townsville Local Government Area who, in the last six months: have been sentenced to two or more supervision orders (on separate occasions); and/or remanded in custody or sentenced to detention.

Young people with repeated offences are referred to the High Risk Youth Court, mostly by the presiding Townsville Childrens Court Magistrate. Referrals may also be proposed by a parent or guardian, legal representative, magistrate or any other person or entity. The young person is not provided with an opportunity to choose and is not required to consent to the High Risk Youth Court referral. They do not need to intend to plead or have pled guilty. Young people held on remand or in custody, as well as those on bail may be referred to the High Risk Youth Court. A referral form makes provision for Youth Justice staff to indicate if the referral is supported

### 3.1.4 Roles and responsibilities

As is the case with all Childrens Court magistrates, the High Risk Youth Court magistrate convenes the court and makes all decisions in criminal cases including the sentence if the young person pleads guilty or is found guilty. A young person charged with a criminal offence must be brought before the Magistrates Court as a soon as possible after being charged.

Childrens Court magistrates deal with a range of offences including:

- less serious offences (summary offences), such as traffic infringements
- minor offences, such as shoplifting or disorderly behaviour
- more serious offences, such as burglary, assault, fraud and drugs.

Where the offence is more serious, the magistrate may commit the case to the Childrens Court of Queensland.

In making decisions, Childrens Court magistrates are required to take into account the age, maturity level, cognitive ability, developmental needs and cultural connections of the young person, and to ensure that decisions support the dual goals of accountability and rehabilitation (*Youth Justice Act 1992*, s48AA; s1(e)).

Bail applications and decisions are monitored by special prosecutors in the courts and by Legal Aid Queensland (Childrens Court Annual Report, 2021, pp 8,9).

#### *Agency roles and responsibilities*

Prosecutors, legal representatives, government agency and registry staff support the operation of Childrens Courts and support judicial decision-making. Government agency staff include Youth Justice, Child Safety, Department of Education inside the court. Queensland Health staff support the Magistrates Court under provisions of the *Mental Health Act 2016* regarding the identification of mental health treatment needs, facilitation of appropriate referrals to services and finalisation of simple offences. Legal representatives who attend the court include Legal Aid Queensland, private lawyers, and staff from the Aboriginal and Torres Strait Islander Legal Service. The roles of agencies in High Risk Youth Court are described below.

#### *Department of Justice and the Attorney-General*

The High Risk Youth Court program is coordinated by the Courts Innovation Program within Queensland Magistrates Courts Services. *Registry staff* list cases and notify all the parties who are required to attend a hearing. All hard copy material such as pre-sentence reports, complaints, summons and cultural reports filed in proceedings before the High Risk Youth Court are filed in the Magistrates Court Registry in Townsville.

The *High Risk Youth Court Coordinator* is responsible for the day-to-day coordination of operations and registry services and provides support to the High Risk Youth Court Magistrate. The coordinator documents referrals to the court and manages and coordinates the court list including parties who appear via video-link. The coordinator attends each court sitting to monitor and record court outcomes for participants, ensures the efficient operation of the court and liaises with parties and relevant stakeholders as required.

The *Court Services Officer* prepares the courtroom facilities, ensures documents filed in proceedings are provided to the magistrate, attends each court sitting and carries out administrative tasks such as entering court data and updating court files.



The *Operations Manager, Specialist Courts and Referrals Services* is responsible for managing the High Risk Youth Court program and building a collaborative culture amongst stakeholders and ensuring the program is implemented, as intended.

### *Townsville Justice Group*

Townsville Justice Group is a non-government, not-for-profit organisation which provides court support for Aboriginal and Torres Strait Islander young people and their families, and provides cultural information to the court. The young person and their family or guardian may consent to a referral to the Townsville Justice Group. Elders support Aboriginal and Torres Strait Islander young people by sitting in court or in the video-link room at the Cleveland Youth Detention Centre, provide support and reassurance to family members, and may prepare a written cultural report about the young person's culture.

### *Legal representatives*

Generally, young people appearing in the Childrens Court and the High Risk Youth Court are entitled to receive legal assistance. *Legal Aid Queensland* and the *Aboriginal and Torres Strait Islander Legal Service* are the main entities that provide legal advice and legal representation for young people who appear before the High Risk Youth Court. Lawyers from private law firms on Legal Aid Queensland's preferred provider list in Townsville and, in some instances, an assigned duty lawyer funded by *Legal Aid Queensland*, or a legal representative from a private law firm may appear on behalf of the young person.

Legal representatives usually see the young person on their first court appearance in court or in the watch-house. They also may see the young person at their office or at the young person's home or if they are not granted bail and are remanded in custody, at the detention centre, or may speak to them by phone or video.

Legal representatives explain the circumstances to the young person, and take them through the charges and provide advice. They then take instructions from the young person (e.g. how they intend to plead, or if they wish to apply for bail) and attend court with them or on their behalf if the young person is not required. The legal representative assists the young person by preparing submissions and documents (e.g. a conditional bail program) on their behalf. They can help them understand documents or reports used in court, including documents produced by Youth Justice (e.g. pre-sentence report) and Prosecutions.

Legal representatives connect with Youth Justice, Child Safety and Housing to identify what support may be available for the young person. They assist in connecting with parents or guardians and may link with other relevant services like the Townsville Aboriginal and Islander Health Service which provides bail support and other youth programs.

All legal staff attending court must undertake cultural training. Legal Aid Queensland has implemented the training program: [Best practice guidelines for working with children and young people](#), which includes guidelines on the law, communication, cognitive ability and brain formation, risk taking and intergenerational trauma.

*Aboriginal and Torres Strait Islander Legal Service (Qld)* (ATSILS) is a community-based organisation which provides culturally proficient legal services for Aboriginal and Torres Strait Islander people across Queensland. Aboriginal or Torres Strait Islander young people may be referred for legal advice or legal representation.

### *Youth Justice*

Youth Justice has primary responsibility for providing services to young people in the youth justice system, including supervising probation and community service orders by the court. They are responsible for delivering and monitoring the young person's engagement with treatment and support services both in detention and in the community through case management to address underlying issues that may contribute to reoffending and providing accurate and timely information to the court about a young person and their circumstances.

*Youth Justice Court Coordinators* attend Childrens Court and High Risk Youth Court as representatives of Youth Justice and sit at the bar table as a friend of the court. They may provide information to the magistrate on the status and progress of the young person's engagement in programs and recommend programs to support the young person to address their offending behaviour. They tender formal documents including pre-sentence reports at the request of the High Risk Youth Court magistrate and provide advice regarding bail applications. They assist the young person during the pre-sentence process by connecting the young person and their family with support services as required

*Youth Justice Officers* work with the young people who go before the court, make sure they understand what happened in court and supervise them on orders through case management. They communicate to those involved about the court process and outcome. They provide information to the legal representative and work closely with Child Safety and other agencies to meet the young person's needs such as housing, education and mental health support. Information about the court process is provided in an accessible way that can be understood by young people.

*(Youth Justice) Indigenous Service Support Officers* are a conduit to Aboriginal and Torres Strait Islander families and are often a key contact for Aboriginal and Torres Strait Islander young people with community. They assist and support youth justice staff and relevant community stakeholders in culturally appropriate assessment, case planning and interventions. They implement culturally appropriate individualised case plans, negotiating with service providers and linking young people to services and supports they need.

### Cleveland Youth Detention Centre

Youth Justice Officers at Cleveland Youth Detention Centre provide support to the young person in detention, arrange transport to and from court, and facilitate video-links and attendances by legal representatives and Elders from the Townsville Justice Group.

The detention centre ensures assessments are conducted and attends to mental health and chronic health needs. Young people attend school on site and are linked to National Disability Insurance Scheme services if required, once they have been sentenced. The detention centre includes a specialised behaviour support unit and independent living units set up like a home for training purposes.

Young people in the Cleveland Youth Detention Centre mostly appear in court via video-link. Alternatively, the magistrate may order a young person to appear in person, particularly for sentencing. Cleveland Youth Detention Centre has a small number of meeting rooms that are equipped for operating a video-link. They organise set times for each of the Children Courts across Northern Queensland, so time is limited.

The Cleveland Youth Detention Centre Cultural Unit supports Aboriginal and Torres Strait Islander young people in the centre. Cultural Liaison Officers in the unit provide cultural support directly to young people and assist staff to ensure services are culturally appropriate across all aspects of youth detention service delivery. This includes case plans, transition processes (inclusive of 72 hour plans

as required), cultural programs and healing initiatives. Cultural Liaison Officers also provide an advisory and advocacy function for Aboriginal and Torres Strait Islander young people in detention. The Cultural Unit engages with Elders from the Townsville Justice Group and other Elders who visit the centre, family members and funded services to establish and maintain cultural links to the community.

### *Child Safety*

Child Safety Court Liaison Officers appear as either a parent of a child on a child protection order granting guardianship, or as a friend of the court for young people subject to other types of ongoing intervention with Child Safety. Court Liaison Officers may be the first point of contact and work in partnership with Child Safety operations and other agencies to help young people get to court and be supported throughout the court process. Court Liaison Officers provide information to the court about what is happening in the young person's life. This might include details about where they are living, their support networks, and what Child Safety is providing to help them achieve their goals.

### *Queensland Health*

*North Queensland Adolescent Forensic Mental Health Services, Court Liaison Service* provides a specialist mental health service for young people within the youth justice system to promote identification, assessment and access to support. Senior clinicians assist the Magistrates Court by providing advice regarding mental health, fitness for trial and soundness of mind in compliance with the *Mental Health Act 2016*, when requested. The service also provides consultation and liaison within the Children's Court stakeholder network.

### *Queensland Police Service*

Queensland Police Service Prosecutors appear in High Risk Youth Court matters to present the prosecution case to the court. They make submissions on bail suitability and sentencing, provide briefs of evidence to the legal representative, participate in case conferencing and liaise with Youth Justice, legal representatives and other court stakeholders.

### *Department of Education*

Two Education Court Liaison Officers provide information to Childrens Court and the High Risk Youth Court, at the magistrate's request, related to the young person's education history, enrolment status and level of engagement with the education system. They work with young people and their families and liaise with Youth Justice, Child Safety and legal representatives to link the young person to education and training opportunities (see further Section 3.2.1).

## 3.2 Outside High Risk Youth Court

Feedback from stakeholders during the evaluation suggests that the timely operation of High Risk Youth Court (and Childrens Courts in general) depends on activities outside the court. Information about programs and support for young people and families that may mitigate the risk of releasing a young person from custody and/or contribute to the young person's rehabilitation and/or reintegration into the community is needed for consideration by the magistrate.

This section describes services and supports available through government and non-government agencies at the time of the evaluation. Chapter 6 provides commentary from stakeholders about the availability, accessibility and suitability of services to meet the needs of young people on High Risk Youth Court.

### 3.2.1 Government services

As described in Section 3.1.3, Youth Justice has primary responsibility for providing services to young people in the youth justice system. Other departments which deliver programs specifically for young people in the justice system and/or their families include Child Safety<sup>10</sup>, Department of Education, Housing and Homelessness Services<sup>11</sup> and Queensland Health.

#### *Youth Justice*

Based on professional assessments and structured assessment tools, Youth Justice provides targeted services for each young person subject to supervised court orders, which are informed by evidence of what works to reduce offending (Queensland Government, 2020). Some programs focus on specific criminogenic factors and others develop skills and behaviours to gain employment and live in the community. For further detail see Youth Justice Benchbook, Appendix 5 (Queensland Courts, 2021).

**Transition 2 Success** is a voluntary group-based vocational training and therapeutic change-oriented intervention program, delivered to young people aged 15 and above in partnership with business and community organisations and Registered Training Organisations. The 15-week program, usually run over two to three days weekly, focuses on job-related training, developing pathways to education and employment and improving social and emotional wellbeing.

**Aggression Replacement Training Program (ART)** is a 10-week group-based, cognitive behavioural program aimed at helping young people to deal with their anger and aggression. The training gives young people aged 12 to 18 years, tools to:

- respond to different situations and talk to someone about what is upsetting them
- keep control and calm down when they feel angry
- see what it is like to be in someone else's shoes and how their anger can affect other people.

**Changing Habits and Reaching Targets Program (CHART)** is an individual cognitive behavioural intervention program to address young people's thoughts, behaviours and feelings which influence reoffending. Young people engage in 16 to 32 sessions with their youth justice caseworker, alongside the casework framework covering: mapping offences, motivation to change, thinking and offending, problem solving, lifestyle balance and relapse prevention. The latter modules are matched to a young person's identified needs.

**Adventure Based Learning** program engages groups of 6 to 8 young people in outdoor activities where being part of a team is necessary and anti-social behaviour is challenged. Each young person sets goals, thinks about personal choices, develops problem-solving skills and considers and practices positive behaviour.

**Emotional Regulation and Impulse Control (ERIC)** program is made up of brief cognitive behavioural interventions (10 to 20 minutes) for individuals covering topics based on their particular needs, such as: mindfulness, emotional literacy, flexible thinking, tolerating discomfort, decision making, image and identity.

**ROAD** is a program, where young people convicted of motor vehicle offences and those who have motor vehicle-related matters before the courts, are provided with a six-week cognitive-based intervention program. The project aims to educate young people on the impact motor vehicle offences have on communities and families. The program seeks to target peer relations,

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<sup>10</sup> Within the Department of Children, Youth Justice and Multicultural Affairs

<sup>11</sup> Within the Department of Communities, Housing and Digital Economy

personality/behaviour and attitudes/orientation which are risk factors for re-offending and support the development of positive strategies for avoiding future offending.

**Young, Black and Proud** is a group-based, culturally specific intervention delivered to Aboriginal and/or Torres Strait Islander young people to strengthen cultural knowledge and understanding, build a positive cultural identity and connection, and help participants to challenge negative cultural stereotypes and misconceptions. The program is delivered over 12 weeks, with one session each week (Queensland Courts, *Youth Justice Benchbook*, 2020).

**Navigate Your Health** uses nurse navigators to provide health and development assessments and connect young people with relevant health and support services. By addressing and improving some of the underlying health factors that contribute to offending, the program prevents offending and reduces reoffending.<sup>12</sup>

### *Queensland Police Services*

**Project Booyah** is a 16-week community inclusive police mentoring program conducted in partnership with Queensland Police Citizens Youth Club Welfare Association, local businesses and community organisations. The initial resilience program (RESPECT) incorporates cognitive behaviour therapy, health and wellbeing and building self-confidence. Project Booyah uses adventure-based learning principles and problem-solving exercises to develop leadership skills, decision-making and resilience training to help young people make better life choices. A post-program follow-up is called *Framing the Future*. Young people complete a vocational qualification and engage in physical activities such as bike riding and paddle boarding.

### *Queensland Education*

Queensland Education provides a number of education options in the Townsville area. Departmental policies are aimed at supporting the delivery of education services to vulnerable young people:

**Advancing Education Action Plan** responds to feedback from Queenslanders in relation to the future of education in Queensland and outlines the key activities the Queensland Government is taking to support every young person to develop the knowledge, skills and attributes they need for their futures.

**Inclusive Education Policy** means that all students can access and fully participate in learning alongside their similar-aged peers. Teaching and learning strategies are adjusted to meet students' individual needs. However, young people may be refused enrolment if they present an unacceptable risk to the safety or wellbeing of the school community, which may include their criminal history and previous related exclusion from another school (Department of Education, 2021).

The shared vision of the [Every Aboriginal and Torres Strait Islander Student Succeeding Strategy](#) is for every Aboriginal and Torres Strait Islander student to be supported in their learning, experience academic success, and feel a sense of belonging and connection to culture in their school community and classrooms.

*To meet the priority of Connection to culture: Through localised curriculum development and partnerships with local communities, we will continue to acknowledge and respect the histories, values, languages and cultures of Aboriginal and Torres Strait Islander peoples and place them at the centre of our work* (Department of Education, 2021, p.1)

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<sup>12</sup> The Navigate Your Health program is not available in Townsville as at 2022.

The **Queensland Education Justice Initiative** supports young people who appear before the Children’s Court to become re-engaged in education or training. Court Liaison Officers build rapport with young people and their family and carers to determine their preferred education pathways. They develop education plans with young people. They provide information and advice to school staff about the youth justice and child protection sectors (Queensland Government, 2019).

[Youth Engagement Alliance Map of services for young people by locations](#) lists the service types by government department across Queensland including the number of programs or staff.

[Alternative schooling – Flexi Space](#) integrates students back into the mainstream school for their full subject load. However, it is recognised that for some young students this may be an extended journey – *FlexiSpace Operational Guidelines (p. 11)* -

### *Housing and Homelessness*

Youth Foyers provide a young person with a safe place with 24/7 on-site assistance, professional support and assistance towards independence. Young people learn how to manage a rental property and receive emotional support through activities that promote personal growth and resilience. Foyers link young people with education and training opportunities provided by local schools, colleges and university.

*I’ve changed my life by working here and staying out of trouble*

Young person, Queensland Housing and Homelessness Action Plan 2001-2005

### **3.2.2 Townsville Youth Service Provider Snapshots**

This section shows an array of programs and services that are specifically equipped to support vulnerable young people who have repeated contact with the court system. The community service system includes alternative education, bail support, family and child wellbeing, and cultural programs. Several of the services are Indigenous owned and staffed. Note: Listed organisations have approved the description of their program as it appears in this report.



## Shalom Carinity School

Provides an inclusive approach to education and improves the academic, spiritual and cultural outcomes for all students in our care.

- prep to Year 10 in 2022 and progressing to Year 12 in 2024
- breakfast and transport to and from
- Indigenous staff
- accept young people as they are
- children identify their own learning and personal goals
- warm and supportive environment.

*Our doors are wide open. Our staff live and breathe what we stand for. We work with our students to help them identify their own goals and guide them to achieve so they become a reality (Carinity Education, 2022)*



## YALGA

### Cultural Placement Program

Young people develop autonomy, build new skills, self-efficacy and self-determination. YALGA

- addresses the diverse personal, developmental and cultural needs.
- creates meaningful connections to culture and community
- develops the capacity to overcome personal, social and systemic barriers

*"Listen and respond to the plans and ideas each child and young person has for themselves"*

Young Person, Queensland Family and Child Commission, 2021\*)

## Gr8Motive

On country cultural programs for disadvantaged youth aged 12 to 17 to:

- re-establish cultural connections
- establish values, respect and trust
- increase self-esteem
- improve decision making skills
- develop and improve life skills
- self-manage behaviours.

## Qld Indigenous Family Violence Legal Service

Free culturally appropriate legal service for Aboriginal and Torres Strait Islander people affected by family violence or sexual assault.

- Case work help
- Community engagement
- Community legal education
- Court support
- Legal support, advice and representation

## Uncle Alfred's Men's Group

- provides a place for men who have been in trouble with the law to talk in confidence.
- supports behavioural change through healing, truth telling and cultural lore.
- meets weekly

## Churches of Christ

### Youth Space

Support and information for young people in care

**Supported Independent Living Service (SILS)** for young people in foster care or residential care:

- youth worker support and mentoring from 5 to 25 hours per week
- full-furnished accommodation for 15 to 17-year-olds in a share house
- care planning meetings with Child Safety every 4 to 6 weeks

## ATSILS Throughcare Service

Aimed at supporting young people pre- and post-release from custody with their transition back to community and any changes needed in their lives to reduce offending:

- case management
- assistance with referrals
- child led case management planning.

## Youth Foyer Townsville

Provides social housing and case management support to young people who are participating or actively looking for education, training and employment.

- 40 single occupancy, self-contained units
- 24-hour support and supervision
- aimed at vulnerable young people aged 16 to 25 years.

*"Get to know children and young people as individuals. If you treat children and young people with respect, they will do the same"* Young Person Interview (Queensland Family and Child Commission, 2021)



### **CommunityGRO Upper Ross Youth Hub**

Youth Drop-In that provides a safe place for young people to develop positive relationships with staff, volunteers, mentors and friendships.

- access to technology, physical activity and education
- nutritious meals provided
- capacity for 60 children a night
- young people aged 12 to 18 years.

### **Project Overhaul**

Early intervention program for young people at risk of engaging in offending behaviour.

- mentoring
- personal development
- vocational gateways
- case management and support.



### **Townsville Sustaining Young Tenancies**

Provides mobile support and case management for young people aged 16 to 25 who are homeless or at risk of homelessness to:

- develop life skills
- support them to apply for tenancy
- buy small household items
- learn how to maintain property.



### **Youth Housing and Reintegration (YHARS)**

Support for young people aged 12-21 years exiting or transitioning from the community after being in custody, homeless or in inadequate housing to:

- develop skills to maintain tenancies
- reconnect with family/carers
- engaging in education, training and employment.



*“The earlier the intervention the better—provide informal, accessible supports wherever young people are.”*  
Young Person Interview (Queensland Family and Child Commission, 2021)<sup>13</sup>

<p><b>Mercy Family Services</b></p> <p>Help families to care for and protect their children at home, by connecting them to the right services. NDIS Case management services</p>	<p><b>Lives Lived Well</b></p> <p>Free counselling for Drug and Alcohol as and support services</p>
<p><b>Mungalla Silver Lining School</b></p> <p>Provides a support-based education framework, engaging Indigenous students in cultural activities that foster resilience.</p> <ul style="list-style-type: none"> <li>• safe learning environment</li> <li>• on country cultural activities</li> <li>• 8-12 years with Queensland Certificate of Education Pathways</li> </ul>	<p><i>“Silver Lining Foundation Australia is committed to an Indigenous led response regarding the growing amount of disengaged young people in regional and remote Australia” – Silver Lining Foundation</i></p>
<p><b>Townsville Aboriginal and Islander Health Service (TAIHS)</b> <b>TAIHS Lighthouse</b></p>  <p>A safe place for young people aged 10 to 17 years who don't have adequate adult supervision, don't feel safe at home or just need someone to talk to.</p> <ul style="list-style-type: none"> <li>• Planned activities such as arts and craft, BBQs, movie nights and opportunity to attend free community events</li> <li>• Access to meals and showers</li> <li>• A place of rest if needed and exit strategy for the morning after</li> <li>• Safe place to form healthy relationships</li> <li>• Cultural connections</li> </ul>	
<p><b>TAIHS Family Wellbeing Service</b></p> <p>Provides support to families with children prior to conception through to 18 Years of age. Families have access to Family Wellbeing Workers who support the family to identify areas that may be required to promote strong connection to family.</p> <ul style="list-style-type: none"> <li>• Case management</li> <li>• Family led planning</li> </ul> <p>Supportive activities may include information and advice, referral to other services</p>	<p><b>TAIHS Youth Health Promotion (Deadly Choices)</b></p> <p>To empower Aboriginal and Torres Strait islander peoples to make healthy choices for themselves and their families.</p>
<p><b>TAIHS Youth Support Services</b></p> <p>For young people aged 8-21 years, who are homeless, at risk of homelessness, want help for drugs, alcohol or other substances, have problems at home, out of school, training or employment or are at risk of self-harm.</p> <ul style="list-style-type: none"> <li>• Support and help to achieve goals</li> <li>• Connect with family and community</li> <li>• Education and training programs</li> <li>• 24/7 on call support and advocacy.</li> </ul>	<p><b>TAIHS Youth Shelter</b></p> <p>Crisis Accommodation for young people aged 16 to 21 years who are homeless, at risk of homelessness, couch surfing, sleeping rough.</p> <ul style="list-style-type: none"> <li>• Case Management</li> <li>• Support to find services</li> <li>• 24-hour on call support</li> <li>• Advocacy</li> <li>• Weekend outings</li> <li>• Occasional Day Programs</li> <li>• Life skill development, personal and social development and real life transferrable skills.</li> </ul>

<sup>13</sup> Quotations from Queensland Family and Child Commission (QFCC) were collected as part of their evaluation of the Youth Justice strategy, Changing the sentence: Overseeing Queensland's youth justice reforms.

## Project Booyah

- is a 16-week community inclusive police mentoring program, followed by 18-months case management
- for disconnected young people, aged 14 to 17 years, facing social isolation, mild mental health issues, offending, abusing drugs and/ or alcohol, high risk behaviours, family relationship issues
- incorporates adventure-based learning, leadership skills, social and skill development, community intervention and functional literacy / numeracy
- aims to regain a sense of their self-worth and build resilience through the two programs:
  - *Respect*: enhances self-esteem, anger regression and key protective factors with a strength-based approach
  - *Framing the Future* empowers young people to re-engage with schools by linking to vocational courses promoting apprenticeship and career pathways, and facing challenging activities aimed at incrementally building their resilience and self-efficacy.

## Townsville Flexible Learning Centre

### Burragah Program – Townsville Flexible Learning Centre

The Burragah program was specifically developed to support highly vulnerable young people aged 11 to 15 years who have repeated contact youth justice and/or experienced detention. Many of our young people have missed significant periods of schooling and experience learning difficulties and or disabilities. The program offers young people a highly supportive pathway to reengage with their educational journey.

### Registered secondary school – Flexi-School

offering educational pathways for young people outside of the mainstream education environment. The Centre operates through a common ground framework based on the four principles of respect, honesty, participation and safe and legal. It responds to the complex needs of young people by building honest and authentic relationships with young people and their families or carers. It offers

- Three campuses (Townsville, Burdekin, Bowen)
- A number of multi age class groups ranging from engagement to accredited learning.
- A culturally supportive environment (50% of staff and young people are First Nations people)
- A multi-disciplinary staff including teachers, social workers, youth workers and psychologists



### 3.3 Youth Justice Reforms

Since 2019, youth justice reform initiatives have been rolled out in Townsville to improve coordination, collaboration and sharing of youth justice information, including the establishment of Multi-Agency Collaborative Panels, Co-Responder teams, information sharing protocols and the refocussed Townsville Stronger Communities Early Action Group. This section describes these initiatives.

#### 3.3.1 Multi-Agency Collaborative Panels

Young people under the supervision of Youth Justice who are considered to be at serious risk of reoffending are referred to a multi-agency collaborative panel managed by the regional Youth Justice Centre for intensive, integrated case management. The Townsville Multi-Agency Collaborative Panel operates at three levels:

Tier 1: Through case management, each young person has a wrap-around support network including government and non-government staff who meet regularly to support them. The young person, their parents, carers and other people significant to the young person, including service providers, are actively engaged, in a culturally responsive manner within all phases of case management.

Tier 2: Managers of each government agency meet fortnightly to discuss the case plan for young people who have been identified as at serious risk of offending. This includes staff from Youth Justice and Child Safety service centres, Cleveland Youth Detention Centre, Co-Responders, Queensland Police, Queensland Health, Education Queensland, Queensland Corrective Services, Department of Housing and the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships. The Panel monitors the progress of individual young people and proactively addresses local barriers. Broader service or systemic issues are escalated to the Senior Officer Governance Network.

Tier 3: The Senior Officer Governance Network oversees multi-agency panels and collaborative case management processes.

#### 3.3.2 Co-Responders

Co-Responder teams include police and youth justice officers who work collaboratively to connect young people with supports and address issues that may contribute to reoffending. The Co-Responders take young people who are on the streets at night back to their homes, check their safety and basic needs are being met and help them so that they do not breach their bail conditions.

In Townsville the Co-Responder teams work 24/7 with two cars on the road from Thursday to Sunday at times where there are higher risks of offending. They spend time at the shopping centres and engage with young people to establish a positive relationship so that young people can call them for help.

Co-Responder teams work closely with Youth Justice, Child Safety and service providers and share information about potential risks with the Multi-Agency Collaborative Panel.

#### 3.3.3 Information sharing protocols

An information sharing arrangement with agencies working on the Multi-Agency Collaborative Panel based on the provisions in legislation (*Youth Justice Act 1992; Child Protection Act 1999*) facilitates the sharing of young people's case information between government agencies in order to ensure comprehensive and suitable support for each young person.

### 3.3.4 Townsville Stronger Communities Early Action Group

The Townsville Stronger Communities Early Action Group (previously known as the Townsville Stronger Communities Action Group) is a multi-agency collaborative initiative with senior representatives from relevant government departments, aimed at addressing underlying causes of offending. The Executive Group focuses on early Intervention and barriers that lead to the trajectory of young people into crime in Townsville. Departmental representatives coordinate their support for at-risk young people and their families through the formation of the Early Action Group.

The Early Action Group uses a case coordination model, working directly with children and young people who are not on orders but are identified as being at risk, together with their families. Indicators include early disengagement from education, potential undiagnosed health issues and family stress, for example, related to the loss or incarceration of a family member, having a sibling already involved in youth justice or being given a police caution.

The Early Action Group is supported by a First Nations Engagement Framework and a Regional Leadership group. The Group undertakes a First Nations Community Engagement function that works with and maintains a co designed collaborative approach with families. Collectively the Group members, families and young person design a plan around the help they need. The team support and engage the family as long as is necessary, ensuring they are linked with services and government agencies that address their known barriers. The connection continues to the point where the family has the support network around them, the young person has re engaged with school and health facilities and is participating in cultural and other positive activities they enjoy in the community.

## 3.4 Summary

High Risk Youth Court is a specialist list of the Townsville Childrens Court, operating under the same legislation as the Townsville Childrens Court without any significant additional resources.

Chapter 3 shows how High Risk Youth Court operates within a broad service system that deals not only with youth justice but with a wide range of health, education and community issues that are very relevant for the needs of the young people and families connected to High Risk Youth Court. Many people are involved and the efficient and effective operation of the court depends on the availability of appropriate services and supports outside the court.

In a complex and ever changing service system, identifying the availability of suitable supports and programs is an ongoing challenge for agencies working with young people progressing through Childrens Court proceedings. This chapter describes the range of programs and services available at the time of writing. Government and non-government funded services address criminogenic factors and support young people towards education and employment. Community-based programs include alternative education, family wellbeing programs and cultural programs. Chapter 6 provides stakeholder perspectives of how the court operates in practice and the availability, accessibility and suitability of government and community-based services.

Since High-Risk Youth Court commenced in 2017, several initiatives have started under the *Youth Justice Strategy*, focusing on prevention and early intervention and collaboration involving sharing of information, integrated case management and involvement of community. The strong focus is on community safety and diversion from the criminal justice system driven by active collaboration at strategic, program and individual levels, concerted leadership, governance and community wide support. The evaluation does not assess the Youth Justice Reforms but is tasked with considering how the High Risk Youth Court contributes to outcomes for young people in the youth justice system in the context of the reforms.

## 4. Evaluation methodology

### 4.1 Scope

The purpose of the evaluation is to provide advice on how the High Risk Youth Court is contributing to improving outcomes for vulnerable young people in the justice system in Townsville in the context of current youth justice reforms. The evaluation is guided by the Evaluation Framework developed in conjunction with stakeholders and is based on the program logic in Section 3.2.1.

The evaluation included consideration of the sample of five Childrens Courts in operation in Queensland to provide context for administrative data analysis and observations: Brisbane, Beenleigh, Mackay, Richlands and Townsville. Based on stakeholder feedback, the evaluation has considered what happens during the court process as well as before and after the court process.

### 4.2 Data sources

The evaluation is informed by a range of program data, stakeholder perspectives, program documentation, reports and research literature. Personal data is not included and ethical protocols have been followed to ensure confidentiality and privacy of data.

#### 4.2.1 Program data

Quantitative data was gathered from court records of appearances and court outcomes including from:

- DJAG administrative data held in the Queensland-Wide Interlinked Courts (QWIC) data management system including:
  - a. 2017/18 to 2021/22 criminal lodgements in Childrens Courts Magistrate Courts for the five court locations
  - b. 2017/18 to 2021/22 events in Townsville Childrens Court involving High Risk Youth Court participants
  - c. 2017/18 to 2021/22 Applications for Domestic Violence Orders (civil jurisdiction) and Domestic Family Violence offending (criminal jurisdiction) in Townsville Childrens Courts and Queensland
- DJAG High Risk Youth Court database administrative data from 2016/17 to 2021/22
- Youth Justice data related to risk assessment and custody of young people presenting to High Risk Youth Court from February 2017 to 31 March 2022
- Australian Bureau of Statistics (2016 and 2017) Estimated Residential Population 2016 to 2022 based on 2016 Census data collection for locations aligned with five court locations.

The administrative data includes basic demographic information, dates, offences, charges, court processes, results of an event, court outcomes (e.g. sentences). Case management data held by partnering agencies was not viewed.

The evaluation team attended 12 sessions across Beenleigh, Brisbane, Mackay, Richlands and Townsville Childrens Courts with experienced lawyers to understand the processes occurring, roles and responsibilities and the experiences for young people and their parent or guardian. The lead evaluator also observed multi-agency collaborative panel meetings in Townsville and Logan.

#### 4.2.2 Stakeholder perspectives

High Risk Youth Court stakeholders include judiciary, senior managers, policy and program development officers and front-line staff from many government and non-government agencies



involved in the court proceedings and/or providing case management or services to young people. Stakeholders participated through informal online and in person interviews, focus groups and surveys. Findings workshops were held to reflect on the feedback provided and to clarify and check assumptions.

Because of the short timeframe, feedback was not sought directly from young people, but was sought through people who work with them and their families. It is recommended that a carefully constructed process is developed to facilitate young people to provide feedback on their experience in the court system. Feedback gathered from young people interviewed by the Queensland Family and Child Commission for their evaluation of the Youth Justice Strategy implementation in 2021 has been included with permission.

**Table 3: Summary of stakeholder involvement**

Stakeholder affiliation	Interviews/ Focus groups	Surveys (participant affiliation not known)	Findings Workshops
DJAG	7	Survey A - Staff attending the Court	8
Judiciary	3	13	0
Youth Justice	15		16
Child Safety	2	Survey B – Staff working with Young People who are in the Court System	2
Department of Education	2	25	7
Queensland Health	0		4
NGO service providers	7	Survey C – Staff with roles in Youth Justice Reforms	10
Legal services	3	18	5
QPS	3		3
TSCAG	5		0

#### 4.2.3 Documentation, reports and literature

Background information about the history and operations of High Risk Youth Court and Youth Justice Reforms was gained through the following sources:

- government reports and strategies, media releases and published articles, policies, a DJAG internal review in 2019/20, operational manuals, program descriptions, minutes, training programs and legislation
- government reports illustrating trends in youth justice offending in Queensland and Australia
- a wide range of literature including research studies and evaluations, providing insight into current approaches to addressing the needs of young people with repeated contact with courts
- cultural frameworks and protocols for working with Aboriginal and Torres Strait Islander people.

#### 4.2.4 Services relevant to needs of young people and families

As many stakeholders referred to services that were working well for young people and also to gaps in services, the evaluators sourced information about services from websites and follow-up phone interviews. These are shown in Chapter 3.

#### 4.2.5 Mackay site visit

The evaluators visited a number of Aboriginal and Torres Strait Islander community service providers in Mackay to gain their perspectives on the reduction in the number of young people coming into contact with court.

## 4.3 Analysis methodology

The methodology was developed with consideration of the scope of the evaluation framework and available data, informed by consultation with the Evaluation Advisory Group

### 4.3.1 Administrative data

Administrative data relating to Childrens Court criminal lodgements obtained from the QWIC database was analysed to provide comparative, descriptive data about the extent and nature of contact by young people with the magistrates (children's) courts over the last five years for five locations: Beenleigh, Brisbane, Richlands, Mackay, Townsville (including High Risk Youth Court). The analysis shows the frequency of lodgements<sup>14</sup> made by year and between years within the sites, the most serious offences relating to these lodgements, and the pattern of the top 20 most serious offences in each location. This data has been used alongside the 2016 Census Australian Bureau of Statistics Estimated Residential Population to suggest, with caveats due to data limitations<sup>15</sup>, the proportion of the age cohort coming into contact with the court in each location (Section 5.1). As the cohort of young people participating in High Youth Court is very small (117) Townsville Childrens Court data is treated as a whole for the comparative analysis.

Administrative data related to domestic and family violence from the QWIC database compares instances of young people's involvement in Townsville Childrens Magistrates Court with Queensland-wide data over five years, to show the frequency of aggrieved and respondents applications, domestic violence orders, breaches of orders, criminal offences flagged as domestic/family violence and strangulation offences (Section 5.1.5).

Administrative data relating to all Childrens Court criminal events involving participants of the High Risk Youth Court from the QWIC database was analysed to provide descriptive data about the young person's experience through the court process. The analysis shows the number and nature of court contacts for a case (events), the result of each contact (e.g. adjournment), the duration of the case, representation, and court outcomes (e.g. sentence). The analysis focuses on providing a detailed description of the contact that High Risk Youth Court participants had over five years. The comparative analysis of young people's Most Serious Offences in five jurisdictions conducted using new lodgement data suggests that each court location will have a similar group of young people with repeated contact with the court.

Administrative data showing the length of time spent in custody was provided by Youth Justice for the group of young people who participated in High Risk Youth Court from February 2017 to 31 March 2021. This dataset shows the accumulated length of time young people on High Risk Youth Court have been in custody over five years, waiting for a sentence, or as a result of a detention order (Section 5.3). Additionally, Youth Justice data shows the extent to which the young people in High Risk Youth Court reached the threshold identified as 'serious risk' and who were in need of referral to the Multi-Agency Collaborative Panel for integrated case management.

### 4.3.2 Services relevant to needs of young people and families

Data was collected from publicly available sources. Collated data on each service was sent to the service contact for validation and permission to include (Section 3.2).

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<sup>14</sup> A lodgement is made with fresh charges. That is, they have not previously been heard. A lodgement may include a number of charges for a number of offences. The lodgement is given a case file number which continues through each court event that may be a mention, committal to a higher court, sentence hearing, bail application. (See Glossary for more detail.)

<sup>15</sup> Data from the 2021 Census was released in the late stages of the evaluation in September 2022.

### 4.3.3 Court observations

Observation notes were collated and analysed through themes, based on the program logic and guided by an understanding of legislation (e.g. *Youth Justices Act 1992*, *Human Rights Act 2019*), the Youth Justice Benchbook (Queensland Courts, 2019), and best practice in court, with advice from an experienced youth justice lawyer (Section 5.4).

### 4.3.4 Stakeholder perspectives

Interview and focus groups followed a flexible format. In the context of these vulnerable young people, to reduce their contact with the court, stakeholders discussed:

- what was really important to happen in the court
- what was really important to happen outside the court for the court to operate well.

Stakeholders also explained their role and experience with High Risk Youth Court, Youth Justice Reforms and/or in working with young people and their families.

Four surveys were tailored to stakeholders with different roles:

Survey A: For staff attending court

Survey B: For staff working with young people who are in the court system

Survey C: For staff with strategic and operational management roles in youth justice reforms.

Survey D: For judiciary.

(See Appendix 2: Surveys)

Surveys were anonymous and no questions were mandatory. Response time was extended for convenience, allowing up to four weeks. Interview notes and free text on surveys were collated and analysed according to emerging themes, guided by the program logic (Section 3.1.2) and other documentation referred to in Section 4.1.4. Survey data based on rating scales is reported in stakeholder perspectives in Chapter 6.

## 4.4 Limitations

### 4.4.1 Participation by participants of High Risk Youth Court and their families

As referred to above, young people and their families were not directly invited to participate in the evaluation. Options were considered during the development of an Ethics Proposal and the decision was made in conjunction with advice from some stakeholders because:

- the evaluation team was not certain that adequate safeguards were in place to ensure already vulnerable young people in stressful circumstances would be protected from potential further harm
- young people may have little understanding of the difference between High Risk Youth Court and mainstream Childrens Court as the term is not widely used with young people to avoid stigmatisation
- young people may not understand the independence of the evaluator and not be able to give informed consent to provide their information to a stranger without understanding the purpose of the evaluation and how the data might be used
- the added considerations of power imbalance, Indigeneity, mental health and cognitive and language difficulties would make it difficult for the evaluator to establish a conducive relationship within a short period of time and to communicate effectively to engage young people
- logistics required to facilitate safe access to young people who are mostly in detention would cause an unnecessary burden on those organisations.



Partnering agencies working directly with young people were not in the position to gather information to provide to the evaluation within the required timeframe.

#### 4.4.2 Administrative Data Limitations

Data available to the evaluation revolves around the progress of a lodgement through the court to finalisation, supplemented by Youth Justice information about the length of custody relating to court sentences, and the young person's projected risk of reoffending. The evaluation undertook a comparison of lodgements across five locations and five years, but did not analyse the progress of young people through the court outside of High Risk Youth Court for comparison purposes. The complexity of the database and court data and size of the data set, which includes extensive detail about elements of every court appearance, and challenges in tracking lodgements and young people over time meant that analytical comparison across court locations at the level of the court events was out of scope for the evaluation as indicated in Section 4.3.1.

Without case management data or information about programs undertaken by the young person, the evaluation is unable to report quantitatively on changes in outcomes. The frequency of court involvement is reported, but the data available did not allow for comprehensive analysis to consider the reduction in frequency or seriousness of offending over an appropriate period of time (traditional measurements of recidivism). The size of the cohort (117), consideration of the young people's age on entry, and ageing out as young people reach adulthood, complicate the reoffending analysis. The DJAG database reports on decisions made about bail and the length of sentences but does not include the actual time a young person is held in custody through remand and/or detention orders. The latter is held by Youth Justice who have responsibility for managing the detention centres.

#### 4.4.3 Population estimates

An attempt was made to estimate the proportion of individuals in the age cohort in each location who had contact with the court system. Indicative data is shown with a number of caveats including the age of the available Australian Bureau of Statistics estimated residential population (2016) and the lack of clear delineation of the court location boundaries that can be matched to the Statistical Local Areas used in the Census reporting. With these limitations in mind, while caution should be exercised in drawing conclusions from the data provided, reporting the relative population data provides a mechanism for useful comparison across multiple locations. Descriptive information on a broad range of preventative actions and service options in one location over another provides context to inform the comparison, whereas the number of distinct young people in contact with the court in a location only shows the busyness of the court.

### 4.5 Evaluation Governance and Participation

The Evaluation Management Team was led by three Directors across DJAG: Policy, Research and Evaluation, Specialist and Referral Support Services and the Indigenous Justice Program. The Team considered and approved the Evaluation Framework, Risk Management Plan and Ethics Proposal. The evaluator provided regular updates on progress in accordance with the Evaluation Plan.

An Evaluation Advisory Group was established at the beginning of the evaluation through an invitation to stakeholders to participate. Members were invited to provide feedback on the evaluation framework, suggest additional stakeholders and provide information to be included. Attendance of meetings was open to all stakeholders and organisations were encouraged to ensure a representative attended. The Evaluation Advisory Group met three times during the three-month evaluation period. It is anticipated that the Group will be invited to meet on finalisation and approval of the report.

Terms of Reference of the Evaluation Management Team and the Evaluation Advisory Group are in Appendix 3.

## 4.6 The Evaluation Team

The evaluation was conducted by DJAG and led by Dr Marion Norton, Manager, Research and Evaluation, Courts Innovation Program.

## 5. Participation in Childrens Court and High Risk Youth Court

This chapter provides a comprehensive picture of the young people's experience of court based on quantitative analysis of administrative data from Childrens Court records and supporting data from Youth Justice records. To complement the numeric data, the chapter describes the court environment and court processes with observations of Childrens Courts in Beenleigh, Brisbane, Mackay, Richlands and Townsville.

The chapter includes analysis of:

- (i) young people's contact with court based on court lodgements in the five locations over five years to 30 June 2022 to provide a backdrop about the extent of youth offending
- (ii) young people's domestic and family violence applications as aggrieved or respondents, and domestic and family violence related criminal court matters in Townsville and state-wide
- (iii) young people's experience in High Risk Youth Court as matters proceed (events)
- (iv) time in custody while on remand and on detention orders in High Risk Youth Court
- (v) observations of the processing of matters in five children's courts.

### 5.1 Contact of young people with the court system

A young person who has been charged with an offence is required to appear in court. The *lodgement* of charges registered by the *lodgement authority* (usually police) represents the first *contact* a person has for a matter to be considered by the court and sets the date that the contact commences. A case file is created based on all charges listed in the lodgement. Each charge is considered until it is finalised. The case file continues until all charges are finalised.

The purpose of this analysis is to compare how young people in Townsville and the other four locations have had an initiating *contact* with the court system, as indicated by a *lodgement*, since the inception of High Risk Youth Court (2017), taking into account legislative changes (in 2018 and 2019) and the implementation of the Youth Justice Strategy since 2019.

This section firstly compares the number of lodgements by location, gender, Aboriginal and Torres Strait Islander status and the age at the first lodgement during the period between 1 July 2017 and 30 June 2022<sup>1617</sup>.

Secondly, the section analyses the extent and nature of contact young people had in the five court locations by considering:

- the number of separate lodgements made for young people over five years (frequency of contact)
- the number of years in which the young people had lodgements (duration of contact)
- the estimated proportion of the age cohort who had lodgements (population rate of offending)
- the offences that were the basis of the lodgement (reasons for contact).

Overall, the analysis shows that the demographics of the young people in the five locations vary by age and Aboriginal and Torres Strait Islander status as would be expected. However, the patterns of

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<sup>16</sup> A lodgement authority (over 95% Queensland Police Service) lodges a case to be listed in court. The lodgement produces a case file that includes one or more charges. Each time the case file comes before the court is an event. The casefile is current until all matters are finalised, however additional charges may be added to the case file.

<sup>17</sup> Note that a young person may have had a lodgement prior to 1 July 2017.

lodgements during the period considered are very similar in many respects across the locations. Table 4 summarises the highlights of this section.

**Table 4: Highlights of Section 5.1<sup>18</sup>**

Topic	Indicative Findings
Initiating contacts in five court locations	<ul style="list-style-type: none"> <li>• The number of young people with lodgements reduced over time</li> <li>• The proportion of the age cohort in contact with court reduced over time, particularly for females and non-Indigenous young people, and in Mackay and Beenleigh locations.</li> <li>• Most young people had five or fewer new contacts (lodgements) in the five year period, mostly in one calendar year and in one of the five locations.</li> <li>• A small number of young people had a lot more than five contacts over multiple years and in more than one of the five locations</li> </ul>
Townsville	<ul style="list-style-type: none"> <li>• Demographics are similar to other locations apart from: slightly more young people under 14 years; more Aboriginal and Torres Strait Islander young people</li> <li>• Offending: a higher proportion in the most serious offence category</li> </ul>

### 5.1.1 Demographics

#### *Court Location*

From 1/7/2017 to 30/6/2022, 6356 young people<sup>19</sup> came into contact with the court for 33,892 lodgements made in relation to 80,055 charges in five court locations<sup>20</sup>.

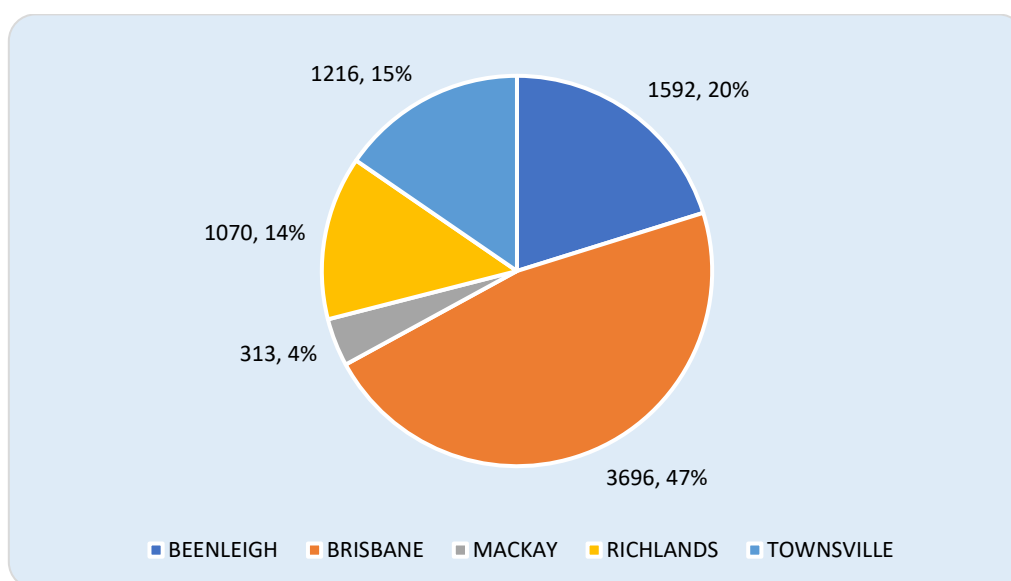
Almost half of the young people had lodgements in Brisbane (47%), Beenleigh had 20%, Townsville, 17%, Richlands, 12% and Mackay, 4% (Figure 5). Some young people had lodgements in more than one court as described below.

<sup>18</sup> The evaluation team has drawn insights from the quantitative data informed by other elements of the evaluation analysis. Limitations in the analysis and findings are described throughout the report and in the notes of relevant figures.

<sup>19</sup> Young people refers to people aged 10 to 17 years (and 18 years if involved with the youth justice system).

<sup>20</sup> The five courts lodgements over five years represent 39% of the Queensland total (Productivity Commission, 2022). Over the period the Australian total lodgements decreased by 19%. Queensland's increased by 20% due to a sizable jump in 2017/18 with the inclusion of 17-year-olds in Childrens Court. From that year to 2021/22 there was a reduction of 6% in lodgements.

**Figure 5: Young People with Lodgements in Children Court from 2017/18 to 2021/22**



**Source:** QWIC database (Lodgements extract) 2017/18 to 2021/22

**Note:**

1. The total (6356) is a count of distinct young people and is less than the sum of young people at each location as some young people attended more than one of the five courts.
2. Young people may have also had lodgements in other Childrens Courts.

During the five years, there was little change in the relative proportion of young people across the five locations (below three percent).

Across the five courts, the number of young people with lodgements decreased by four percent in five years while the estimated residential population of the 10 to 17 year cohort increased by eight percent. The change in each location is illustrated in Figure 6 suggesting progress in one of the four pillars – *keeping children out of court*.

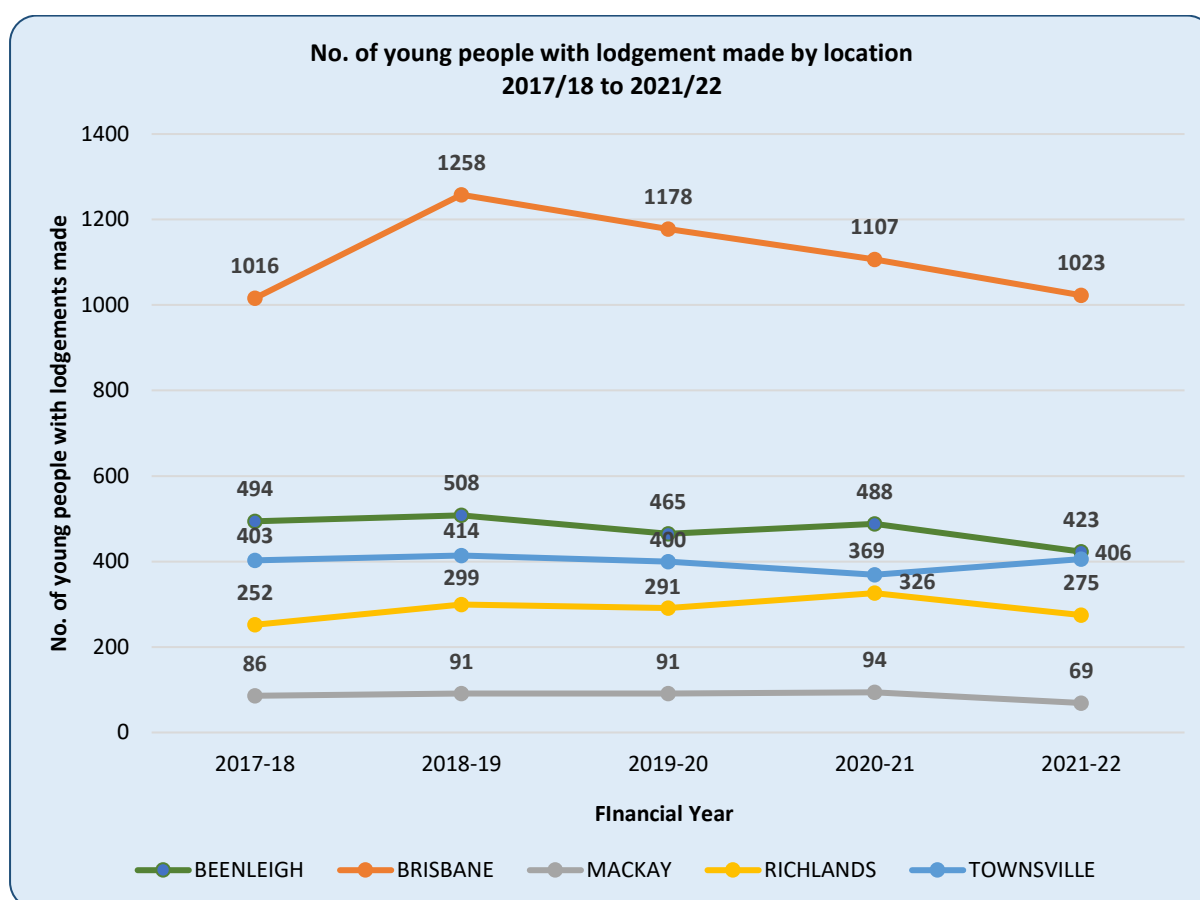
There was a limited number of young people who had lodgements in more than one of the five court locations in the five year period.<sup>21</sup> Eighty percent (5101) of young people attended only *one* of these five court locations, 16% (986) attended two and four percent (269) visited three to five locations. Most young people with lodgements in three courts attended Beenleigh, Brisbane and Richlands, which are within a radius of 50 kilometres. Most contacts with two locations were Beenleigh and Brisbane or Beenleigh and Richlands. Twenty-three young people attended both Townsville and Mackay.

#### *Change in number of young people with lodgements over five years by location*

Over the five courts, the number of young people with lodgements decreased by four percent in five years. In each location, the number of young people with lodgements made in 2021/22 was either below the starting point or slightly above, even though, the youth justice system was expanded to include 17 year olds (in February 2018) as can be seen by Brisbane's sharp rise in numbers in 2018/19 (Figure 6).

<sup>21</sup> Note that the young people may have had contacts with courts outside this sample of locations and outside the timeframe.

**Figure 6: Young People with Lodgements made by Location, 2017/18 to 2021/22**



**Source:** QWIC database: Lodgements extract 2017/18 to 2021/22

**Notes:**

- 17-year-olds were included in Childrens Court from February 2018. Covid impacted on court sessions intermittently from March 2020 to December 2021.
- The total (6356) is a count of distinct young people across the five locations. This is less than the sum of young people at each location as some young people attended more than one of the five courts. Some young people had more than one lodgement within a year and across five years. They are counted once.

*Proportion of age cohort in contact with court*

The above analysis reports on the change in numbers of young people with lodgements made over a five year period from 2017/18 to 2021/22. This analysis estimates the residential population in each location and each year and calculates the relative proportion of the cohort in contact with the court. There is currently no formal concordance between the geographics boundaries of each court location and the Statistical Local Areas (SA2) used by the Australian Bureau of Statistics (ABS), so an approximate match was used. The analysis is indicative and based on the following process:

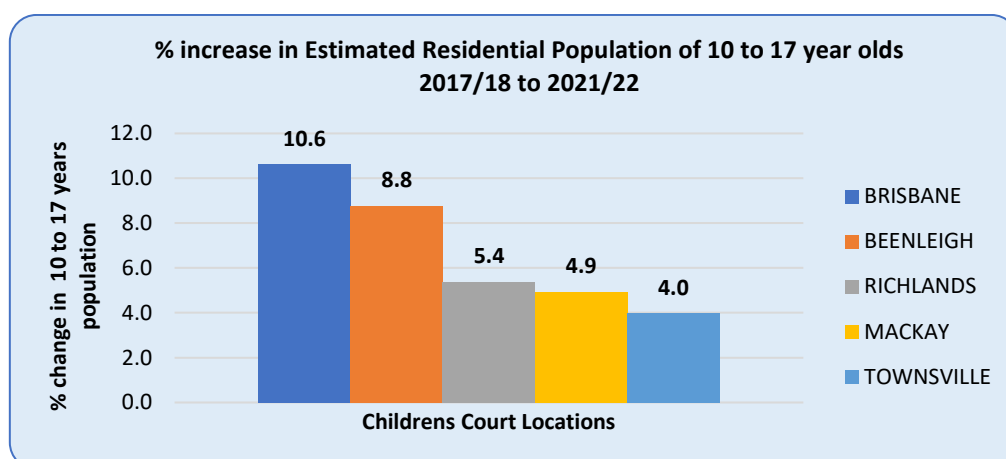
- Court location within SA2 level<sup>22</sup> Suburbs/towns listed within the Magistrate Court Districts were matched to the extent possible with the suburbs listed at the SA2 level in the ABS data based on the Australian Statistical Geography Standard (2016). A few suburbs that extend beyond the court boundaries were included in the SA2 count if the majority of the area was within the SA2 boundaries.
- Age of young people: The ABS Estimated Residential Population data set is grouped as 10 to 14 and 15 to 19. The 15 to 17 year group was calculated as 60% of the 15 to 19 category. From

<sup>22</sup> Statistical Areas Level 2 (SA2s) are medium-sized general purpose areas built up from whole Statistical Areas Level 1 (SA1s). Their purpose is to represent a community that interacts together socially and economically.

February 2018, a small proportion of 18 year olds had lodgements related to charges for alleged offences as children. These are not accounted for in the population cohort.

- c. Annual population: The ABS Estimated Residential Population data set is presented in a five calendar year aggregates (for each location). The total change in population from 2016 to 2021 was averaged across the five intervals to calculate a nominal population for each financial year. Hence variations in growth by year is approximate but overall matches the total ABS estimates<sup>23</sup>.

**Figure 7: Estimated Residential Population Increase in Young People From 2017/18 to 2021/22**



**Source:** ABS Estimated Resident Population by age and sex, regions of Australia (2017) Cat no. 3235.0 based on 2016 Census.

**Notes:**

1. Based on the difference between the population in 2017/18 and the population in 2021/22
2. From February 2018, includes 17 year olds and 18 year olds in the youth justice system.
3. Estimated number of young people (aged 10 to 17 years) in each location in 2021/2022: Beenleigh, 35 716; Brisbane, 64 699; Mackay, 16 519; Richlands, 15 114; Townsville, 25, 559

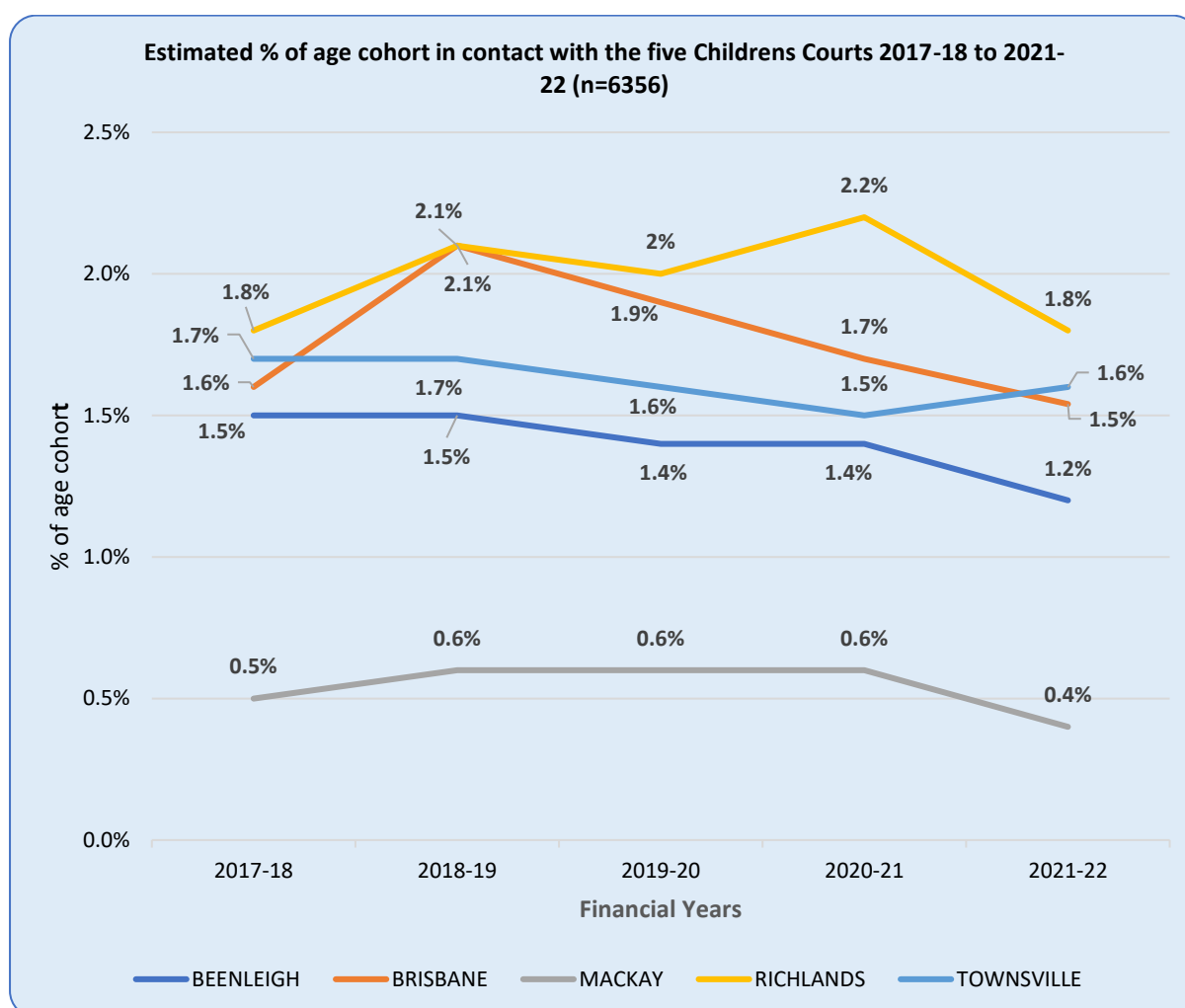
As shown in previous research<sup>24</sup> the proportion of the age cohort in contact with the courts is very low. Figure 8 shows the proportion of young people in each location calculated using the estimated residential populations in Figure 7 and the number of young people with a lodgement made, in Figure 6. The proportion of young people in 2021/22 ranges from 0.4% in Mackay to 2.2% in Richlands in 2020/21 (Figure 8).

Since 2017/2018, the proportion decreased slightly in four of the five locations (Mackay 0.5% to 0.4%; Beenleigh, 1.5% to 1.2%; Brisbane 1.7% to 1.5% and Townsville from 1.7% to 1.6%. Richlands shows a very slight increase from 1.76% to 1.82%, however the difficulty in aligning its court location geographic boundaries with the Statistical Local Areas, needs to be taken into account.

<sup>23</sup> Note that since the analysis was conducted, ABS has released revised population estimates for 2016 based on the 2021 Census.

<sup>24</sup> Queensland Sentencing Advisory Council (2021)

**Figure 8: Estimated percentage of Age Cohort in Contact with Courts by Location**



**Sources:** ABS Estimated Resident Population by age and sex, regions of Australia (2017) Cat no. 3235. (based on 2016 Census).

**Notes:**

1. Census 2016 data is at Statistical Area Level 2 which shows suburbs and townships based on the Australian Statistical Geography Standard (2016). As explained above, Court locations do not purely align with SA2 as a small number of suburbs extend across court districts.
2. Based on a distinct count of each young person within a location.
3. From February 2018, includes 17 year olds and 18 year olds in the youth justice system.

While the approximations of both the mapping of locations and the estimated age cohort as described in the notes on figures above must be acknowledged, the finding is consistent with research described in chapter 2 (Queensland Government Statistician's Office, 2021; Queensland Sentencing Advisory Council, 2021). The indicative reduction in the number of young people having contact with the court suggests progress in Pillar 1 of the Youth Justice Strategy: *Keep children out of court*.

### Gender<sup>25</sup>

- (i) Proportion of males and females in each location:

On average over the five courts, 69% (4280) of the young people are male. By location, in 2017/18, the male proportion varied between 66% (666, Brisbane) and 76% (65, Mackay) of the cohort. There was minimal change in the male/female ratio in any location by 2021/2022 (<3%).

<sup>25</sup> Gender analysis is based on 97% of records with gender stated.



- (ii) Change in the number of young people with lodgements over five years by gender:  
Over the five courts, the overall number<sup>26</sup> of males and females decreased by four percent (1353 to 1296) and 12% (583 to 510) respectively.

The number of males and females *decreased* in three locations:

Males: Beenleigh (15%, 343 to 291), Mackay (11%, 65 to 58), Townsville (6%, 295 to 277)

Females: Mackay (48%, 21 to 11), Beenleigh (19%, 143 to 116), Brisbane (17%, 348 to 290).

The number of males and females *increased* in two locations:

Males: Richlands (10%, 185 to 204), Brisbane (5%, 666 to 702)

Females: Townsville (13%, 103 to 116), Richlands (5%, 65 to 68).

### *Aboriginal and Torres Strait Islander status*<sup>27</sup>.

- (i) Proportion of Aboriginal and Torres Strait Islander people and non-Indigenous people in contact with the court over five years:
- On average, over the five courts, 67% of young people are non-Indigenous. By location, in 2017/18, the non-Indigenous proportion ranged from 29% in Townsville to 74% in Beenleigh.
  - The proportion of non-Indigenous young people in each location changed little in five years apart from an increase from 60 to 66% in Richlands and from 29% to 33% in Townsville. There was less than two percent change in the proportion of non-Indigenous young people in the other locations.
- (ii) Change in the number of non-Indigenous and Indigenous young people over five years  
Over the five courts, there was a decrease in non-Indigenous young people by seven percent and an increase in Indigenous young people by one percent.

### *Age*

The first lodgement represents the first time a young person comes into contact with any of the five Childrens Courts in the period 2017/18 to 2021/22<sup>28</sup>. The proportion of young people in each age group, at the age of their first lodgement in that court location, over the indicative five year period, is very similar across the five locations, and hence overlapping, as shown in Figure 9. The percentage of young people is shown at each data point for Townsville.

Townsville has a slightly higher proportion in the younger age group (10 to 13 years, 19%). Both Mackay (grey) and Richlands (yellow) have a higher proportion with their first lodgement at age 17 years (14 to 18 years, 87%) (Figure 9 and Table 5). It may be useful to invite front-line staff in each location to suggest what might be contributing to the pattern of lodgements of the different age groups.

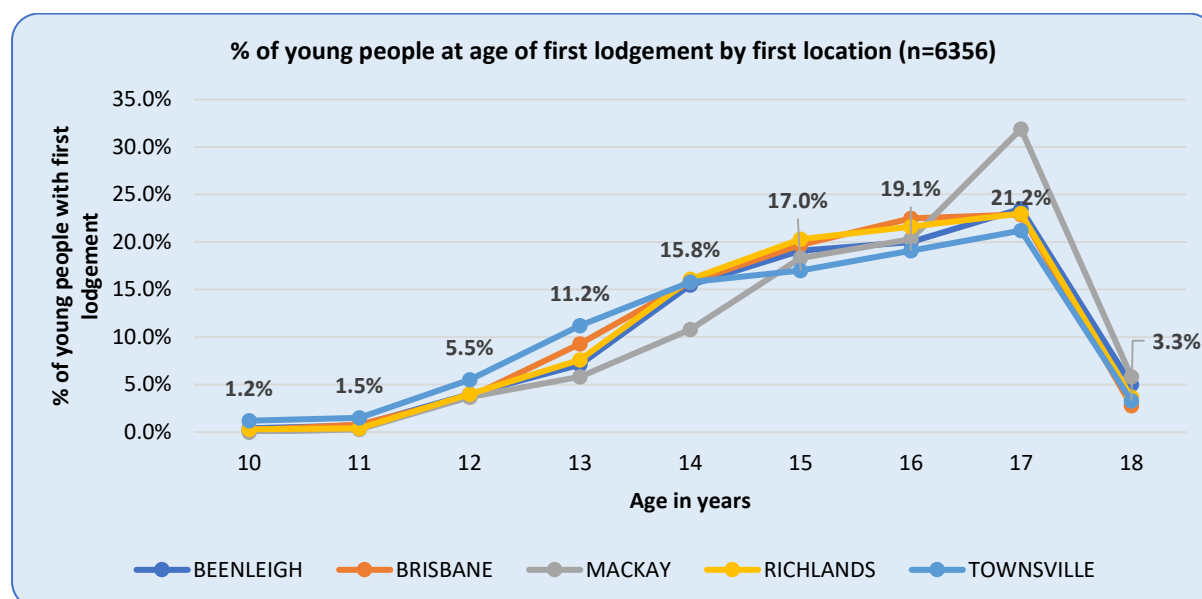
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<sup>26</sup> Distinct count of total cohort.

<sup>27</sup> Where Aboriginal and Torres Strait Islander status was unknown, the protocol followed was to apply the same status as recorded on another occasion. Where Indigenous status was recorded as both non-Indigenous and Indigenous, Indigenous status was counted on all occasions.

<sup>28</sup> The data does not represent the age of first contact with *all* courts and is not related to the age of first offending. Individuals in the sample may have had an earlier lodgement outside the relevant time period or in another court location. The data also does not account for 17 year-olds dealt with as adults until February 2018, prior to this age cohort being included in the youth justice system.

**Figure 9: Young People at Age of First Lodgement in the First Court Location, 2017/18 to 2021/22**



**Source:** QWIC database (lodgements extract) (2017/18 to 2021/22)

**Notes:**

1. The percentage is calculated as the number of young people in each age group out of the total number of distinct young people with first lodgements, only in the first location they attended at ages 10 to 18: Beenleigh, 1343; Brisbane, 3442; Mackay, 295; Richlands, 774; Townsville, 1181. They may have had earlier lodgements at locations or times outside the sample.
2. Age of First Lodgement was unrecorded for 273 young people (4%).

The *Criminal Code Act 1899* (s29) differentiates between young people under and over 14 years with regard to their capacity to understand what is right and what is happening in the court process<sup>29</sup>. Townsville has the highest proportion of young people with first lodgements when they were aged 10 to 13 years (19%). Mackay has the lowest at 10% (Table 5).

**Table 5: First Lodgement Age Under and Over 14 Years by Childrens Court Location over Five Years 2017/18 to 2021/22**

First Court Location	First Lodgement aged 10 to 13 years		First Lodgement aged 14 to 17 years	
	No.	% of children at location	No.	% of children at location
Beenleigh	164	12%	1048	78%
Brisbane	482	14%	2785	81%
Mackay	29	10%	240	81%
Richlands	95	12%	627	81%
Townsville	229	19%	864	73%
Total first lodgements	999		5564	
No. of young people across five locations	871	14%	5006	79%

**Source:** QWIC, Lodgements Database (2017/18 to 2021/22)

**Notes:**

1. Each location row shows the count of young people with a first lodgement at that location during the relevant time period. Young person can be counted more than once across the five locations where there is a first lodgement at more than one location
2. Age of first lodgement was not recorded for three percent of cases (237).

<sup>29</sup> *Criminal Code Act 1899* s29 See definitions: doli incapax, age of criminal responsibility

- 3.. Lodgements of young people over 18 years (242) are not included. Note that 17 year-olds were included in youth justice from February 2018.
4. The row: No. of young people across five locations is a distinct count of young people.

### *Summary of demographic changes in five years*

The data on the ages of young people in contact with courts across the five locations provides the following indicative snapshot<sup>30</sup> over the time period considered:

- Four percent decrease in the number of young people with a lodgement (i.e. new contact with the court) in five Childrens Courts with an estimated eight percent population increase.
- Decreases in the number of young people in contact with the court: Females in Mackay and Beenleigh. Townsville shows reduced males in contact with the court but increased females.
- The number of non-Indigenous people decreased by seven percent from 2017/18 to 2021/22 whereas the number of Aboriginal and Torres Strait Islander people had a slight increase.
- Townsville has the highest proportion of young people under 14 years in contact with the courts.

### *5.1.2 Extent of contact with courts*

This section explores comparatively, across the five locations for the period 2017/18 to 2021/22, the extent of contact that young people have with the court system. The extent of contact is presented as a snapshot, noting that young people with lodgements in the early stages of the five year period will have a greater opportunity for further contact than those who had their first contact in the late stages of the period. The focus in this section, is on the extent to which a young person has contact with the court over a sample period, noting that research indicates the potential negative effects of involvement with court for a young person and the strategic intent (Pillar 2) to keep them out of the court system and minimise the time they are there.

The amount of contact a young person has in the court over the indicative five year time period can be shown by the number of separate lodgements in a year (frequency), the number of years within the five year range that they have a lodgement (duration), and the number of 'ages' at which they have a lodgement made, which progresses through court<sup>31</sup>. As the young person may have additional lodgements outside the time period and locations considered in the evaluation, the data provides a useful snapshot and is not intended to report their overall contact with all courts. This is also different from the age of offending, as the lodgement of a charge or group of charges, may occur many years after the offence.

### *Frequency of contact with the court*

Across the five courts, there were 33,982 lodgements in five years. Table 6 shows the number of lodgements a young person had in one year and over the indicative five year period. Forty-six percent of the cohort had only one lodgement and 77% had a maximum of five. The table demonstrates an overall downward trend in the number of young people with 10 or fewer lodgements per year over the five year period. The number of young people with a higher number of lodgements per year (11-20) has increased over the five year period.

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<sup>30</sup> Keeping in mind the limitations listed in notes in Figures 5 to 8.

<sup>31</sup> 'The number of 'Age Points' is based on the 'age of lodgement' listed in the lodgement extract from QWIC, which is an automatic calculation of the young person's age on the date of the lodgement.

**Table 6: Young People by the Number of new Lodgements in a Year and Over Five Years, in Five Childrens Court Locations**

No. of lodgements	No. of young people with lodgements in that year					No. of lodgements	No. young people over the full five years	% cohort n= 6356
	2017/18	2018-19	2019-20	2020-21	2021-22			
1	967	1059	993	985	859	1	2837	45%
2	308	375	358	303	342	2	952	15%
3	175	203	174	144	158	3	538	8%
4	113	123	122	117	103	4	359	6%
5	80	102	65	89	73	5	215	3%
6 to 10	206	219	196	187	195	6 to 10	619	10%
11 to 20	88	105	115	128	121	11 to 20	472	7%
21 to 30	14	12	36	22	16	21 to 30	175	3%
31 to 50	0	(<5)	14	7	(<5)	31 to 50	124	2%
>50	0	0	(<5)	0	0	>50	65	1%

**Source:** QWIC database (lodgements extract) 2017/18 to 2021/22

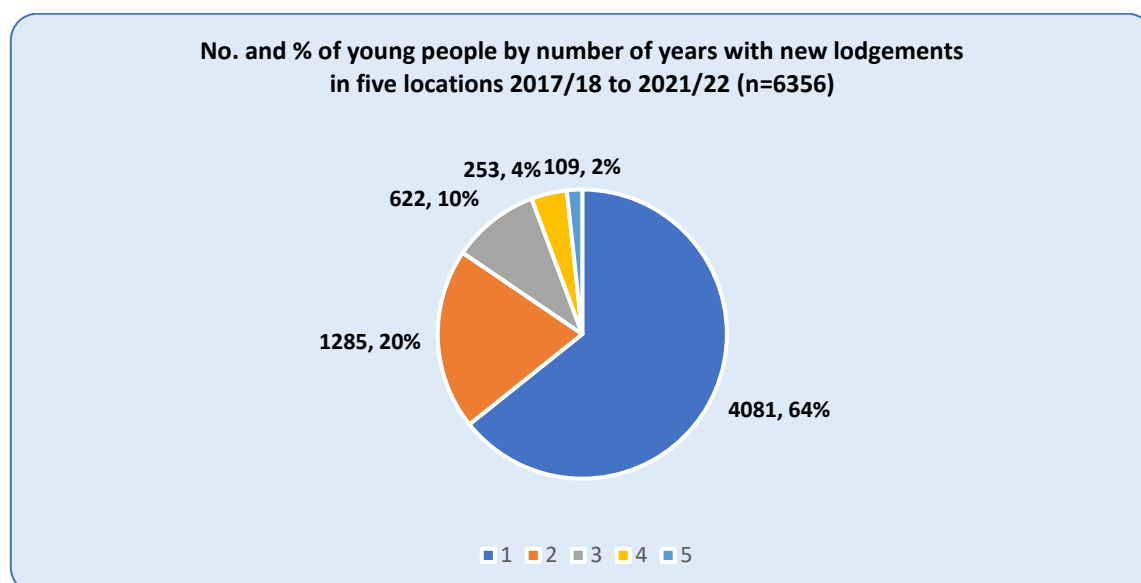
**Notes:**

1. Cases lodged before 1/7/2017 are not included
2. Column 8 (No. of young people over full five years) is not the sum of columns 1 to 5. For example, a person with one lodgement a year is listed against 5 lodgements in the final column. Hence, very few people had 50 lodgements in one year, but over five years, 71 people have accumulated more than 50. The maximum number of lodgements over five years is 110.
3. Note that 17 year olds were included in youth justice from February 2018. Covid impacted on court sessions intermittently from March 2020 to December 2021.

*Lodgements in courts over the five years*

Most young people had lodgements in courts in only one of the five years (64%) and two percent had lodgements in each of the five years (Figure 10).

**Figure 10: Young People by contact time in five Childrens Courts locations**



**Source:** QWIC database (Lodgements extract) 2017/18 to 2021/22

**Notes:** Count of young people by number of years with new lodgements in the five court locations. Young people may have had lodgements within this time period in other locations.

The length of time that young people are in contact with the court can also be shown as the number of their 'ages' when a lodgement is made. The Lodgements extract provides a field "age at lodgement" which makes it possible to count the number of different *ages* the young person presents at court for a new lodgement. In this exploratory analysis the term 'Age Point' is used to distinguish from the more traditional measurement of length of time in court, which becomes confounded by overlapping lodgements proceeding through court. This way of viewing the data is a reminder of the proportion of the times the young person is connected with the courts during their adolescence and is another way of observing differences and similarities between the characteristics of the cohorts in the five court locations.

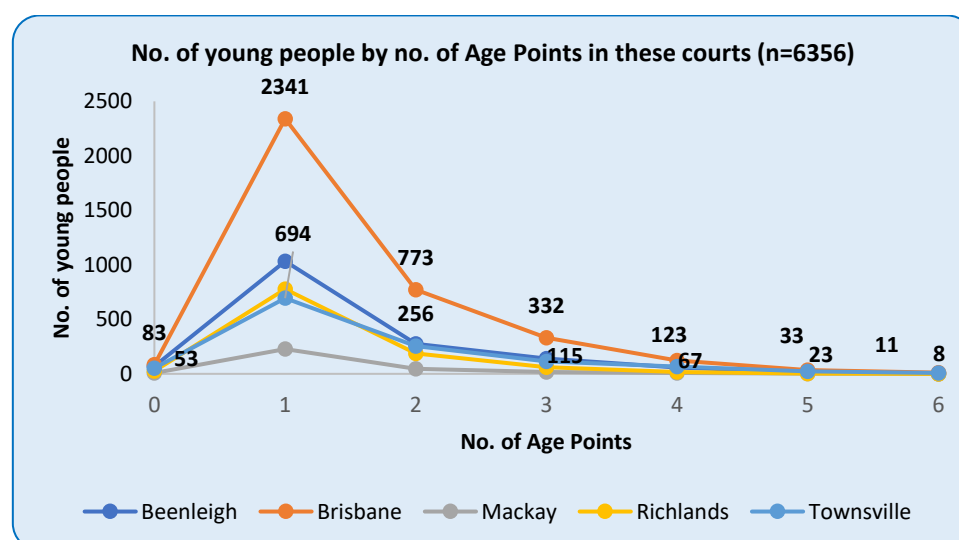
The count of Age Points does not account for the time the young person may have been involved for any one lodgement which will be shown in Section 5.2. It also does not replace the overall count of lodgements as only one lodgement is counted at each Age Point. For example, a young person has a lodgement made:

- at age 11, 13, 14. The number of Age Points is 3. The lodgement made at age 11 may have continued when they were 12. The lodgement at age 13 signifies new charges to progress through the court. The lodgement at age 14 may be a short time later (say a month) and may include charges of offences alleged to have been committed on or before the offences relating to the lodgement at age 13, so may not be a repeat offence after a court appearance.
- at age 12, 17. The lodgement at age 12 may have been dismissed or dealt with at one event. The lodgement at age 17 may be for offences alleged to have been committed at 15 years of age.

Hence, care needs to be taken in making assumptions. This is not intended to be a measure of recidivism but is a descriptive measure to indicate the impact that court may have, as one component of the justice system, on a young person, their parents and siblings, over a period of time that is critical for their development.

Figure 11 shows the number of young people and the number of Age Points at which lodgements have been made in each location. The pattern for the five locations is very similar with the peak in each location showing one Age Point. That is, those young people were in contact with the court during one age point (say 15 years). The 16 young people who have been in contact for 5 and 6 Age Points must have been in court, for example, every year from 12 years to 17 years.

**Figure 11: Young People by Age Points for lodgements in each Childrens Court (n=6356)**



Source: QWIC database (Lodgements extract) 2017/18 to 2021/22

**Notes:**

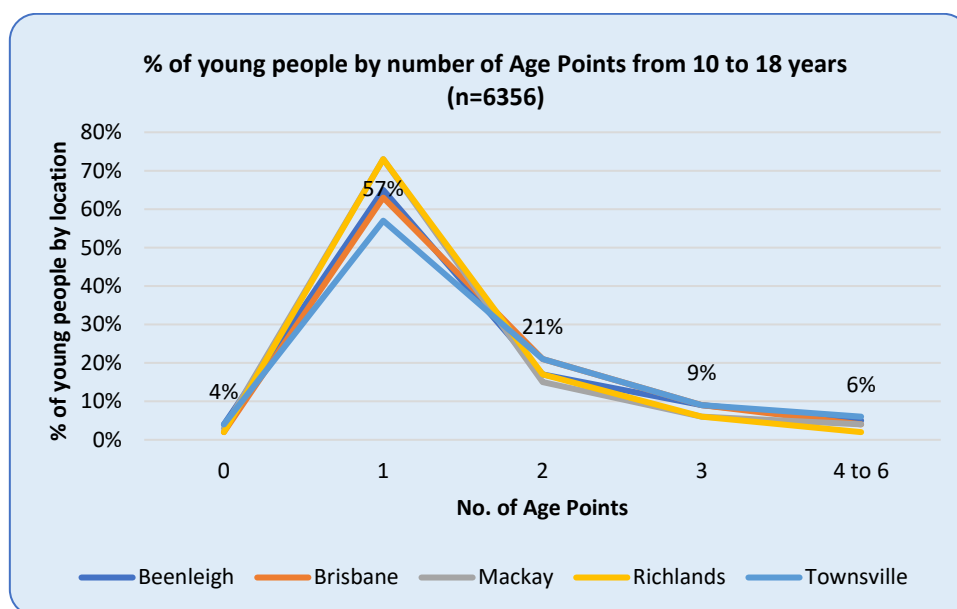
1. Includes ages 10 to 17 years and 18 years where relevant.
2. Townsville and Brisbane data points are shown.
2. The count is across five financial years and a person may have six Age Points in the five years.
3. Counts each Age Point the child has court contact with a new lodgement for ages 10 to 17 years and 18 years where relevant.
4. Limited to lodgements within the evaluation period (2017/18 to 2021/22)
5. Includes young people who may be at the early stage of their trajectory i.e. 10 year olds with seven more years of contact as well as young people whose first Age Point is 17 years.

Most young people are involved for less than two Age Points and this is the same for the five Childrens Courts.

Figure 12 uses the same data to show the percentage of young people at that location for the number of Age Points over the five financial year period. While the shapes of the location graphs are similar it is notable that the analysis of Townsville Childrens Court lodgements (incorporating the High Risk Youth Court) suggests a smaller proportion of its cohort with one Age Point (57%) and 15% of the cohort with three or more Age Points. In contrast Richlands has 73% of young people with one Age Point and eight percent with three or more. That is, a higher proportion of young people in Townsville have contact with court across more years of their adolescence. Brisbane and Beenleigh's patterns are similar to Townsville. This aligns with data below showing the age of first contact.

However, as the caveats have indicated the limitations of the data and assumptions on which the analysis is based need to be validated with other sources. Further work to strengthen the analysis with a larger dataset would be beneficial as would talking to front-line staff in order to understand these differences and the impact they may have on service delivery and outcomes for young people.

**Figure 12: Percentage of Young People at No. of Age Points by Location**



**Source:** QWIC database (Lodgements extract) 2017/18 to 2021/22

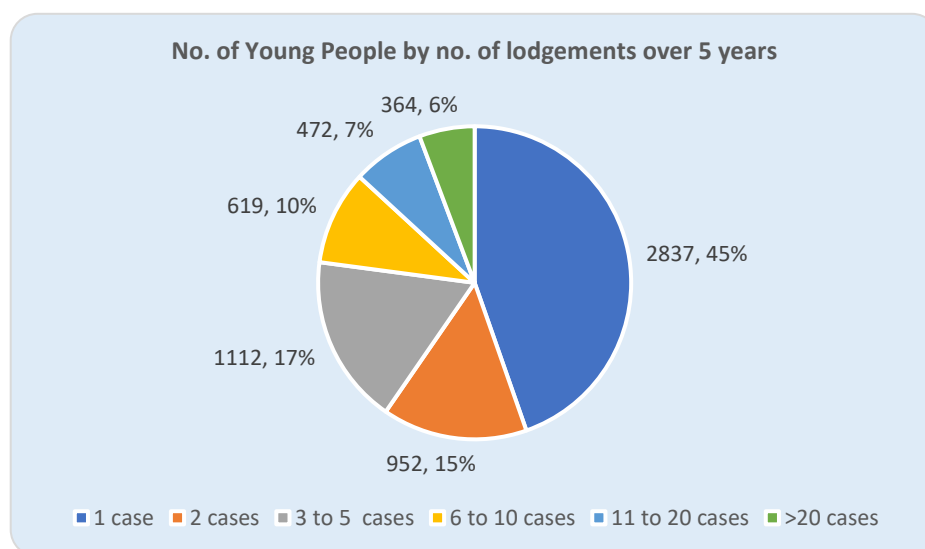
**Notes:**

1. Townsville datapoints are shown
2. Includes ages 10 to 17 years and 18 years where relevant . the count is across financial years, a person may have six Age Points in the five years.
3. Counts each Age Point the child has court contact with a new lodgement for ages 10 to 18.
4. Limited to lodgements within the evaluation period (2017/18 to 2021/22)
5. Includes young people who may be at the early stage of their trajectory i.e. 10 year olds with seven more years of contact as well as young people whose first Age Point is 17 years..

### Intensity

The number of lodgements per person per year and over five years gives an indication of the intensity of the young person's involvement with court. Almost half (45%) had only one lodgement (case) over the five year period. Thirteen percent of young people had over 10 lodgements in this time period (Figure 13). The highest number of lodgements was 110.

**Figure 13: Lodgements by young people in Childrens Courts 2017/18 to 2021/22**



**Source:** QWIC database (Lodgements extract) 2017/18 to 2021/22

In each location and each year from 2017/18 to 2021/22, a number of young people had more than five lodgements (case files) (Columns 2 to 6 in Table 7). In Beenleigh and Mackay the proportion of young people with over five lodgements decreased over the five year period. Richlands was the lowest each year and remained around the same. In Brisbane and Townsville, the proportion increased.

Columns 7 and 8 show the percentage and number of young people with more than five lodgements over the full five years. Twenty percent of young people who came before the courts in Townsville had more than five lodgements.

**Table 7: Young people with over five lodgements in a year over the 5 Year Period**

Court Location	% of young people with over 5 lodgements by court location					Over 5 Years	No. Young People
	2017-18	2018-19	2019-20	2020-21	2021-22		
Brisbane	9%	9%	13%	16%	13%	16%	1979
Beenleigh	13%	9%	9%	11%	8%	16%	1592
Mackay	19%	10%	15%	8%	6%	8%	401
Richlands	5%	4%	2%	6%	5%	9%	1057
Townsville	15%	13%	20%	15%	22%	20%	1210

**Source:** QWIC database (Lodgements extract)

**Note:** From February, 2018, lodgements related to 17 year olds are included in Childrens Court data, contributing to an increase in the 2017/2018 year. Mandatory court closures and a rapid shift to online hearings due to COVID 19, may have contributed to differences as some lodgements that would ordinarily be lodged between March and June 2020 were delayed and not lodged with the court until July and August 2020.



### 5.1.3 Source of lodgements

#### *Lodging authority*

Queensland Police Service lodged 95% of the 33,892 cases over the five years. Youth Justice lodged four percent and the remainder (< one percent) were from a number of regulatory organisations including Child Safety, Australian Federal Police and Queensland Corrective Services.

Mostly there was little variation by year in the total number of lodgements by the Queensland Police Service and Youth Justice from 2017 to mid-2022. However, there was some variation across the five locations. Over the five years, notable reductions in the number of lodgements occurred in Beenleigh (by 30%) and Mackay (by 46%). Increases occurred in Townsville (21%) and Brisbane (19%).

### 5.1.4 Most Serious Offences

#### *Charges and Most Serious Offences*

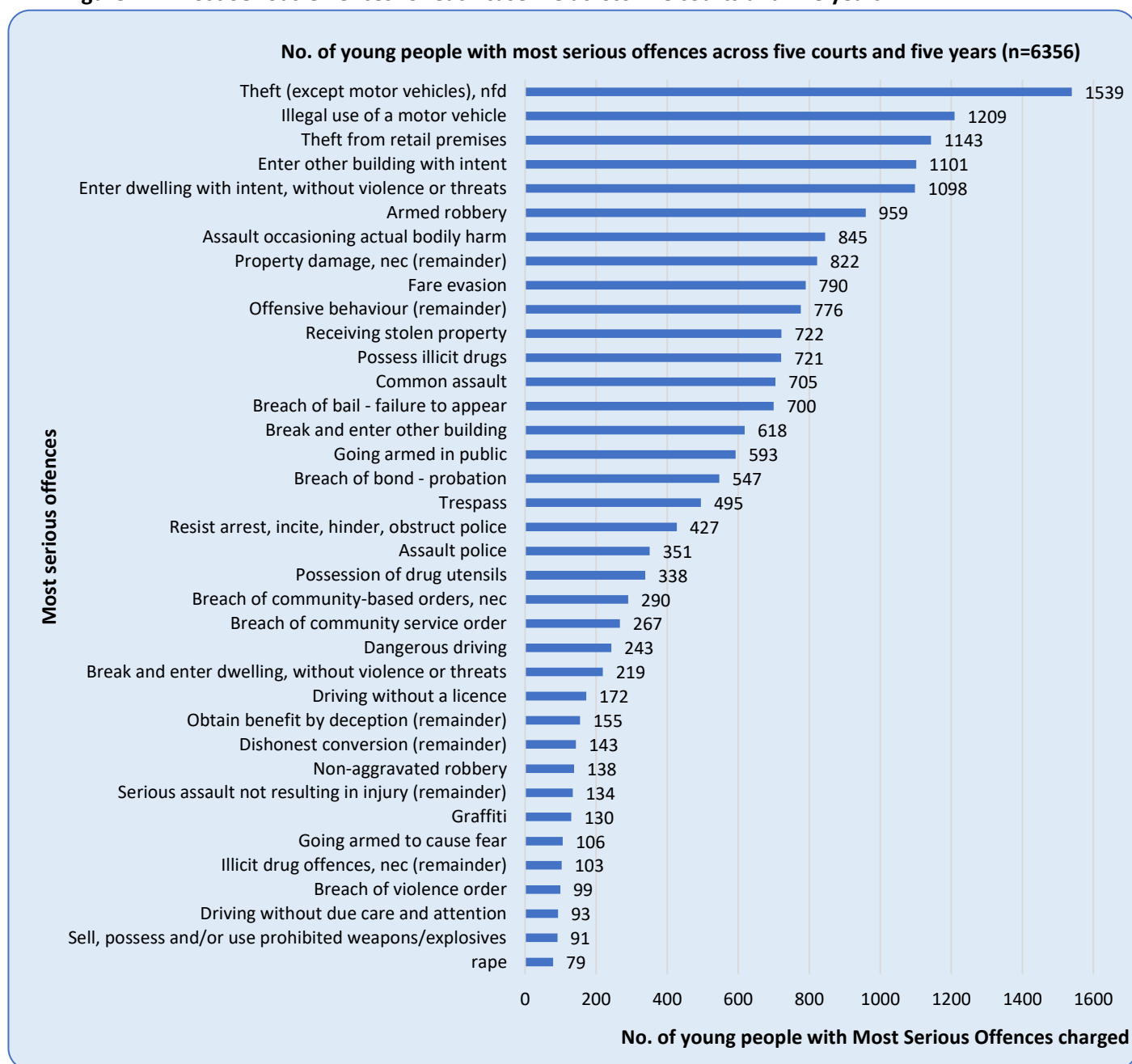
Most offences that young people are charged with are property offences (theft). Figure 14 shows the number of young people with a particular offence<sup>32</sup> that is the Most Serious Offence (as ranked by the National Offence Index<sup>33</sup>) within the group of charges in the case file. Hence, 1539 young people had Theft (except motor vehicle theft) as the Most Serious Offence for a case file. Unlawful (illegal) use of a motor vehicle was identified as the Most Serious Offence for 1209 young people in a case file. A young person with more than one case file will have a Most Serious Offence for each case file.

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<sup>32</sup> Offence titles refer to the Sub Group level of the Australian Standard Offence Classification (Queensland)

<sup>33</sup> The National Offence Index gives an ordinal ranking of offence categories in the *Australian and New Zealand Standard Offence Classification (ANZSOC)* cat.no. 1234.0) according to perceived seriousness in order to determine a principal offence amongst a group of offences. <https://www.abs.gov.au/statistics/classifications/national-offence-index/latest-release>

**Figure 14: Most Serious Offences for each case file across five courts and five years**



Source: QWIC database.

**Notes:**

1. The count is the number of distinct young people who have that offence as a Most Serious Offence within a case file (in any of the five court locations) and is counted once for each offence.
2. The 'Most Serious Offence' is based on the ranking under National Offence Index (see Glossary).
3. Offences in this table are at the Sub Group level of the Australian Standard Offence Classification Queensland (QASOC).
4. The table shows the 'top 20' Most Serious Offences over the five court locations. That is, the Most Serious Offences with the highest number of young people having this Most serious Offence in a case file.
5. Charges for these offences were not finalised when recorded as a Lodgement in the QWIC database.

Table 8 presents the same data for the top 20 Most Serious Offences, showing the percentage of young people in the five court locations who were charged with each offence identified as the Most Serious Offence. Hence, 24% of young people (counting all five locations) had Theft (except motor vehicle) as the Most Serious Offence within a case file. This table also shows which court location had the highest proportion (yellow) and lowest proportion (mauve) of young people with that Most

Serious Offence. Richlands has the lowest proportion for 12 of the 20 offences and the only offence they have the highest proportion as the Most Serious Offence for is Armed Robbery. Townsville has the highest proportion for 10 of these offences as the Most Serious Offence.

Variation in offence types over the five years could relate to independent variables such as major events, environmental factors (e.g. services, housing, employment, weather) demographics and policing priorities.

**Table 8: Proportion of young people in contact with the court with Most Serious Offence type**

Offence (in order of frequency across the five locations)	% of all young people	Beenleigh (n=1592)	Brisbane (n=3690)	Mackay (n=310)	Richlands (n=1064)	Townsville (n=1216)
Theft (except motor vehicles)	24%					
Illegal use of a motor vehicle	19%					
Theft from retail premises	18%					
Enter other building with intent	17%					
Enter dwelling with intent, without violence or threats	17%					
Armed robbery	15%					
Assault occasioning actual bodily harm	13%					
Property damage	13%					
Fare evasion	12%			nil		nil
Offensive behaviour	12%					
Receiving stolen property	11%					
Possess illicit drugs	11%					
Common assault	11%					
Breach of bail - failure to appear	11%					
Break and enter other building	10%					
Going armed in public	9%					
Breach of bond - probation	9%					
Trespass	8%					
Resist arrest, incite, hinder, obstruct police	7%					
Assault police	6%					

**Source:** QWIC database (Lodgements extract) 2017/18 to 2021/2022

**Notes:**

1. The count of young people is for the Most Serious Offence for each case file and therefore will be counted in each location they have a case file.
2. The table shows the 'top 20' Most Serious Offences over the five court locations. That is, the Most Serious Offences with the highest number of young people having this Most serious Offence in a case file. In some locations
3. The 'Most Serious Offence' is based on the ranking under National Offence Index (see Glossary).
4. Offences in this table are at the Sub Group level of the Australian Standard Offence Classification Queensland (QASOC).
5. Charges for these offences were not finalised when recorded as a Lodgement in the QWIC database.

Analysis of each of the five locations in Table 9 shows some variation in the proportion of young people in each location who were charged with any of Most Serious Offences in the top 20 for the five locations. Column 1 shows the offence types listed by the highest number of young people with that offence as the Most Serious Offence. Columns 2 to 6 show the rank order for each location, based on the number of young people charged with that offence (as the Most Serious Offence) as a proportion of all the young people with lodgements in that location.

The most frequent Most Serious Offence within each location is shown as number 1. Note, for example, that fare evasion is ranked high at number 5 in Brisbane and Beenleigh, but is not present in the top 20 Most Serious Offence types for Townsville and Mackay.

Theft (except for motor vehicles) was in the top three for all locations. Possessing Illicit Drugs is half-way down the list for four locations (ranking of 10 or 11). However, while Armed Robbery was the most common in Richlands (rank of 1), it was at rank order of 13 in Townsville and 16 in Mackay. Breach of bond – probation was at rank order of 4 in Beenleigh but 21 in Townsville. Further analysis and discussion with people in the front line, would be needed in order to identify particular practices or context that could impact on the types of offences young people are being charged with.

**Table 9: Young people by location with top 20 Most Serious Offences over 5 Years**

Offence (in order of frequency across the five locations)	Rank order of the number of young people with each Most Serious Offence by court location				
	Beenleigh (n=1592)	Brisbane (n=3690)	Mackay (n=310)	Richlands (n=1064)	Townsville (n=1216)
Theft (except motor vehicles)	2	1	3	2	1
Illegal use of a motor vehicle	1	4	5	4	3
Theft from retail premises	11	2	20	15	17
Enter other building with intent	9	3	1	5	4
Enter dwelling with intent, without violence or threats	3	6	2	3	2
Armed robbery	7	7	16	1	13
Assault occasioning actual bodily harm	10	10	9	6	7
Property damage	8	15	4	8	5
Fare evasion	5	5	-	10	-
Offensive behaviour	17	8	12	18	10
Receiving stolen property	13	9	18	13	12
Possess illicit drugs	14	11	10	11	11
Common assault	12	14	8	12	6
Breach of bail - failure to appear	6	13	11	7	14
Break and enter other building	15	16	6	9	8
Going armed in public	16	12	19	17	15
Breach of bond - probation	4	18	16	16	21
Trespass	19	17	-	19	9
Resist arrest, incite, hinder, obstruct police	18	19	13	20	16
Assault police	-	20	14	-	18

Source: QWIC database (Lodgements extract) 2017/18 to 2021/22

**Note:**

1. The count is based on 'distinct' young people so they are only counted once for an offence type in a court location. Some young people have offences in more than one location.
2. The 'Most Serious Offence' is based on ranking under the National Offence Index (see Glossary)
3. Offences in this table are at the Sub-Group level of the Australian Standard Offence Classification Queensland (QASOC).
4. The table shows the 'top 20' Most Serious Offences over the five court locations. That is, the Most Serious Offences with the highest number of young people having this Most serious Offence for a case file.
5. Charges for these offences have not been finalised when recorded as a Lodgement in QWIC. Extract.

Although there are variations in the rank order, this analysis shows that the types of offences that are most often the Most Serious Offences, are largely the same. Further exploration of the quantitative data, along with commentary from front-line staff would be needed to understand the differences. For example, the Townsville cohort appears to have the highest proportion of young people with several of these Most Serious Offences compared to Richlands which has several offences with the lowest proportion. This could be accounted for, for example, by slight variations in the charge at the Sub-Group level.

### 5.1.5 Domestic and Family Violence (DFV) applications

Lodgements are also made for applications for domestic violence orders. This section reports on domestic and family violence matters where young people appear in Townsville Magistrates Court:

- as the aggrieved (person to be protected) or respondent (person to be protected from) on an application for a Domestic Violence Order (civil court)
- facing charges for offences flagged as DFV related<sup>34</sup> or for breaches of DFV orders (criminal court).

When a DFV application naming a young person as either an aggrieved or a respondent is made to the Magistrates Court (civil), neither staff from Child Safety nor Youth Justice have any standing or responsibility unless the Department of Children, Youth Justice and Multicultural Affairs is the guardian. Youth Justice will become involved if a young person has criminal charges which are flagged as DFV-related. Hence, civil matters may only come before the High Risk Youth Court if the young person has associated criminal charges. This analysis is included as the perception of increased incidence of domestic and family violence by young people within the High Risk Youth Court cohort was raised by stakeholders.

The incidence of young people as additional family members on DFV applications or protected as named persons on protection orders is not included in this analysis.

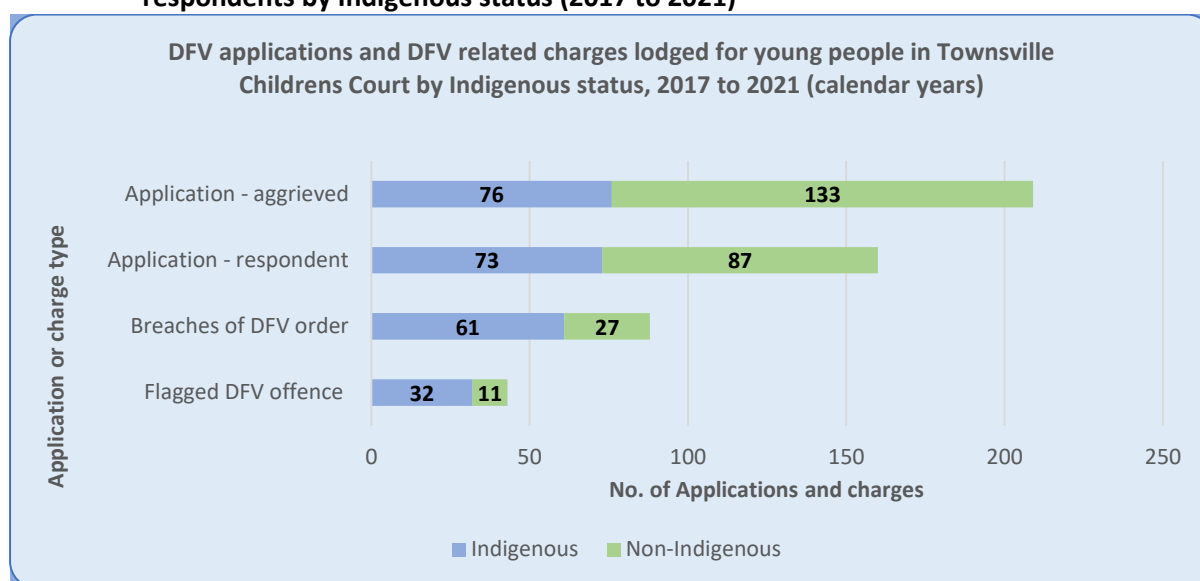
#### *Applications for Domestic Violence Orders (DVOs)*

From 1/1/2017 to 31/12/2021, 217 applications for DVOs involving a young person as an aggrieved person and/or a respondent were lodged in the Townsville Magistrates Court. Of these applications 209 involved young people as *aggrieved* and 160 involved young people as *respondents*. Sixty-four percent of the aggrieved and 54% of the respondents were non-Indigenous (Figure 15).

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<sup>34</sup> 'Flagged' offences are offences dealt with by the court where the complaint, or indictment, states that the offence is also a domestic violence offence. These offences commenced on 1 December 2015

**Figure 15: DFV Applications and DFV related charges involving young people as aggrieved or respondents by Indigenous status (2017 to 2021)**



**Source:** QWIC DFV(Civil); QWIC (Criminal) Report: HRYC Evaluation – Townsville DFV Data RITM0149375; WSIT update 140422 RITM0126983

**Note:** Aggrieved and/or respondent were aged under 18 years at the time of the application or flagged offence.

#### *DFV related offences*

In this period, 89 young people were charged with contravention of a DVO and 43 were charged with offences flagged as DFV related. Aboriginal and Torres Strait Islander people were charged with 79% of breaches and 74% of flagged DFV offences.

#### *Change in applications for Domestic Violence Orders and DFV related offences*

Over five years, the number of applications and number of offences has fluctuated from a very low base, with a slight increase in each category. Applications for DVOs ranged from 36 to 49 for aggrieved and from 25 to 44 for respondents. Charges ranged from 10 to 23 for breaches of DVOs and for flagged offences from under 5 to 18. Table 10 shows the increase from 2017 to 2021.

**Table 10: Change in DFV applications and related charges for young people 2017 to 2021**

	2017	2021	5 year total
No. applications – child aggrieved	40	49	217
No. applications – child respondent	25	44	163
Breaches of DFV order (charges)	10	21	89
Offences flagged as DFV related	8	18	35

**Source** QWIC HRYC Evaluation – Townsville DFV Data RITM0149375; WSIT update 140422 RITM0126983

From 2017 to 2021, Townsville Magistrates Court recorded as a percentage of state-wide DFV applications and DFV related charges for young people.<sup>35</sup>

- 6% of the aggrieved applicants on DFV applications
- 8% of DFV applications for the respondent
- 9% of breaches of DVOs
- 8% of offences flagged as DFV related
- under five strangulation charges.<sup>36</sup>

<sup>35</sup> Source: QWIC database RITM0137941

<sup>36</sup> 'Strangulation' offences per s 315A *Criminal Code Act 1899* commenced on 1 May 2016.

In Townsville in 2021, young people represented two percent of the applicants for DVOs (both aggrieved and respondent), two percent of defendants for breaches of DVOs and four percent of flagged DFV offences.

### 5.1.6 Further analysis

For the purpose of this evaluation, the analysis has identified the number of young people in contact with courts over time and the similarities and differences across locations. To better understand where there are opportunities to further reduce contacts with the court, and inform ongoing development of programs which support court responses, particularly to reduce the overrepresentation of Aboriginal and Torres Strait Islander people, the following questions could be explored, focusing on court data since 2019-20 when many of the youth justice reforms were being implemented. Involving multi-agency stakeholders including front-line staff, may contribute to identifying systemic and operational changes that would improve outcomes for young people, families and the community.

1. Are there opportunities to further reduce the number of young people with the least contact with court and custody? e.g. What offences are they charged with? Are there differences across court locations that suggest greater support, information or diversion could reduce offending? (QWIC database)
2. Which locations have shown greatest success in reducing the number of young people with more intense contact with courts? Are there demographic differences that could indicate better targeting of positive community responses to address the complex underlying needs that contribute to the repeat offending of these young people? (QWIC data, Youth Justice matched data)
3. Which diversion strategies, criminogenic programs and community service supports are successfully reducing the initial contact of young people in the court system? (Queensland Police Service data, Court data (QWIC), Youth Justice matched data).
4. What is the nature of the domestic and family violence that involves young people under 18? This could include considering the relationship between the aggrieved and respondent (family, intimate relationship, gender, age), and what types of flagged offences are being charged, and what access parties have to support that is suited to their age and gender.

## 5.2. Experience of young people in High Risk Youth Court

This section reports on the frequency and nature of every *event* related to 2125 casefiles<sup>37</sup> for 117 young people participating in the High Risk Youth Court from 1/7/2017 to 30/6/2022. An event represents every time that the court is in session to discuss the casefile. The dataset varies from the data used in Section 5.1 as it includes events of lodgements made prior to the time period, lodgements during the time period, and events of cases that were lodged elsewhere and were transferred into the court. Events for lodgements of applications for domestic and family violence orders (Civil jurisdiction) are not included in the data set.

This analysis is descriptive of High Risk Youth Court only, as explained in Section 4.3.1, and does not include comparative analysis due to the limitations of the database, complexity of the dataset and capacity constraints. Table 11 shows the highlights of the analysis for Section 5.2.

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<sup>37</sup> A case file is generated when a lodgement is registered. An *event* is recorded each time (date) the case file comes to court: for a mention, a hearing, a sentence.



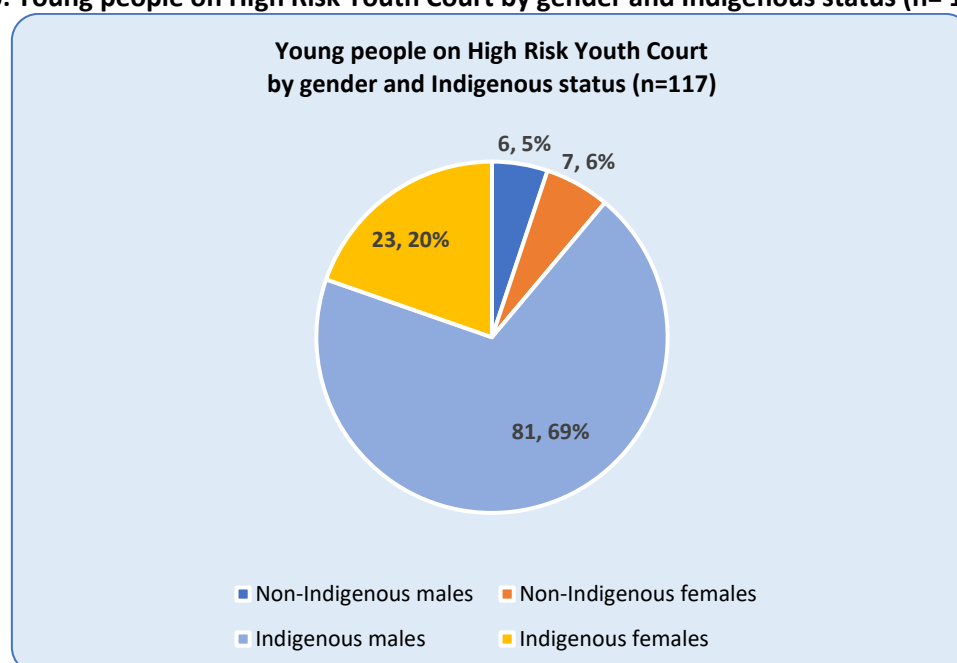
**Table 11: Highlights of Section 5.2: High Risk Youth Court experiences**

Topic	Findings
Demographics	Participants in High Risk Youth Court are predominantly Aboriginal Torres Strait islander (69% males, 20% females)
Type of Events	There were over 14, 000 events. Most were for mentions (procedural matters). Just over a quarter of the events relate to hearings, bail applications, committals to higher courts or sentences. <sup>38</sup>
Results of Events	There were 11,150 adjournments. 23% of case files had over five adjournments including 7% with over 16 adjournments.
Time to finalise a charge	45% of case files had a finalisation of a charge after three months including 10% over 12 months.
Charges for finalised cases	25% of case files included unlawful entry with intent, burglary, break and enter 30% included <i>theft</i> including motor vehicles 14% included <i>assault</i> including robbery
Sentence: Orders	44% of orders were diversionary, including reprimands, 36% and 56% were supervisory, including detention 24% 50% of detention orders were < 3 months.

### 5.2.1 Demographics

Seventy-four percent of the 117 young people who appeared at any point at an event in the High Risk Youth Court from its inception up to 30/6/2022 (based on data in the QWIC database events extract) were male and 89% were Aboriginal and Torres Strait Islanders (Figure 16). Aboriginal and Torres Strait Islanders males were 69% of the High Risk Youth Court young people.

**Figure 16: Young people on High Risk Youth Court by gender and Indigenous status (n= 117)**



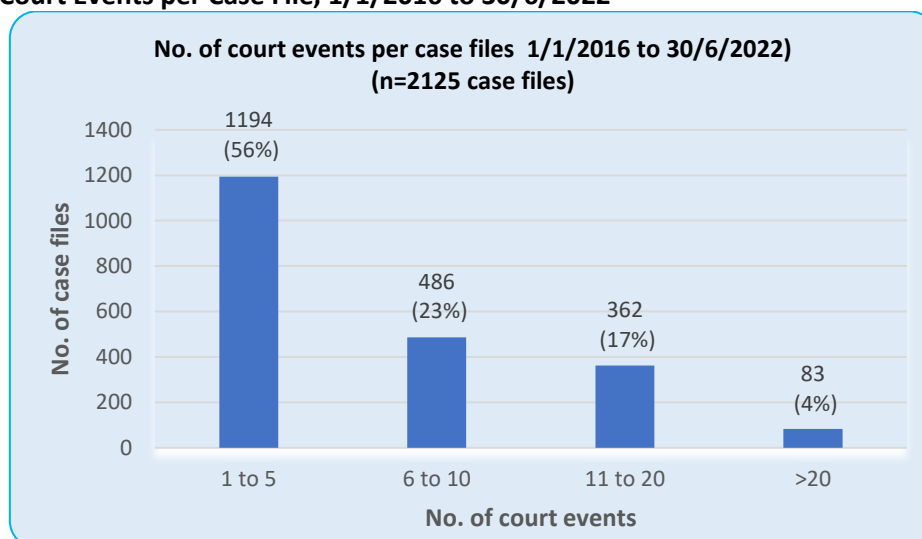
Source: QWIC database (Events extract) 1/1/2016 to 30/6/2022

2125 case files considered in High Risk Youth Court resulted in 14,333 events during the time period. Over half the case files (56%) had between one and five events, 23% had six to 10 events, 17% had

<sup>38</sup> 12% of cases were *combined* which may include a sentence. Nine percent were recorded as a sentence.

11 to 20 events and four percent had more than 20 events (Figure 17). The highest number of events per casefile was 46.

**Figure 17: Court Events per Case File, 1/1/2016 to 30/6/2022**



**Source:** QWIC database (Events extract) 2017/18 to 2021/2022

**Notes:** 72 case files had events ranging from 21 to 30; 10 ranged from 31 to 40 and one was over 40.

## 5.2.2 Types of events

Information contained in QWIC provides indicative data on the nature of court events. Most 'events' in the court deal with procedural matters and are recorded as 'mentions'. Just over a quarter of the events relate to hearings (when the young person enters a plea in relation to a charge), bail applications, committals to higher courts or sentences<sup>39</sup>. This section looks at the results of 14,333 events for 117 High Risk Youth Court participants over the period 2017/18 to 2021/2022.

### *How young people appeared at court.*

The young person was present for 59% of events: 39% by video link and 20% in person at court. The evaluation dataset did not show whether 'did not appear' was at the direction of the court or was a 'fail to appear'.

### *Results of the events*

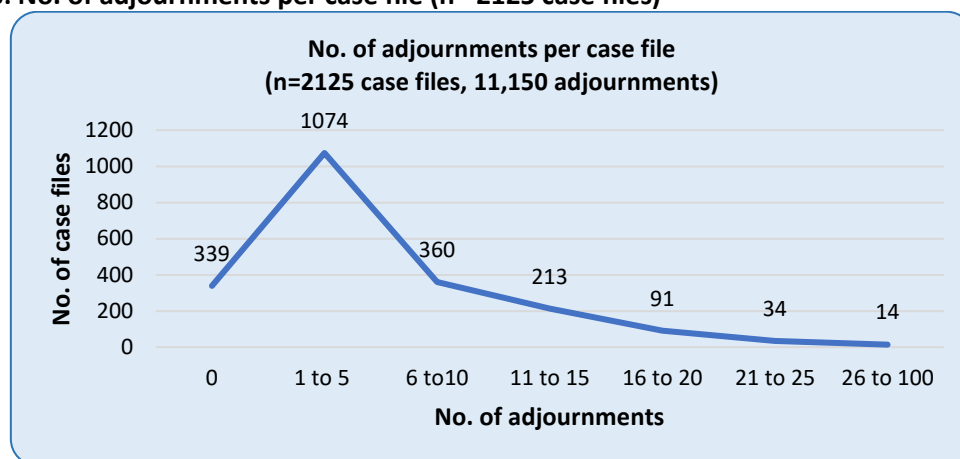
Each event may have more than one administrative action which is counted as a 'result'. Seventy-eight percent (11,150) of events included one or more adjournments as a result and an additional six percent (810) were adjourned for sentence. The remaining results were:

- pleaded guilty, breach proved, found guilty 12%
- dismissed, discontinued, No Evidence to Offer (NETO), struck out, withdrawn 2%
- related to warrants 2%
- committal, transfer jurisdiction, s652 (*Criminal Code* 1899) 1%

Two thirds of the case files (67%) had between zero (same day) and five adjournments. Seven percent had more than 16 adjournments. The highest number of adjournments was 44 (Figure 18). The reason for adjournments is not recorded.

<sup>31</sup> Note that a matter may be sentenced at any time without having been listed for sentencing.

**Figure 18: No. of adjournments per case file (n= 2125 case files)**



**Source:** QWIC database (Events extract) 2017/18 to 2021/2022

**Note:**

1. At an event, some charges in a case file may be finalised and others adjourned.
2. An additional 810 adjournments for sentencing were made.

## 5.2.4 Legal representation

Legal representatives<sup>40</sup> were reported as attending 98% of events. No legal representation was recorded for two percent of cases.

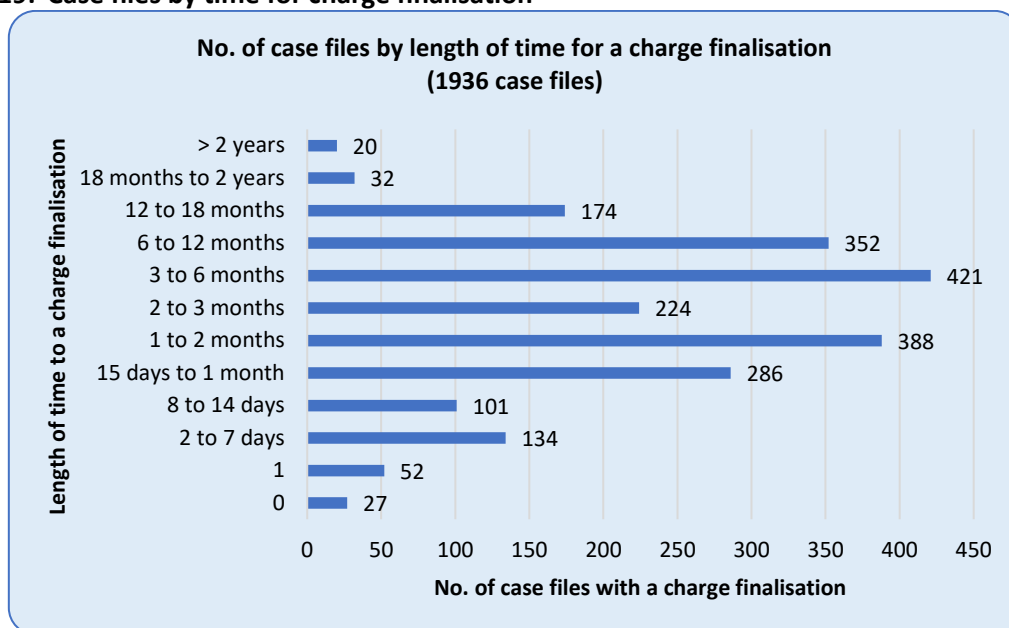
## 5.2.5 Charges

Charges within a case file may progress at different stages so they may be finalised at different times. If a serious charge is referred to a higher court for hearing, other charges may be held over until the higher court outcome is known. Figure 19 shows the length of time from the date of lodgement to the last event date of each charge which is finalised with a sentence<sup>41</sup> during the evaluation period. Of the 117 High Risk Youth Court participants, 111 young people had a finalisation of one or more charges in a case file and six young people were awaiting sentence on all charges. There were 1936 case files with one finalisation and 232 with more than one. Half the case files had a finalisation within three months, 19% up to six months and 16% up to 12 months. Twelve percent of case files (226) had one or more finalisations of a charge after 12 months.

<sup>40</sup> Includes duty lawyers, and other lawyers, including barristers and town agents.

<sup>41</sup> A charge is finalised at sentence, which may have occurred outside the High Risk Youth Court, including in a higher court. It excludes lodgements of charges not yet finalised or finalised in some other way (e.g. withdrawn).

**Figure 19: Case files by time for charge finalisation**



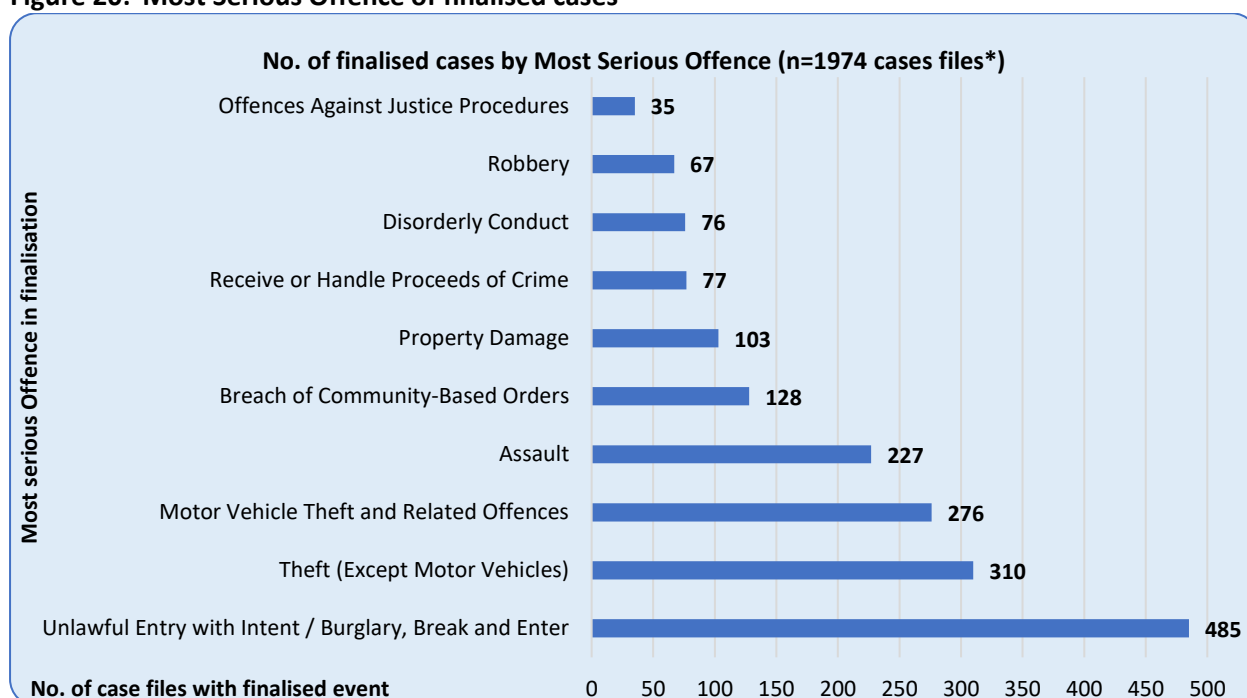
Source: QWIC database (Events extract) 2017/18 to 2021/2022

**Notes:**

1. Count is of case files with an event listed as having a 'finalising result'. A finalising result means that a decision has been made e.g. committal, penalty, dismissal on at least one charge.
2. Length of time may include time waiting for finalisation of a charge in a higher court.
3. 232 case files have more than one finalisation (Case files with a charge finalisation = 2211)

One quarter of the case files included as the Most Serious Offence '*unlawful entry with intent/ burglary, break and enter*, 16% were *theft excluding motor vehicles*, 14 % were *theft of motor vehicles*, 14% were assault and robbery offences (11, 3%), and the remainder were property and public order offences (Figure 20).

**Figure 20: Most Serious Offence of finalised cases**



Source: QWIC database (Events extract) 2017/18 to 2021/2022

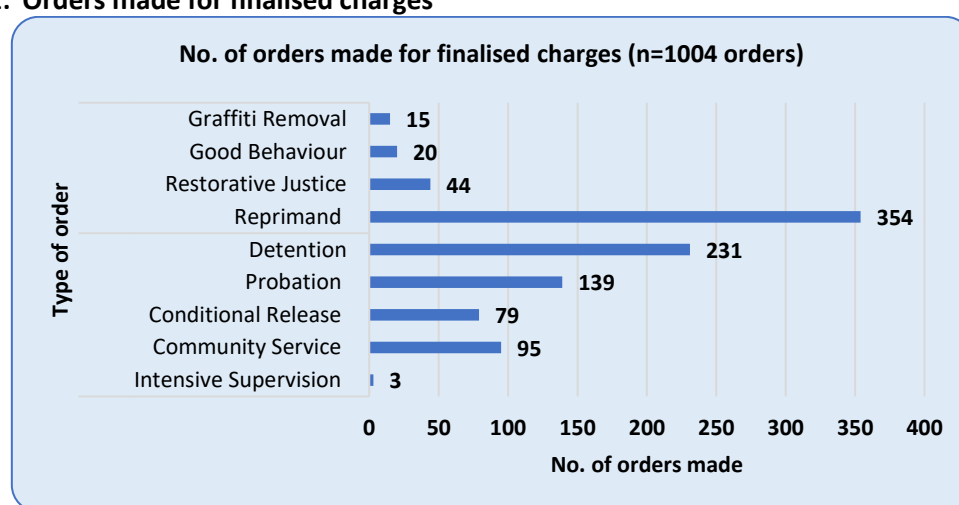
**Notes:**

1. The 'Most Serious Offence' is based on ranking under the National Offence Index (see Glossary).
2. \*Remaining 10% (190) consisted of a large number of infrequent offences (e.g. rape, robbery, abduction, dangerous or negligent operation of a vehicle) and less serious offences (e.g. drug possession), each with less than 2% of the total
3. Each case file will only have one Most Serious Offence (regardless of how many charges have been finalised). The Most Serious offence is only counted once in this figure, for the case files that have at least one charge finalised.

## 5.2.6 Outcome of Court Orders

There were 433 diversion orders and 547 supervisory orders allocated to the 111 young people who had one or more charges finalised (Figure 21). Ten percent of charges did not proceed.<sup>42</sup> The most frequent court diversionary order was a *reprimand* (36%). Supervisory orders included 24% for detention, 14% for probation, 10% for community service and 8% for conditional release. Forty-eight young people also had committal orders, that is, were referred to a higher court for at least one charge.

**Figure 21: Orders made for finalised charges**



Source: QWIC database (Events extract) 2017/18 to 2021/2022

### Detention orders

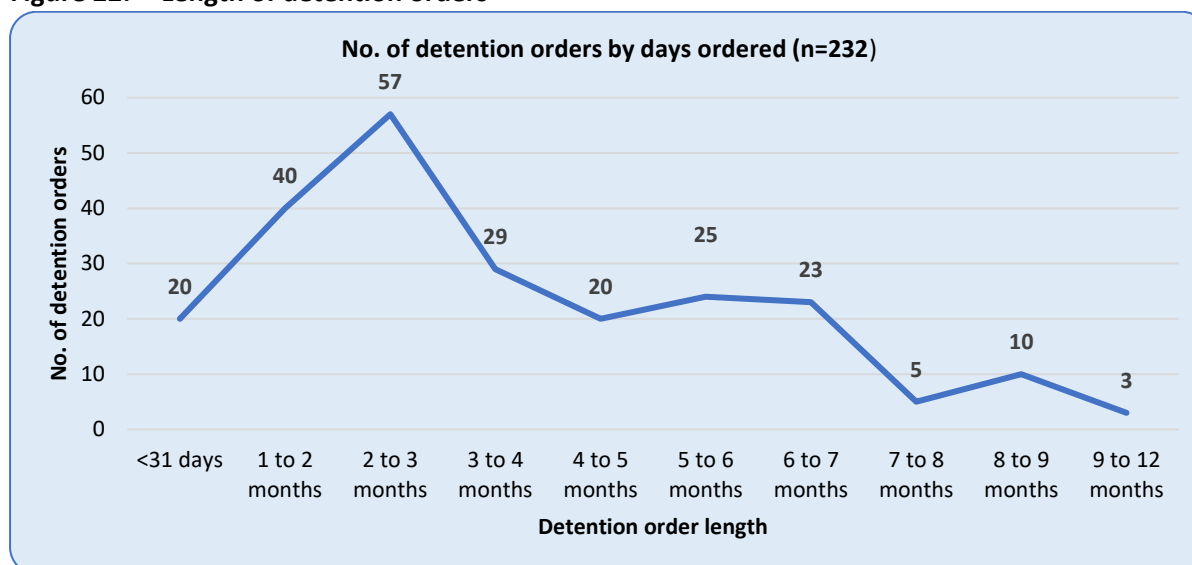
51 young people were given 232 detention orders, relating to one or more charges, during the period 1/7/2017 to 30/6/2022. Half of the orders were for less than three months. Seventeen percent were for more than six months (Figure 22). The longest was 12 months. The amount specified in the detention order to be served in custody varied between 50% and 70%.<sup>43</sup> Twenty of the 51 young people with detention orders also had committal orders for a charge to be heard in a higher court.<sup>44</sup>

<sup>42</sup> Includes: no action, no evidence to offer, no penalty imposed, struck out, withdrawn.

<sup>43</sup> The remainder would be served in the community under supervision e.g. supervised release order.

<sup>44</sup> The analysis is not able to determine if any of the detention order period was determined by a higher court. It is not known whether the detention orders were served concurrently.

**Figure 22: Length of detention orders**



Source: QWIC database (Events extract) 2017/18 to 2021/2022

Of the 51 young people given a detention order, 24 had three or fewer detention orders, 15 had between four and six orders, eight had between seven and 10 orders, and four had between 11 and 15 detention orders.

### 5.2.6 Summary of 5.2

The analysis of the events data set shows a young person may be involved with a case file in the High Risk Youth Court over a long period of time. Young people and/or their legal representatives attend multiple events: 44% of case files had over five events and some had over 20 events. Case files may have many adjournments: a third had more than five adjournments and seven percent had more than 16. A case file may take a long time to finalise all charges as charges progress at different rates, with more than a quarter taking over 12 months. Charges have different court outcomes (e.g. custodial or community-based supervision, dismissal, and committal to higher courts).

Most often, young people have multiple orders in relation to their case file which may include detention orders.

## 5.3 Custody

This section reports on the young people referred to High Risk Youth Court who spent time in custody on remand during the court process<sup>45</sup> and on a detention order once sentenced considering:

- the characteristics of those who have spent less than 12 months and more than 12 months in custody (from 1/7/2017 to 31/3/2022<sup>46</sup>)
- the proportion of custodial time on remand awaiting a finalisation
- the offences of young people in custody.

Highlights of Section 5.3 are shown in Table 12.

<sup>45</sup> The analysis is limited to the young person's involvement in Magistrate Court, noting that some young people have charges for serious offences that are heard in a higher court. Other charges may be held over to be dealt with once the higher court outcome is determined and this may contribute to the length of time a casefile is open and time on remand.

<sup>46</sup> The Youth Justice data set for this analysis includes all custody and supervision of the High Risk Youth Participants up to 31/3/2022 and includes periods of custody that relate to earlier events before the young person appeared in High Risk Youth Court. Note that one participant included in Section 5.2 commenced after 31/3/2022 so this analysis is based on 116 young people.

**Table 12: Highlights of Section 5.3: Custody of High Risk Youth Court participants**

Topic	Findings
Custody (up to 31/3/22)	72% of young people spent more than 60% of their custodial time on remand. 41 young people (35%) spent more than 12 months accumulated time in custody. 88% of these were Aboriginal and Torres Strait Islanders and 93% were males.
In custody on remand	Up to 31/3/22, the longest accumulated remand time for a young person was over four years.
In custody on a detention order	44 young people (38%) had time in custody on a detention order (as at 31.3.2022). Six of these young people had spent more than 12 months in custody on a detention order

### 5.3.1 Matching datasets

The Queensland Wide-Interlinked Court (QWIC) data system records the length of sentence imposed by the magistrate as shown in Section 5.2.2. However, QWIC does not record the time actually served in custody as the youth detention centres are administered by Youth Justice within the Department of Children, Youth Justice and Multicultural Affairs. Hence, for this part of the analysis, data has been provided by Youth Justice.

Youth Justice receives details of the sentencing orders from the Court and records the number of nights a young person is in custody as ‘unsentenced’ (on remand or pre-court custody<sup>47</sup>) or ‘sentenced’ with a custodial order (detention). Youth Justice also provides records that identify young people who have had a high volume of offences (‘serious risk’) and young people who were actively or historically on a Child Protection order. The available data in this data set is from the earliest court appearance of a High Risk Youth Court participant (2012) to 31/3/2022. Hence, the number of young people reported on in this section is 116 as one young person counted in Section 5.2 entered High Risk Youth Court between 1/4/2022 and 30/6/2022.

Custody includes both *unsentenced* and *sentenced* time spent in youth detention. The number reported is the total number of nights in custody from the young person’s first appearance in High Risk Youth Court up to the date of the young person’s 18th birthday or to 31/3/22 (whichever is earlier)<sup>48</sup>. Neither the Youth Justice dataset nor the QWIC dataset included end of custody dates. In interpreting the data, the following details of how data is counted needs to be kept in mind. The analysis does not count:

- further nights in custody to finalise court matters or to complete custodial sentences after the young person’s 18th birthday
- nights in custody for an adult who is charged with an offence alleged to be committed prior to their 18<sup>th</sup> birthday who may be held in youth detention until they are sentenced or the charges are dismissed
- young people who joined High Risk Youth Court between 31/3/22 and 30/6/22 or were in custody during this time (which is the time period for data reported in Section 5.2)
- nights in both sentenced and unsentenced custody of High Risk Youth Court participants between 31/3/22 and 30/6/22.

It was not possible from the available datasets to report how many young people had completed custodial sentences as dates of leaving custody were not included, nor the extent to which the sentenced component took into account time previously served. The data reported is at a point in time and some of the cohort will have accumulated further custodial time since 31/3/22.

<sup>47</sup> Pre-court custody is time young people spend in custody prior to their first court appearance if police or watch house bail has not been given.

<sup>48</sup> The Youth Justice dataset did not include data past the young person’s 18<sup>th</sup> birthday.



### 5.3.2 Time in sentenced and unsentenced custody

Five young people had no days in custody between 1/7/17 and 31/3/22. Of the remaining 111, the accumulated custody days, usually with multiple episodes, including for young people with concurrent proceedings in higher courts, amounted to:

- 13 for 2 weeks
- 18 from 2 weeks to 3 months
- 20 from 3 to 6 months
- 19 from 6 months to 1 year
- 23 from 1 to 2 years
- 18 for more than two years.

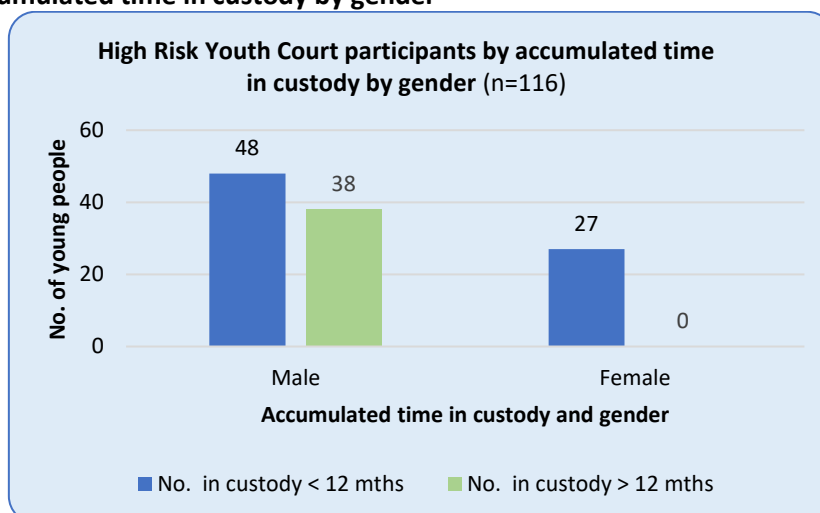
#### *Composition of those with longer custodial periods*

Between 1/7/18 and 31/3/22, 35% (41) of the 116 young people were in custody with an accumulated period of more than 12 months. This section shows their Aboriginal and Torres Strait Islanders status, gender, offending history and child protection history.

Males make up

- 64% of those with less than 12 months in custody
- 93% of those with more than 12 months in custody (Figure 23).

**Figure 23: Accumulated time in custody by gender**



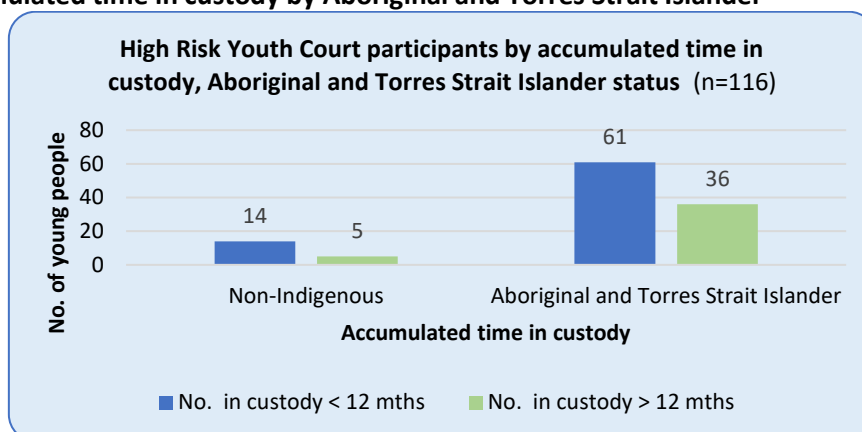
**Source:** QWIC dataset; Youth Justice matched data

**Note:** To protect privacy numbers less than five are shown as 0. Fewer than five young females were in custody more than 12 months

Aboriginal and Torres Strait Islander young people make up:

- 81% (61) of those with accumulated custody of less than 12 months
- 88% (36) of those with accumulated custody of more than 12 months (Figure 24).

**Figure 24: Accumulated time in custody by Aboriginal and Torres Strait Islander**



Source: QWIC dataset; Youth Justice matched data

### Child Safety

Out of 51 young people (44% of High Risk Youth Court participants) who had connections with Child Safety:

- 34 (29%) were (active) on Child Protection Orders as at 31/3/22
- 14 (41%) of those with active orders were in custody for longer than 12 months
- 17 (33%) of those with historical Child Protection Orders, six were in custody for longer than 12 months.

### Serious<sup>49</sup> repeat offending

51 (44%) of the High Risk Youth Court young people were identified by Youth Justice as being at risk and referred to the Multi-Agency Collaborative Panel<sup>50</sup> because of a high volume of offending or a number of serious offences (Table 13). Forty-two of these young people were Aboriginal and Torres Strait Islanders.

**Table 13: Accumulated custodial time young people referred to Multi-Agency Collaborative Panel**

Accumulated custodial time	Multi-Agency Referral	Non-referral
<b>No. in group</b>	<b>51 (44%)</b>	<b>66 (56%)</b>
Less than 12 months	41% (21)	82% (54)
More than 12 months	57% (29)	18% (12)

Source: QWIC database (Events extract); Youth Justice shared data

### Sentenced and Unsented custody

Between 1/7/2017 and 30/3/2022, 72% of young people on High Risk Youth Court spent 60% or more of their custodial time on remand (Figure 25).

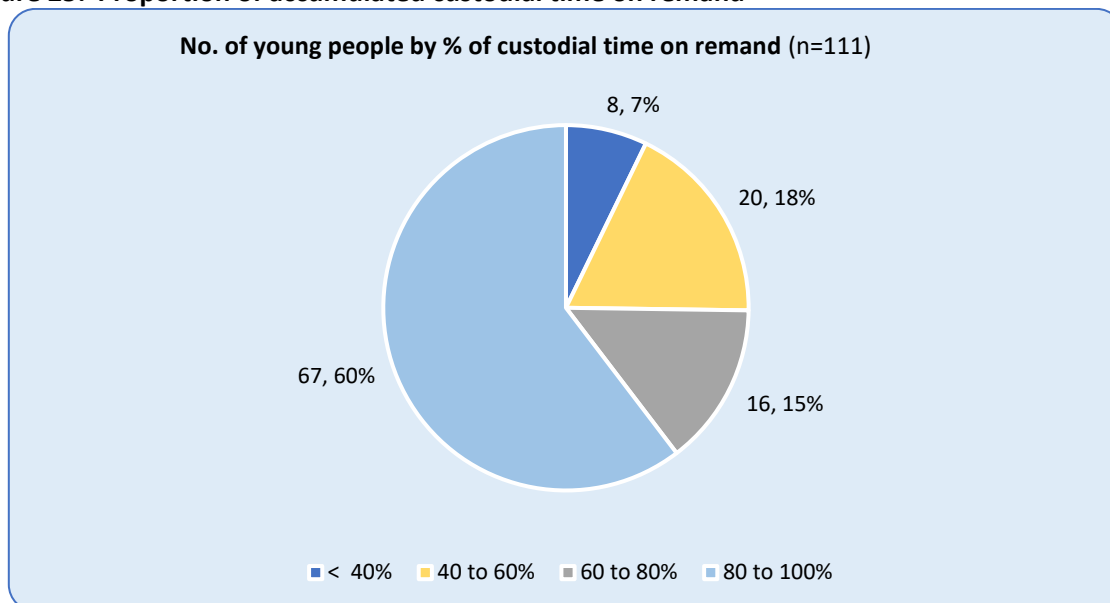
Noting that not all charges had been finalised at 30/3/2022, at the time of the evaluation, 72 (62%) High Risk Youth Court participants had not received a custodial sentence (that is, a detention order)<sup>51</sup> for any charge.

<sup>49</sup> 'Serious' means that at any time during the period, the young person's case has been referred to the Multi-Agency Collaborative Panel to consider for integrated case management.

<sup>50</sup> The evaluation dataset contains data about the serious risk of reoffending for the High Risk Youth Court cohort only, so the analysis does not include a comparison with other young people in Townsville.

<sup>51</sup> Further analysis would be needed to determine which young people had 'aged out' of youth justice without detention orders, had detention orders outside of the evaluation period, or had not been given a detention order due to time on remand or sentence from a higher court.

**Figure 25: Proportion of accumulated custodial time on remand**



**Source:** QWIC database (Events extract); Youth Justice shared data

**Notes:**

1. 111 young people with custodial time. Five of the 116 had not been in custody as at 31/3/2022.
2. Based on count of accumulated bed nights in sentence and unsentenced custody.

Forty-four of the 51 High Risk Youth Court participants who were given detention orders (Section 5.2.6) had spent accumulated nights in custody as a result of one or more detention order as at 31/3/2022<sup>52</sup>. Over half (28) had spent less than six months on a detention order. Six young people had spent more than 12 months in custody on a detention order (Figure 26).

**Figure 26: Accumulated time young people spent on sentenced custody**



**Source:** QWIC database (Events extract); Youth Justice shared data

**Notes:** 44 of the 111 High Risk Youth Court participants with custodial time on a detention order as at 31/3/2022

<sup>52</sup> The remainder were given detention orders after 31/3/2022 or may have spent sufficient time on remand.

### Combining sentenced and unsentenced custody

Of the 44 young people with sentenced and unsentenced custody, 12 had less than 12 months accumulated custody (as at 31/3/2022). Seven of these young people had spent more than 70 percent of their custodial time on remand. Thirty-two young people had more than 12 months accumulated custody (as at 31/3/2022). Table 14 shows the total length of their custodial time and the proportion of this time that was unsentenced.

**Table 14: Length and proportion of custodial time unsentenced**

Accumulated custodial time over 12 months (n=32)	
Accumulated time in custody	No. of young people
1 to 1.5 years	10
1.5 to 2 years	7
2 to 2.5 years	5
2.5 to 3 years	<5
> 3 years	6
% of custodial time unsentenced	No. of young people
50 to 60%	5
60 to 70%	7
70 to 80 %	9
> 80%	11

Source: QWIC database (Events extract); Youth Justice shared data

A summary of the experience in court of the 11 young people who each had more than 2.5 years in accumulated custody is shown in Table 15.

**Table 15: Experience in court for young people with more than 2.5 years of accumulated custody during the period 1/7/2017 to 30/3/2022**

Data	Cases	Overall
Age first appeared in Childrens Court	6 < 12 years 5 ≥ 12 years	All < 14 years
Age entered High Risk Youth Court	4 < 14 years 7 ≥ 14 years	Range 10 to 17 years
% of period from first court appearance to 18 <sup>th</sup> birthday or 31/3/22 whichever is earlier that young person was in custody*	9 over 75%	50% to 90%
% of custody time sentenced	7 under 30% 4 between 30% to 41%	Range: 0 to 41%
Youth Justice serious risk flag	10 of 11	
Child Safety flag	less than half	
Males	10 of 11	
Aboriginal and Torres Strait Islander young peoples	10 of 11	
Offences	Related to assault, robbery, attempted robbery	

Source: QWIC database (Events extract); Youth Justice shared data

**Note:** \*period young person was in custody is counted by the number of bed nights in custody as a proportion of the number of days in total between the first court appearance and the 18<sup>th</sup> birthday of the young person or 31/3/22 whichever is earlier

The experience of a sample of five of these 11 young people during the court process showed that:

- the number of lodgements ranged from 27 to 61
- the number of events (case heard at court) ranged from 73 to 129
- the number of adjournments ranged from 22 to 56 per case file
- less than five had bail refused more than once

- less than five had further charges before the Childrens Court as at 31/3/22.

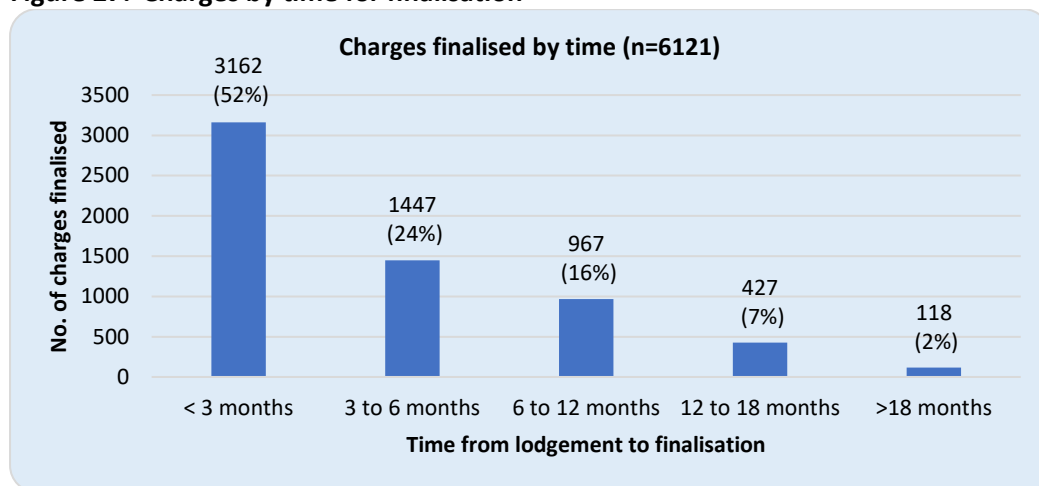
All five young people:

- had charges including driving without a licence, robbery with violence, unlawful use of a motor vehicle
- had charges that were committed and sentenced in a higher court: Four had more than two committals
- were given sentences including conditional release orders, detention orders, community based orders
- had accumulated charges that may exceed a level where bail could be considered.

### 5.3.3 Charges and Most Serious Offences

Half the charges relating to the 116 young people were finalised within three months, three-quarters within six months and 91% by 12 months. Thirty-three of the remaining nine percent were finalised outside of two years with the longest time period at four years (Figure 27).

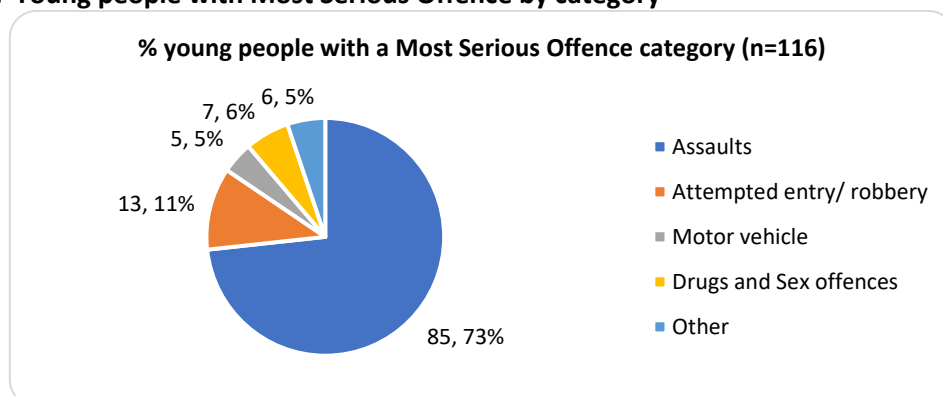
**Figure 27: Charges by time for finalisation**



Source: QWIC database (Events extract); Youth Justice shared data.

Most of the High Risk Youth Court participants had a finalised charge identified as the Most Serious Offence related to assault (73%). Another 11% had a Most Serious Offence of attempted entry into a dwelling or committed a robbery. Motor vehicle charges were the Most Serious Offence for six percent of participants and drugs and sex offences were the Most Serious Offences for five percent (Figure 28).

**Figure 28: Young people with Most Serious Offence by category**



Source: QWIC database (Events extract); Youth Justice shared data.

Notes:

1. Assault includes: assault, common assault, serious assault, unlawfully wounding

2. Attempted entry/robbery includes: with intent, use/threaten violence, with violence, commit indictable offence
3. Young person may have a Most Serious Offence in one or more categories

### 5.3.4 Further analysis

The analysis in this section has been limited by the time available, the lack of familiarity by analysts from each department of the potential connections between the two datasets, and restrictions on data sharing. However, the value of this small amount of data analysis in Section 5.3 suggests that there would be considerable benefit in further linking of the datasets to understand the interface between courts and custody more deeply.

Analysis of matched data may also provide insights into the needs of young people particularly at risk, such as taking account of intersectionality and those with Fetal Alcohol Syndrome Disorder, cognitive impairment, developmental delay, neurodiversity, unresolved/untreated trauma and grief responses, homelessness, poverty and domestic and family violence (as described in Section 2.5). This would inform ongoing work across government to reduce overrepresentation of Aboriginal and Torres Strait Islander young people in custody (*Closing the Gap*), to improve youth justice responses, and to meet the obligations of all public entities under the *Human Rights Act 2019*.

Further analysis could include, for example:

- monitoring how visibility of the accumulated time a young person has spent in custody during the progress of a case file through court is useful in prioritising actions and optimising the timely resolution of cases without unintended consequences.

## 5.4 Observations of Childrens Courts

This section describes how five Childrens Courts and High Risk Youth Court deliver a specialised court justice response for young people based on observations of 12 sessions of the courts between July and August 2022. The team of six observers<sup>53</sup> attended 30 court sessions (two to four hours, maximum of three observers in a session) and recorded examples of practices. The observers did not have visibility of actions before or after the court sessions by any of the court staff, documentation presented, or of previous or subsequent court sessions for these young people. Highlights are shown in Table 16.

Observers' notes were combined for a thematic analysis which identified five themes aligned to the *outputs* of the High Risk Youth Court program logic (Section 3.1.2):<sup>54</sup>

- involvement of young people and their families in court
- communication with the young person and their support network
- cultural support for young person during court proceedings and cultural information provided to the court
- progression of matters
- information provided to the magistrate.

**Table 16: Highlights of Section 5.4**

### Observations

<sup>53</sup> Magistrates gave permission for observers to attend the closed court. Two to three observers attended in each court and included two lawyers (including a criminal law practitioner), a cultural advisor, policy officers and the lead evaluator

<sup>54</sup> Observers noted where Childrens Courts met the same criteria as the High Risk Youth Court evaluation program logic (Section 3.1.2) and the *Youth Justice Act 1992* Principles.

Each of the Childrens Courts showed examples of therapeutic jurisprudence as in developing rapport, speaking in language young people understand, engaging with and involving young people in the court process and guiding young people from offending.

All courts emphasised the importance for individuals in the community, and the community as a whole, to feel safe. This was often explained by asking a young person to consider if one of their family members (parent, grandparent) was in the same situation as the victim of the offence, and the impact it would have in terms of cost, inconvenience, stress.

### 5.4.1 Involvement of young people and their families in court<sup>55</sup>

#### *Involving young people*

In general, young people were spoken to respectfully and quietly. Magistrates noted and reinforced respectful behaviour from young people.

Mostly, magistrates had convened Childrens Courts for several years and knew the history of children with an offending history, providing consistency and the basis for rapport. Magistrates made an effort to relate to the children in a variety of ways and to include them in the court process, initially through asking them simple, non-intrusive questions about their family and school.

Magistrates used information provided by the child's legal representative and court liaison officers. to reinforce positive behaviour e.g. *"I heard from your lawyer (by name) that you are now attending school one day a week. That's good to hear. Keep it up."* and promoted protective factors e.g.

*It will be tough going back to school and to ease into a new school. There are people here to help you... When this matter comes back before me, I will ask about how you are going. I need you to work really hard for me.*

Other ways of including young people included:

- breaking down the task and checking the young person's understanding e.g. *So what happens if you don't keep the curfew?* (for a child being given a 24 hour detention). *What happens if you aren't with your mum?* (Response: *Mum tells the police. I go back to detention*)
- explaining what they had to do next e.g. *See your lawyer first. (She) will tell you what has been decided and what you have to do now. You must see Youth Justice tomorrow.*

*I can have a yarn with you about this. Saying you are guilty is brave. Responsible. Most kids struggle with saying they are sorry. It's a big tick in the box. You are going to make mistakes – we all did. This is a serious one. Crazy stuff... You might want to work in the shop. You won't want to have someone come and steal. You've listened to me politely you've done the right thing so far. Make it better.*

Orientation: Telling the young person the name of those in the room and their role (moving camera as needed for those on video)

Explaining the court process: I am going to talk with the adults for a bit now and then I will come back to you.

Inviting young person to seek clarification: If you don't know what I am saying, stop me. Stop me if you are not sure

Future orientation: You have lots of potential. If you work or study hard, you could buy your own car.

Impact on victim: Could have been Auntie X. Joy- rides hurt people. It's dangerous. I regularly hear about crashes in stolen motor vehicles. You don't want to put yourself and others at risk.

Encouragement: You are back on track. That's good. Very happy to hear you are working with Youth Justice. Good work.

Strongly encourage you to get help. Manage your mood. You will do better.

<sup>55</sup> High Risk Youth Court Program Logic: 'The dedicated magistrate engages with the young person and their family using a therapeutic jurisprudence approach.' Therapeutic court service refers to a practice within courts for judiciary and other professionals to act in ways that reduce the risk of trauma to people within the court room by treating defendants with fairness, dignity and respect. The approach is linked to problem solving which aims at assisting the defendant to explore ways to reduce and abstain from offending through developing a positive, trusting relationship and addressing underlying causes of offending (Section 2.5.6).



Each charge was read out in full and children were required to say 'guilty' or 'not guilty'. A guilty plea was seen as taking accountability and a sign of remorse. There was little opportunity during the observations for a young person to express remorse directly (as in Restorative Justice), apologise or show accountability for their actions in a tangible way they understood.

Young people showed signs of disengagement (e.g. restlessness, fidgeting) when there were extended periods (over 20 minutes) where adults discussed legal matters and did not talk to the young person

#### *Involvement of the family member or representative* <sup>56</sup>

Magistrates welcomed the family member and thanked them for attending, acknowledging their effort with travel and managing other family obligations that they had been made aware of. Considerable efforts were made to link family members by phone or video-link at times that suited them.

Magistrates responded very positively when the family member provided evidence of the young person's willingness to take responsibility for their behaviour, had accepted loss of privileges (e.g. use of the family car for any reason but work; taken on more household chores) or had made significant effort to reset the young person by putting a support network around them. For example, moving the young person out of town and into a supportive environment focused on culture and belonging.

*Very rarely do I get so many people to help a young man. Uncle and Aunty have made a big trip with you. I'm really grateful for what your uncle and aunt have done...You are showing respect for the Court – the way you are dressed. No-one is telling me anything has gone wrong. Important that young people get recognised that they are trying.*

*It is a real privilege for me to hear from you.*

Magistrates also involved families by:

- admonishing the young person for the stress they placed on their parent
- acknowledging the difficult circumstances the parent was facing
- understanding their stress at their child's incarceration.

*.. should be freed later today. Young (person) should be back with you tonight.*

*Your Mum is here. She had to take time off work today to be with you.*

With encouragement and reinforcement, family members raised their voices to:

- explain that their young person did not 'fail to appear' but had a legitimate reason for not attending and had followed the advice from the registry
- propose options for the young person away from Townsville, detailing who would be responsible and what care and support would be provided.

In relation to conditional bail, magistrates asked parents whether they would take responsibility for the young people and told them they would need to let the police know if the young person was not at home. The significance of this requirement as a part of the bail law was not explained to parents during the court session and they were not asked what help they would need to achieve the required supervision. However, it may have been explained to them prior to court by the young

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<sup>56</sup> *Youth Justice Principle 10*. A child being dealt with under this Act should have procedures and other matters explained to the child in a way the child understands.

person's legal representative. This option was chosen in some cases due to the lack of alternatives to detention.

Despite attempts to be inclusive, parents often appeared to be very uncomfortable, with visible stress and made no comments even when asked if they had something to say.

#### 5.4.2 Information provided to the magistrate<sup>57</sup>.

Most of the information presented and discussed in court related to the young person's criminal history and its relationship with the offending under consideration (seriousness, extent) and compliance with previous court orders. Youth Justice Coordinator, the legal representative and prosecution assisted the magistrates in considering options provided by the *Youth Justice Act* (1991) including:

- community safety as a primary requirement
- detention viewed as a last resort
- long-term implications on a child's life of recording a conviction (e.g. affecting their career opportunities, rehabilitation and desistance)
- being in the community as better for children than being in detention.

#### *Examples of information provided:*

*Bail compliance of 39%. More compliant recently.*

*Young person is willing to engage in probation order. Not yet at last resort.*

*Has spent 97 days in custody.*

*Prescribed anti-depressants but does not take them regularly. More under control when he does.*

Conditional Bail programs were tendered to the court. Magistrates interacted with the Youth Justice Coordinator, legal representative and prosecution, but the details were not made known to others present. Magistrates looked for confirmation that the planned supervision of the young person would mitigate the risk of re-offending based on previous compliance with orders.

Detailed pre-sentence reports prepared by Youth Justice and provided to the prosecutor and the legal representative were provided to the magistrate when a detention order was likely to be considered. These were not read to the court and were not available to this evaluation for privacy reasons.

Magistrates could ask agencies for information to assist with decision making related to bail and rehabilitation, including expertise from other specialists e.g. health assessments, Child Advocates (for young people on Child Protection Orders through the Office of Public Guardian), speech-language pathologists. Stakeholders reported that at times assessments were out of date and caused substantial delays which lengthened the court process.

Copies of submissions by the prosecutor, Youth Justice and the legal representative are visible to those parties, but not to others in the court (for example, family members and Elders). Hence, important information being considered, such as the arguments tendered against bail, is very unclear to others. While the legal representative may have gone through the documents with the young person, their recall of them would be limited and the elements are not explained again in court.

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<sup>57</sup> High Risk Youth Court program logic: *Stakeholders provide the dedicated magistrate with timely and accurate information (cultural context, needs, issues, progress and engagement with programs, support and treatment. Youth Justice Act (1992) Principle 2 requires that: the youth justice system should uphold the rights of children, keep them safe and promote their physical and mental wellbeing.*

When legal representatives had been unable to speak with the young person prior to the mention or further instructions were needed, the case was delayed while they took instructions during the court process or was stood down and reconvened later that day. If the case was by video-link, all personnel were asked to leave the court so that the legal representative and young person had privacy.

Attending school or training had a strong focus during court proceedings and was viewed as an important part of a young person's rehabilitation as a protective factor giving the young person structure and a place to be during the day. Information about school attendance plans for enrolment was provided by the Education Court Liaison Officer. Reasons for non-attendance were not raised.

**Examples of words likely to be unfamiliar to young people**

Comply  
Rehabilitation  
Conviction  
Adjournment  
Bail enlarged  
Personal deterrence  
Escalation  
Motor vehicles  
Residence

When information was made available, magistrates referred to circumstances in decision making for bail or sentencing noting, for example:

- young age, time already in custody (over two months)
- exposure to domestic family violence, no-one able to take you to school, behaviour at home unmanageable, ignores mum, transience, inconsistent care arrangements
- showing sense of belonging to negative peer group,
- have engaged with education and contributed to class.

Observers noted that, overall, during the observed sessions there was limited information given orally about:

- personal needs, family circumstances, cultural context
- identification of underlying factors contributing to offending, results of assessments, treatment plan, support
- identification of criminogenic needs, program involvement, completion and behavioural change
- engagement with and support of young person
- support for family
- reasons for bail non-compliance (e.g. confusion, cognitive difficulties, circumstances beyond young person's control).

Reasons that minimal information was given orally in court were suggested by stakeholders during interviews and will be discussed in Chapter 6 with stakeholder feedback.

### 5.4.3 Effective communication<sup>58</sup>

Young people were more attentive and expressed appreciation of the magistrate's help when magistrates spoke directly to them and used every day spoken language, with examples common to teenagers. It was evident that it was much harder to get this level of connection on the video.

*Clear language included short sentences given as an instruction.*

*Mum is responsible for you. Attend school unless you have a medical certificate.*

*She (Mum) needs to get you here (to court) so make sure you are at home.*

The young person's understanding was checked with follow-up questions:

*Are you prepared to agree to an order? Response: Don't know.*

<sup>58</sup> High Risk Youth Court Evaluation Program Logic: Stakeholders communicate appropriately with the young person and their support network effectively using accessible language and tools.

*I want you to stay out of trouble and work with Youth Justice for three months. Are you willing? I can't make an order unless you agree.*<sup>59</sup>

*You must live with mum on a curfew. You must be home between 7 pm and 7 am. You can only be out if with mum or another adult chosen by mum or with TAIHS (bail support). If police come at any time of night, you must be there. If not they will cancel bail. You must stay away unless at school or at TAIHS from these people to give you a head start.*

*Now tell me what you have to do.*

Observers noted barriers to communication including:

- members at the bench spending a lot of time talking to the magistrate and ignoring other parties, to assist the magistrate to come to a decision
- adults speaking quickly in low monotones through legal matters (e.g. reading out the details of a dozen of more charges), using shorthand and legal terminology understood by those familiar with the court room and process.

*I need to punish you. There is a significant need for personal deterrence... escalation of your offending. You can't continue to behave like this. I also need to help you with rehabilitation.*

When asked 'Do you understand?' young people said 'yes' and the process continued. Potential misunderstanding occurred when magistrates announced at the conclusion of the matter 'you are free to go' meaning that people could leave the court, but young people may still be in custody and definitely not 'free to go'.

#### 5.4.4 Culture<sup>60</sup>

The importance of culture was acknowledged. Aboriginal and Torres Strait Islander young people were introduced to Elders sitting in court or sitting with the young person in the video-link room at the Cleveland Youth Detention Centre.

Cultural programs (e.g. On Country programs) were identified as positive for a child's rehabilitation. There were some examples where magistrates were encouraged to release a young person on bail because of a proposal for the young person's care on country with a trusted elders or respected persons. Some of these arrangements were noted by magistrates to have been successful in shifting the young person's mindset, establishing their identity and responsibilities as a young Aboriginal and Torres Strait Islander and removing them from bad influences.

Observers noted that the Elders in High Risk Youth Court<sup>61</sup> did not present any cultural information to the court. The evaluator was advised that an Elder made home visits to engage with families and keep them informed about the court process. Elders may have spoken to the young person and families outside the court room however observers did not see information about contacts provided to the court. One court had flags at the bench and Mackay Youth Murri Court room had artwork painted by an artist who had been through Murri Court.

<sup>59</sup> Youth Justice Principle 6: A child being dealt with under this Act should have procedures and other matters explained to the child in a way the child understands.

<sup>60</sup> High Risk Youth Court Program Logic: Cultural support is provided to the young person and their family and cultural information is provided to the court.

Section 21 *Human Rights Act 2019*: The right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds, whether within or outside Queensland and whether the information is imparted— orally, in writing, in print, by way of art or in another medium chosen by the person

<sup>61</sup> Townsville Justice Group is funded for Elders to attend High Risk Youth Court. (Section 3.1.3) Other Children's Courts observed, do not have a Community Justice Group presence.

### 5.4.5 Progression of court matters<sup>62</sup>

#### *Safe environment*

Legal requirements and practices add a level of complexity and challenges to the court setting, that make it difficult to establish relationships and trust. For the observers who had limited experience of court operations, court appeared to be a very unfamiliar adult environment with unknown protocols and rules.

The process is heavily bound by administrative and technical requirements, to document not only the decisions, but the steps to get to the decisions. Because of the power differential between those in the court with knowledge, experience and decision making roles, the court setting did not present as a safe place for the young person or their family. Observers with court experience noted that staff were very rushed and did not always have the correct information they needed, which would not give confidence to those depending on fair and well-argued representation.

#### *Timely*

Parties in the courts acknowledged their obligation to minimise the young person's time in court and reduce delays to conclusion of cases. Correct, complete and succinct information helped magistrates to expedite matters efficiently.

At times, magistrates pressed parties to proceed to sentence more quickly and pointed out the impact of the delay on the young person. Magistrates acknowledged that the young person's presence in court kept them from school and parents from work or family commitments.

However, delays frequently occurred in all courts for administrative reasons as parties were not ready, for example, due to:

- unavailability of the brief of evidence, disclosure materials, witnesses, family members
- unavailability at that time, of agency staff or legal representatives related to the case because of their conflict with matters in another court room
- extended delays in obtaining DNA evidence
- requiring a pre-sentence report (four weeks), assessments, application for legal aid
- the need for a Child Advocate to be engaged to support young people on Child Protection Orders for legal matters<sup>63</sup>
- lack of access to young people for legal representatives to obtain their instructions

#### **Child circumstances:**

##### **Unstable housing**

*Family members with limited capacity to support the young person -willing but unable.*

**Intergenerational trauma:** *Family members in the criminal justice system, difficulty forming secure attachments, ongoing impacts of colonisation on Aboriginal and Torres Strait islander people.*

##### **Thrill seeking**

*Young people who have been abused often operate at a higher base rate of alertness than other people therefore an adrenalin rush is a riskier behaviour than it would be for other people whose base arousal level is lower. Stress and boredom are triggers..*

##### **Peer group pressure**

*Peer influence and desire for a sense of 'belonging'.*

##### **Limited education**

*Impacts on the ability to make rational decisions.  
Disengaged from school and outside of school compulsory age, meaning limited structured activities.*

##### **Lack of adult guidance**

*Poor role modelling, lack of genuine support from family/guardians and other stakeholders, feelings of not being listened to, family dynamics, abuse, neglect, no supervision.*

##### **Basic needs**

*Clothing, shoes, food, poverty, bike, money*

##### **Substance abuse**

*intoxication, mental health*

##### **Community**

*Disconnect. Joined subculture.*

*See discussion in Section 2.5*

<sup>62</sup> High Risk Youth Court program logic: Participant matters are progressed in a safe, timely, coordinated, respectful, participant-centred, fair manner.

<sup>63</sup> The Office of the Public Guardian conducts a Child Advocate service delivered by lawyers who protect the rights of children and young people in the child protection system. A magistrate may identify the need for a Child Advocate to be requested.

- lack of communication and incorrect information between parties (e.g. different versions of an infringement notice).

From the observations in these six courts, adjournments were mostly to enable administrative documentation to be prepared. A small proportion was attributable to young people's lack of attendance or to the magistrate's request for additional information, assessments and reports.

The length of adjournments was determined by the magistrates in discussion with the parties at the bench, subject to times available in court listings. The earliest available time for the next mention was often three weeks or more. Delays increased time on remand, or if on bail, the risk of further breaches and more time in court.

### *Coordinated*

Parties in the court (prosecutor, legal representative, court liaison officers) were observed sharing information and working collaboratively to get the latest details prior to court commencement

### *Participant-centred court process*

Logistical limitations related to time and place impact on all present, including young participants, their family members, Elders, supporting staff and the professionals in the court room (Table 17). Feedback provided by stakeholders in Chapter 6 gives more details about how the environment affects both the efficiency and effectiveness of the court process.

**Table 17: Limitations of Court environment and processes on all participants**

Limitations of court environment and processes on all participants	
Court Practices	Impact
Listing of all cases at 9a.m.	<ul style="list-style-type: none"> <li>• Potential conflict for parents trying to get siblings to school</li> <li>• Difficult for people driving a distance. Peak hour fares.</li> <li>• All offenders congregate in foyer; increase range of anti-social associates. Family members and children visible to public. Young people are bored and frustrated.</li> <li>• Food and drink are provided by a non-government organisation</li> </ul>
Video Link for young people in detention	<ul style="list-style-type: none"> <li>• Benefit: Reduces transport time to court, waiting in holding cells, and the need for several searches.</li> <li>• Court appearances via video-link are less personal and difficult to engage</li> <li>• Limited availability of video link time at Cleveland Youth Detention Centre as it services all northern Queensland court locations, and the meetings rooms are also required for meetings of young people, for example, with legal representatives, family members, Elders.</li> <li>• Limited mobile phone service, loud background noises or sound distortions (e.g. static or crackling noises) which made it difficult to hear and understand what was being said.</li> </ul>

### *Fair manner*

Short term community safety was frequently referred to in considering the young person's release to the community. Community expectations to apply punitive responses to youth crime, to '*send a message*' to other young people in the community was raised by magistrates on many occasions. Magistrates weighed up balancing this responsibility with the long term community safety benefits of rehabilitating the young person and steering them away from offending.

The magistrates allowed for some flexibility when young people did not present at 9 a.m. on the listed day. Several attempts were made to contact them and when a warrant was issued, it was often allowed to lie, subject to the young person making contact through their solicitor within a

short period of time. In one case, although the person's whereabouts was unknown, a magistrate did not proceed with a warrant because there was insufficient evidence to show that the person had been released from hospital from following treatment.

It was clear in some cases that legal representatives had inadequate information about the young person to be able to present a comprehensive argument. Magistrates ensured that all parties had access to the information and had the opportunity to comment.

### *Respectful*

As described above, the majority of the interactions with young people were respectful and courteous. In some cases, there was recognition of a young person's lack of capacity to understand the situation and follow instructions without significant help and using soft language to focus a young person showing a trauma response, on the immediate decision to be made and ignoring inappropriate language. However there was an occasion where negative comments entrenched the young person's hopelessness and worthlessness, and another where the young person's visible frustration at being remanded again, was described as bad behaviour.

### **5.4.6 Summary of Section 5.4**

The observations showed many ways in which the courts manage the complexity and busyness of every court session. The adversarial aspect of court was conducted as a low key conversation between the legal representative, the prosecutor and the magistrate.

Elements of therapeutic jurisprudence such as speaking politely and personally to the young person, giving encouragement and explanations, and showing empathy were demonstrated in all courts. Apart from the length of time allocated to a case, there was no apparent difference between High Risk Youth Court and other courts.



## 6. Stakeholder Perspectives

This chapter reports the feedback from stakeholders provided through four targeted surveys and over 50 interviews and focus groups (see detail of stakeholders and evaluation tools in Section 4.2.2). The breadth and depth of consultation was guided by the Evaluation Advisory Group.

The evaluators did not speak directly to young people and their families because of ethical concerns about whether young people and their families could give informed consent and feel safe if unknown adults from a government agency sought their opinion about court matters. They could anticipate, for example, that their involvement may lead to improvements in their situation beyond the scope of the evaluation. Instead, the evaluators invited people who work with young people in repeated contact with the court and their families, to give feedback on their behalf.

From early discussions, the evaluators observed and confirmed with stakeholders that what goes on in the High Risk Youth Court depends greatly on what happens outside the court, before and after the court event, and involves a large number of people who do not work directly in the court. This is reflected in the feedback presented in this chapter.

This chapter follows the same themes presented in Section 5.4 (Observations of Courts) with additional themes related to activity outside the court and the impact of the Youth Justice Reforms:

- (i) Involvement of young people and families in the court
- (ii) Information available to the magistrate
- (iii) Communication
- (iv) Culture
- (v) Progress of matters through the court
- (vi) The Townsville service system and Youth Justice Reforms.

### 6.1 Involvement of young people and their families

#### 6.1.1 Needs of young people in High Risk Youth Court

Many stakeholders identified multiple and complex health and wellbeing needs that young people in High Risk Youth Court are experiencing. These needs impact on young people's capacity to understand court proceedings as well as on their ability to follow court orders and reduce their offending without intensive, specialised, long term wrap-around services. Based on stakeholder experience, characteristics and chronic needs for this cohort include:

- neurodiversity (for example, Attention Deficit Hyperactivity Disorder, Autism Spectrum Disorders), substance abuse, Fetal Alcohol Syndrome Disorder, cognitive developmental delays, speech difficulty, untreated sensory difficulty (hearing and sight), trauma and mental health disorders (e.g. severe anxiety, depression, attachment disorder) resulting from abuse, domestic and family violence, grief and loss
- low literacy and numeracy, multiple spoken languages with English as third or fourth and not always spoken at home
- inadequate, unsafe accommodation— for example, multiple families in a two bedroom unit; couch surfing, homelessness
- poverty, lack of food in the household leading to forays by children to find food in the community
- general and specialist medical services, untreated serious illnesses, non-attendance at medical appointments

- effects of institutionalisation with impacts on critical adolescent development through puberty of peer relationships, sexuality, gaining independence and autonomy, developing household skills and personal care, abstract reasoning, identity and belonging (e.g. sports teams)
- lack of support, family guidance, role modelling and care, feelings of abandonment, responsibility for siblings, concern for ill and struggling parents, loss of family connection, no reason to live
- disengagement from school to the extent that a bridging program is needed to prepare them for alternative school settings.

*Young people are used to being let down. They have learnt to fend for themselves without the knowledge and skills it needs to stay on the right side of the law.*

These needs exacerbate the usual adolescent developmental stages where peer pressure, high risk appetite and low ability to consider consequences can lead to unlawful behaviour. Their need to belong, especially if they do not have family support, contributes to them bonding with other disadvantaged and disconnected young people. They demonstrate behaviours of inattention, heightened flight/fight reactivity and low emotional and impulse control. Frequently the underlying causes of these behaviours are undiagnosed and the child's inability to control the behaviours is misunderstood.

Stakeholders reported several suitable services and programs, but as there are insufficient places, there are long waiting lists, for support, programs and assessments.

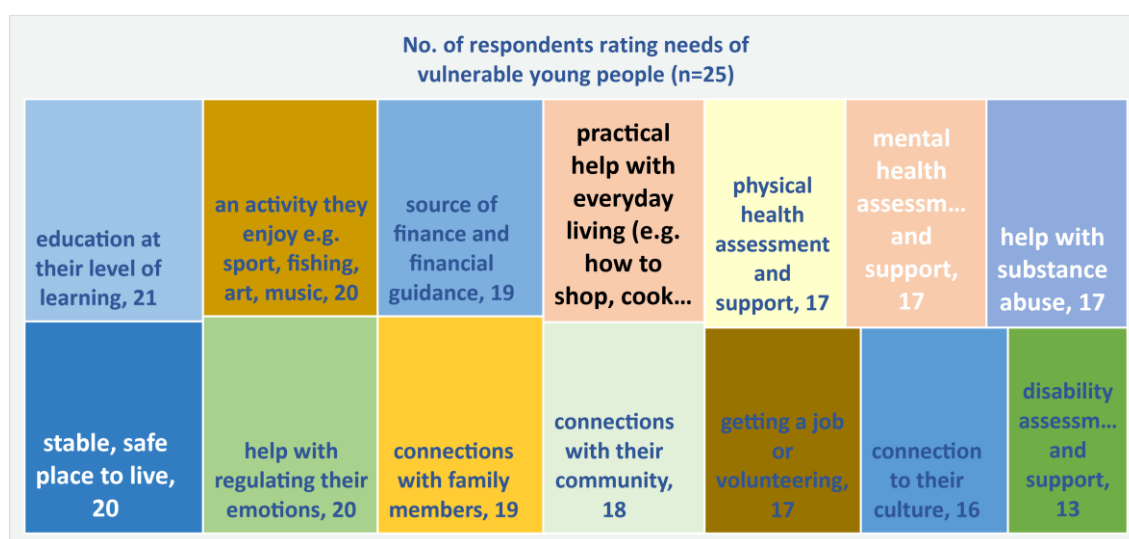
*Overall, stakeholders reported that more children and parents need more support and identified particular supports that are needed (Figure 29).*

*From the court perspective, understanding the needs of the young people who are repeat offenders and why they are not responding to traditional use of consequences, provides the basis for considering new ways of interacting with them so that they can be properly engaged in the process and understand what is happening and why.*

*The court process needs to cater to the needs of young people with complex and challenging behaviours.*

Stakeholders expressed feelings of inevitability, that without a significant change in the approach, the cycle will continue for these young people for the next generation.

**Figure 29: Survey respondents views of needs of young people**



**Source:** Survey B: Staff working with young people with repeated contact with courts.

### 6.1.2 Young person – getting ready for court

Stakeholders who work in the court room said that the young person needs to have time with their legal representative prior to going to court so that they know what to expect and what they have to do in court (e.g. how to speak to the magistrate). They need to know what evidence will be presented and what the charges mean. They need to understand enough to be able to decide how they will plead and to 'instruct' their legal representative. To do this, the young person needs to know the possible consequences attached to each option and think about what it will mean for them immediately and in the future. This is particularly difficult for lawyers to manage when a young person needs additional time due to an intellectual disability or cognitive issues. The lawyer needs to gauge whether the young person is fit to plead.

*The young person needs to know what to expect in court, what decision is to be made that day and what they are there for.*

Stakeholders raised many personal, logistical and environmental factors that impact on the young person's capacity to take it all in and pay attention: For example, personal factors include:

- stress at going to court and anxiety about the outcome
- worry about family members being present or not
- opportunity to connect with other young people involved with offending
- knowing their legal representative and trusting them – or meeting them for the first time.

Logistic factors include:

- the availability of a support staff person who relates to the young person at Cleveland Youth Detention Centre
- having documentation such as the brief of evidence explained to them
- enough time with a legal representative to understand their options
- time spent waiting outside of court whether in person or online which could be several hours.
- loss of time in education and other program activities for attendance at court.

Environmental factors include:

- the number of people in the court and knowing who they are and what they do
- the clarity of the video-link image and sound both in court and for communication in preparation for court
- noise distractions outside the video-link room or court room.

Time is needed to connect with the young person, settle them in, and get them in a safe space to think about and talk about events that may have occurred weeks or even months previously. This is more difficult if the legal representative has not previously met the young person. Legal representatives talked about the need to talk slowly and in very concrete ways to keep the young person on track. Each question has to be asked with care and the answer further validated with the young person as '*they don't see the story the same way as adults*'. They do not understand the way in which some things they say may be interpreted and misunderstood. The information that the legal officer presents can easily and unintentionally be compromised. For example:

*Are you going to school?" (Young person says 'Yes'). In court, the Education CLO says 'No.'. The young person is not meaning to be misleading. It is about knowing the kids in that court. It could be that the young person was on school holidays and then on remand, so is now unable to attend – but did so before the holidays and expects to go back when released on bail.*

Hence, lawyers are wary of encouraging the young person to provide answers that could be prejudicial to them. This constraint makes it difficult to involve the young person in having a voice in court and participating in the problem solving process inside the court.

### 6.1.3 Young people – during the court process

#### *Involvement in court*

The *Youth Justice Act 1992* (s72 (1)) states that *In a proceeding before a court in which a child is charged with an offence, the court must take steps to ensure, as far as practicable, that the child and any parent of the child present has full opportunity to be heard and participate in the proceeding.*

As shown in Section 5.4, magistrates adopt several strategies to involve and engage with young people and their family members. Stakeholders pointed out many barriers and challenges for magistrates trying to engage a young person actively in the process. Stakeholders reported that young people paid attention when they were being directly spoken to, but many said that young people were not often involved in the court process. They referred to the apparent signs of disengagement shown by young people, particularly on video link and noted the length of time of a court session.

*Young people tune out once the legal discussions are underway. After 10 minutes, you have lost them.*

The focus in the court is on the legal aspects of the case and what information the magistrate needs to support judicial decision-making (Section 6.2). The young person does not give consent to be in High Risk Youth Court, as it is not a program, but is a separate court list they are assigned to.

*(The young person) is 'not engaged' – They don't know what they need. The system has messed them up and court isn't the best place to fix it. They are so entrenched in it.*

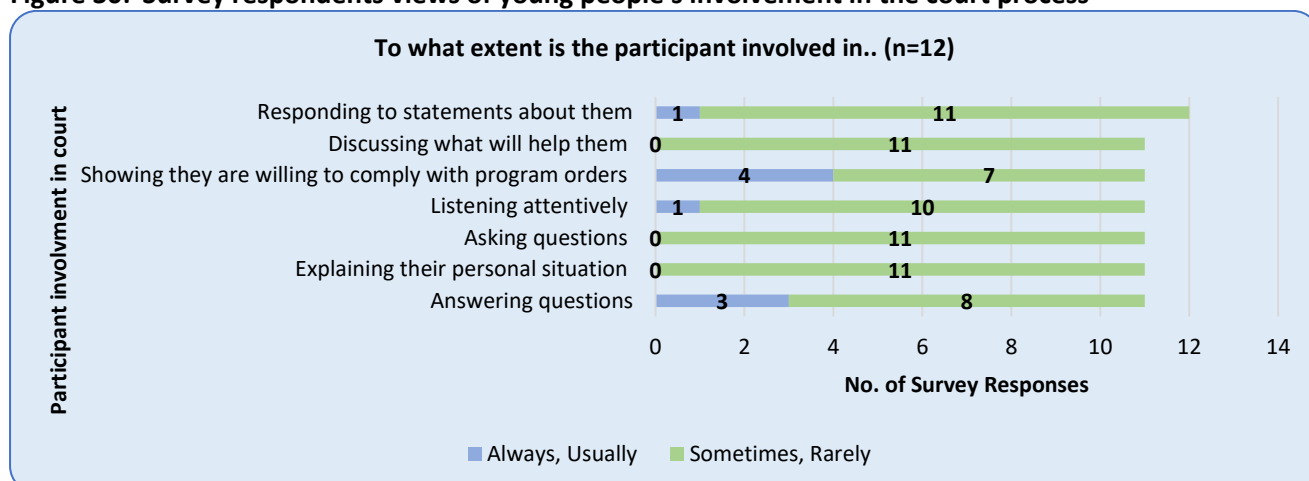
*People are talking on their behalf. They sit in the court room with their heads down, answering yes or no to things they do not understand. They need to be more involved in the decision making of their lives. They have a voice and they need to use it.*

However, legal practitioners expressed their concerns about young people being expected to disclose information to the court that may be prejudicial to their case. Legal representatives have a professional duty to protect the young person's interests so need to consider the scope of information provided to the court, whether the person is able to give informed consent for information to be shared with the court and whether they are able or willing to participate directly in the court proceedings. For example, the young person may not have the knowledge or skill to be able to join in problem-solving about what would help them to stop offending, on the spur of the moment, without revealing information that could incriminate them.

Stakeholders indicated that in facilitating a young person's participation in proceedings, a balance is required to develop an approach which does not impact or prejudice in any way the rights of a child in a proceeding, including the right to the protection from disclosure of confidential communications or confidential documents between the child and the child's lawyer (including legal professional privilege) or the privilege against self-incrimination.

Most survey respondents who attend court considered that young people were involved sometimes or rarely (Figure 30). This aligns with the observations of court in Section 5.4.

**Figure 30: Survey respondents views of young people's involvement in the court process**



**Source:** Survey A: For Staff Who Attend Court (n=12)

Stakeholders cautioned that observers need to be careful about the assumptions they make concerning young people's silence. There may be cultural reasons (Section 6.4), advice from their legal representative, as well as difficulties in recall and understanding.

*a lot of young people do not like to share what led up to the crime occurring because they feel shame or find it difficult to explain their circumstances or reason to why they did it. It is challenging for young people to identify emotions, self-regulate or to make good decisions when being pressured or heightened.*

*Some young people may not comprehend the impact they have on family and the community.*

Many stakeholders across all roles reported that young people say they do not know what is happening in court and, as there is a legislative requirement that the young person understands, many of the staff try to assist in explaining it<sup>64</sup>. However, understanding the young person's capability early in the process is really important.

*The child seemed disinterested and hard to engage. After two years someone raised questions about the young person's mental capacity.*

Orders made during sentencing can be very complicated if they refer to many offences over some period of times. One order may relate to several offences or orders may be combined e.g. a probation order and a community service order could be given for a single or multiple offences. However, each charge is read out separately. The word 'bail' may be used during the proceedings, leading the young person to think that their lawyer has been successful in following their instructions to ask for bail. Young people are not likely to understand the implications of the 2021 legislative 'show cause' requirement.

*(There needs to be)... more flexibility in how children are treated. For all children, (the procedure) needs to be at a basic level, giving magistrates graphics on a big screen, using pictures so the young person can respond*

Some stakeholders questioned whether the young person needed to attend as often:

*Do they have to be there if it (the mention) is administrative only?*

<sup>64</sup> Youth Justice developed easy English, pictorial materials about the court process and court orders with a speech therapist. An adaptation of "Blurred Borders", a Western Australian set of tools facilitating communication with young Aboriginal and Torres Strait Islanders attending court, is expected by late 2023.

*Children seem to attend court as required. The question is more about why they are so frequently being required and if it is something as simple as the court's process that increases trauma by increasing ongoing contact with the justice system.*

Another stakeholder considers that the multiple aims of the court for the child (accountability, rehabilitation and reintegration) are not clear:

*Expectations are confounded. No-one is clear what the young person is trying to achieve... The intent is to provide punishment re the offence.*

These responses suggest two similar objectives that the court is seeking with different perspectives of what is needed for these objectives to be achieved:

*I think the stakeholders involved in juvenile proceedings can lose sight of the fact we are dealing with vulnerable juveniles who don't inherently understand concepts such as "insight" and "remorse" and if they do, may find it hard to articulate.*

*This doesn't mean they don't have it but I think they can often be treated with a lack of patience and understanding around these concepts. Most children seem to have an idea about what they need to do to stay out of trouble, but for all the reasons above relating to their disadvantage, don't have the capacity personally and in terms of their support systems to always put these measures into action.*

*Most children feel overwhelmed by who to turn to for support. There may be various services available, but it can be hard for them to identify what services they need and how to reach out to them. It could be beneficial to have someone attend Court like the Child Advocate to assist kids with working these things out as all other stakeholders they are involved with might have other obligations and responsibilities to them that they can't help them address all of their varied needs.*

*Everyone talks on behalf of the young person who keeps reoffending. The young person needs to take accountability for their actions, and we need to provide a safe space where these conversations can happen.*

*The young person needs to speak for themselves and to put forward a consequence for their offence. This then needs to be taken into consideration, consult with elders, family and key stakeholders.*

*The Judge will provide the final outcome. Young people are walking in and out of court, not taking accountability for their actions.*

## Education

Linking the young person to education or employment is a requirement of the legislation and is considered to be of major importance by all agencies in order to keep a young person engaged during the day in a structured environment (off the streets), and to develop skills for the future. Many young people have been disengaged for some period and are many years behind their chronological age group. Their history of suspensions and exclusions based on previous behaviour and strategies to separate co-offenders makes enrolment challenging.

During the court process, the Education Court Liaison Officer follows the young person's matter, checks their education history on the One School website, and facilitates their connection to a flexible environment that addresses their individual learning and behavioural needs, working very closely with local schools as well as with the alternative schools in Townsville.

*Flexi school does not follow a traditional school curriculum. Students do not attend every day and may only attend a part day. It provides a safe place and children turn up on school holidays because it is a place they like to go. There are 60 on the waiting list.*

## Video-link

Video-link is generally considered to be a preferred option to a face-to-face appearance, subject to agreement of the young person and their lawyer, to avoid young people being transferred in custody, waiting in watch-houses and undertaking several searches. However, the remoteness of appearing by video is reported to be particularly difficult:

*Appearances by video-link are the biggest barriers to the kids having a proper understanding of what is going on in their matter. Where possible, the kids should appear in person for their sentences. They should sit next to their solicitor at the bar table where appropriate and the Magistrate should come down from the Bench to sit across from them at the Bar Table. This will make the kids more interactive and therefore engaged in their proceedings. I have seen this work well both in Murri Courts and Childrens Courts in other areas.*

### Rapport with young people

Most stakeholders considered that young people are treated with respect, dignity, fairness and cultural understanding (Figure 31).

**Figure 31: Survey respondents views of participants' treatment in court**



Source: Survey A: For Staff Who Attend Court (n=12).

*It is not fair to require that a young person gets brought from the detention centre to sit in the watchhouse to appear in Court because they might use a swear word on the video-link when acting out of frustration i.e. when their matters are adjourned. This is inconsistent with the supposed values of the Court and principles of the YJA and HRA and punishes a kid for 'reacting' in a place that is meant to be inclusive, understanding and culturally safe.*

### 6.1.4 Young people – On leaving court

Many stakeholders said that young people do not understand the outcome of the court when they leave. The young person may be frustrated, upset, angry or confused if they expected to get bail and they find out that bail has not been granted. At the court, the lawyer or Elder may be able to talk to them straight away and explain what they have to do next. Most of the young people are in custody and it is more difficult for them at the detention centre as they may not have access to someone to provide information till later that day. It is a particularly hard time for them.

*Frequently they don't know what is going on. The Escort Officer tells them as others are not available.*

If the young person is to be released from custody as a result of the court outcome, their transition plan or conditional bail program may come into effect, where available. Stakeholders referred to the difficulty of coordinating arrangements immediately and the availability of services to respond instantly. Making arrangements immediately with the Bail Support service is essential so the workers can visit the family and complete registration so that the young person has a safe place to stay, family members and the young person know what the bail conditions are, and the service is in place for the first night.

### Involvement of family

Stakeholders commented on the lack of involvement of family members. Several reasons were suggested for their reluctance to attend and, if there, to participate:

- Experiences of loss and grief, shame, fear of being blamed for things they cannot control



- Cultural dissonance – an intimidating environment that is foreign, not understandable and historically traumatising
- Being overwhelmed by other issues e.g. poverty – where to find funds to pay rent
- Depending on others to get to court and take care of other children
- Their feelings of powerlessness when their children are on the video and they cannot see them in person.

There needs to be more presence in the courts of First Nation support where the young person and family understands the system and how we can prevent reoffending. Refer to the Townsville Stronger Communities Early Action Group model which could be an example (Sections 3.3.4 and 6.4).

## 6.2 Information

### 6.2.1 Needed before court sits

Townsville Childrens Court and High Risk Youth Court list cases four days a week. Cases of young people, who are refused police bail when arrested must be heard as soon as possible – usually within 24 hours, often making a fifth day. As sessions often run from nine o'clock to early afternoon, stakeholders with court roles reported the difficulty of gathering adequate information to be ready for court as well as reading submissions from others in advance. Lack of information readiness was the primary cause of adjournments, extending the times to finalise charges. Information required includes:

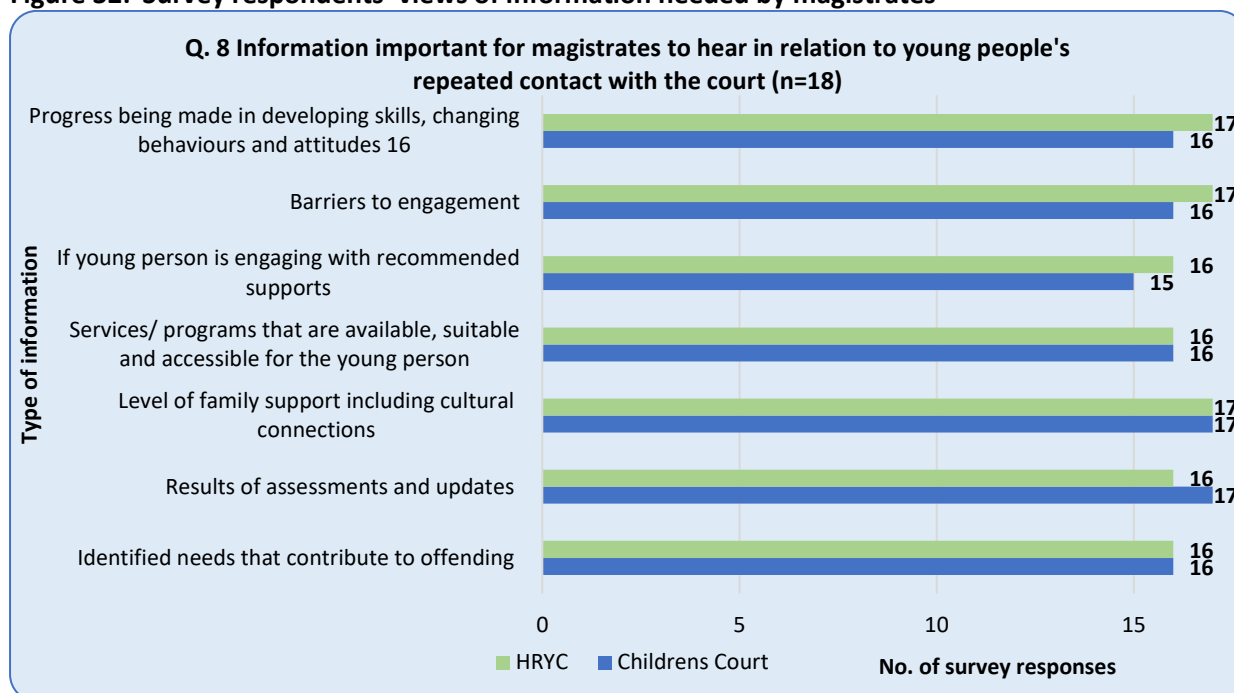
- Brief of evidence usually produced and presented by the arresting officers (QPS). The legal representative needs to receive this in time to go through it with the young person who has been charged and to find out how they wish to plead. The brief may be delayed (at times, months) to get video-cam evidence, results of samples for testing, witness statements.
- Infringement notices
- Applications for a grant of legal aid for a young person to be allocated a legal representative (Legal Aid Queensland).
- Assessments e.g. fitness for trial<sup>65</sup>, disability, physical, sensory and mental health, cognitive impairment – any previous reports.
- Update on the progression of all outstanding matters
- Case notes provided to Court Liaison Officers by case managers (Youth Justice, Child Safety)
- Pre-sentence reports which are comprehensive summaries of the young person's needs, criminal history, response to programs and behaviour change, prepared by Youth Justice and usually take from 4 to 6 weeks. The young person's legal representative needs to go through this with the young person prior to sentencing. Magistrates call for these, usually when a sentence of detention is likely
- Bail applications, Conditional Bail programs, police objection to bail affidavits.

Almost all the survey respondents closely involved with Youth Justice Reforms (Survey C) considered that both High Risk Youth Court magistrate and other Childrens Courts magistrates need broad information about young people's needs, family support, program engagement and progress in changing behaviour and developing skills (Figure 32). This list matches the information that magistrates identified. Magistrates also want to see the results of assessments and/or progress in their completion.

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<sup>65</sup> *Fitness for trial assessment*: Child is able to give instructions to the legal representative

**Figure 32: Survey respondents' views of information needed by magistrates**



**Source:** Survey C: Staff with operational and strategic management roles in Youth Justice Reforms.

One stakeholder agreed that the information is required for both courts but suggested that the updates needed to be brief for Childrens Court and a more in-depth report should be handed up 48 hours before the High Risk Youth Court convenes.

Department of Education Court Liaison Officers, legal representatives and Elders raised the difficulty in getting access to material and time with the young person and the family in the days before court. The Townsville Justice Group, in particular, met barriers around referrals and consent from the young person to work with their family members to provide cultural information to the court. As a result, a very small proportion of Aboriginal and Torres Strait Islander young people have had a cultural report presented for consideration in the court process.

On the morning of court, prosecutors, legal representatives and the Youth Justice coordinator collaboratively provide each other with last minute updates related to a young person. This may be the first opportunity they have had to discuss the case.

In addition to those at the bar table, several roles behind the scenes are crucial to the efficient running of every court session and depend on accurate, updated information to manage logistics. Roles include:

- arranging transport for the young person and confirming their attendance many times (Youth Justice, legal representatives)
- escorting young people at Cleveland Youth Detention Centre to the video-link room and back to their units, maintaining supervision and support, facilitating video-link connections
- arranging and facilitating alternative ways of involving parents/ family members e.g. phone, video, transport to court)
- rostering Elders to sit in court and providing transport (Townsville Justice Group)
- providing all materials to the magistrate the day before to allow time for pre-reading (Registry staff, DJAG High Risk Youth Court Coordinator)
- maintaining court and referral service records (DJAG Clerk, DJAG High Risk Youth Court Coordinator)

### 6.2.2 In the court room

Within the court setting, information is specifically needed to understand and explain how to mitigate risks to community safety and further offending for bail considerations, and to facilitate the rehabilitation of the child and to reintegrate the child into their family and community for sentencing (*Youth Justices Act 1992*: s1, 48AA, s150, Schedule 1). In a specialist court, therapeutic jurisprudence incorporates both an accountability dimension as determined by legislation and a leadership role, using the authority of the presiding officer, to facilitate addressing underlying factors that contribute to reoffending.

High Risk Youth Court was conceived as a problem-solving court where the young person, their family and the agencies with responsibilities for them could discuss the young person's case holistically and with the magistrate's leadership proactively find ways to support the young person to reduce their offending.

However, stakeholders attending courts explained that the legal nature of the court, and particularly the child status of the defendants, inhibit those in the court room from sharing information that is not specifically asked for by the magistrate. The role of Youth Justice Court Coordinators, Child Safety Court Liaison Officers and Education Court Liaison Officers is to provide information to the court about the young person's level of compliance and not to advocate for the young person.

Stakeholders gave examples of their hesitation in sharing information:

- Everything that is said goes on the legal record.
- Written reports by Youth Justice are quality assured to validate them so staff are reluctant to add information that is not documented. Youth Justice prepare a lot of extra material in case the magistrate asks questions but usually do not share it unless directly requested.
- Provisions of both Youth Justice and Child Safety legislation and their respective practice frameworks emphasise the right to privacy of young people and that they must be involved in decisions about them. Although it is a closed court, staff are concerned about revealing sensitive personal information when the young person may not understand enough to give informed consent. Staff are also concerned about breaching the rapport they have developed with the young person by not involving them.
- Court Liaison Officers may not work with the children face to face but are passing on information from the case manager so do not know anything additional to what is on record.

*(It is) .. difficult because lawyers don't want to give too much information when it's not necessary. If we're not doing bail etc, why do magistrates need this information? This is not a rehabilitative court.*

*Magistrates should not be doing case management. They are not social workers. Why don't they leave it to the experts?*

Magistrates look for information to assist them in determining the level of supervision a young person will have in the community as they have to balance potentially conflicting goals such as:

- Keeping the community safe (Youth Justice Principle 1)
- Keeping children out of the watch-house<sup>66</sup> and detention

#### **Information that magistrates may need to inform decision-making (Survey D):**

- young person's needs
- cultural submissions and reports
- familial circumstances and background
- young person's living arrangements
- young person's engagement in programs
- progression/ delays of formal assessments or assessment outcomes (e.g. diagnoses)
- compliance with court orders
- engagement in education or employment

<sup>66</sup> Human Rights Act 2019 (s33) states that an accused child who is detained, or a child detained without charge, must be segregated from all detained adults.

- Detention as a last resort and for the shortest appropriate period (*Youth Justice Act* s150 (2e))
- Taking into account the child's age and maturity (*Youth Justice Principle* 13).

At the same time, magistrates need enough information about the young person and their family to meet the requirements of Schedule 1 (s9A) that : *A child who commits an offence should be—*

- (a) held accountable and encouraged to accept responsibility for the offending behaviour
- (b) dealt with in a way that will give the child the opportunity to develop in responsible, beneficial and socially acceptable ways
- (c) dealt with in a way that strengthens the child's family
- (d) dealt with in a way that recognises the child's need for guidance and assistance because children tend to be dependent and immature.

If a young person is deemed to be an 'unacceptable risk' *of committing an offence that will endanger community safety*" (e.g. because of the nature of their offences and/or non-compliance with previous orders) the court has to decide whether or not it is *practicable to adequately mitigate that risk by imposing particular conditions of release on bail* (s48AAA). The decision to release the child is made on consideration of factors including:

- (i) whether there is sufficient supervision to reduce the risk of reoffending
- (ii) a parent or family member is willing to 'support the child to comply with the conditions imposed on a grant of bail' s48AA(4) (a) (va)
- (iii) the young person understands the conditions, is willing to comply with bail, and understands the consequences of non-compliances.

Without this information, the young person is remanded in custody and when the detention centre is full, is remanded at the watch-house.

The decisions are subject to appeal by both prosecutors and defence lawyers.

*It is very hard to get conditional bail support. The court could identify what needs to be addressed for bail to be considered: For example: adequate supervision between 12am and 6am and on weekends, management of drug use, broad support for the young person's mother and family members to take on responsibility over time, programs being offered to refocus the young person to address the young person's needs and goals*

*There is a huge gap for an appropriate home. If it is not appropriate to go home or to an appropriate family member it is not a consideration. (The Court is)..not able to deny bail because there is not appropriate accommodation<sup>67</sup> but if a curfew is to be in place, if there is not a place for police to find them or for them to be supervised, the application won't be accepted.*

Magistrates can request pre-sentence reports but may be reluctant as there is at least four weeks required to prepare them and this would increase the time on remand. However, where detention is in range as a sentence outcome, a court must order one. Magistrates commented that the information in the pre-sentence report may be more detailed than required ("*quantity over quality*") and some information would be good to know earlier so they could engage more directly with the young person.

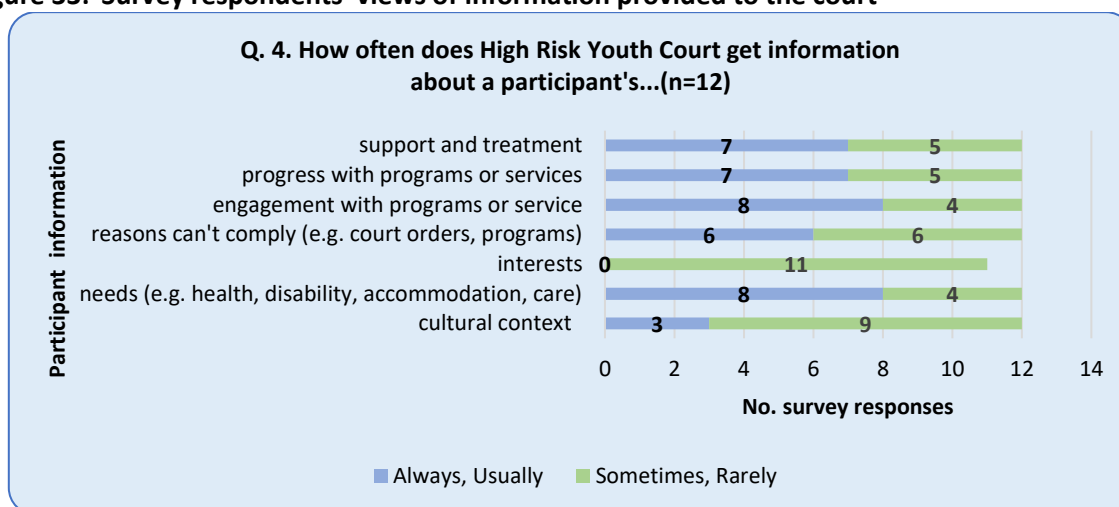
Just over half the survey respondents who attend court reported that information about the participant's needs, support and treatment, and progress and engagement with programs were 'always' or 'usually' provided. Most respondents reported that the young person's interests and

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<sup>67</sup> *Youth Justice Act 1992 s48AA(7)*

their cultural context were provided 'rarely' or 'sometimes' (Figure 33). Seven respondents considered that the court has sufficient information to allow for informed decision making.

**Figure 33: Survey respondents' views of information provided to the court**



Source: Survey A. For staff attending Court (n=12)

### *Value of sharing information*

While reluctant to provide information to others, each of the court professionals reported that more information from other agencies would enable them to do their job better and to respond to the best interests of the young person. Collectively, they are interested in:

- cultural information so that they can work in a culturally safe way and provide appropriate cultural supports
- alternative education options and transition to these options so they can assist in facilitating the transition process or, for legal representatives, knowing the young person's barriers to education and what needs to be done to address them so the young person can return to education as a mitigation strategy
- generally, knowing where the young person and their family are at (progress of charges, programs undertaken, effective access to therapeutic services, changes in behaviour), to better coordinate and prioritise services and thus avoid families (a single mum) having service fatigue.

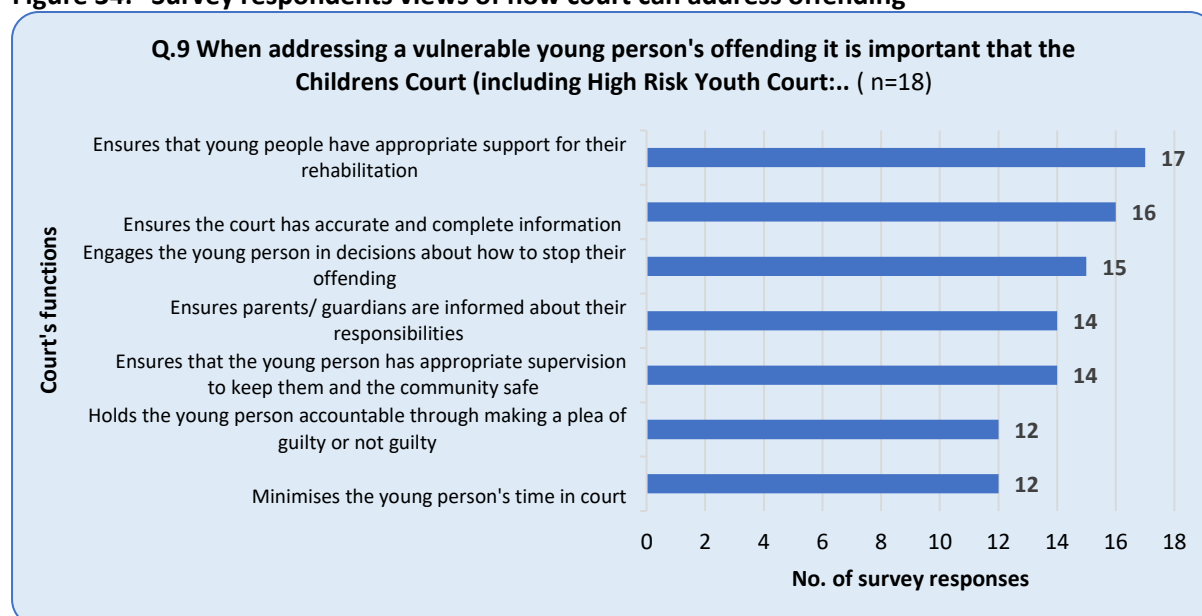
There are comparable requirements for transfer and coordination of information provided in the Townsville Multi-Agency Collaborative Panel (at Tier 1 for an individual young person, and at Tier 2 for program managers) to check that young people identified as needing intensive case management are receiving adequate supervision, support and services access (Section 3.3.4). Information sharing arrangements have been established between relevant government agencies so that staff can share case information in the best interest of the child, collated specifically for the Multi-Agency Collaborative Panel purposes.<sup>68</sup> The Townsville Stronger Community Early Action Group is using information sharing protocols to work intensively with families of young people who have not yet entered, but are at risk of entering the youth justice and child protection systems<sup>69</sup>. Stakeholders reported that these arrangements have greatly facilitated having an integrated approach which may be improved with further streamlining of consent processes.

<sup>68</sup> Note that some details may be incorporated in Youth Justice tabled material without identifying the source. A young person is not identified as being on the Multi-Agency Panel List to avoid labelling, stigma and bias.

<sup>69</sup> Service providers described the extensive time involved in documenting consent at every level within each program and the delays it causes.

Survey respondents involved with the Youth Justice Reforms agreed on several court functions that are important in order to address offending of this cohort. These include supporting the young person's rehabilitation, having comprehensive information and engaging the young person in decisions about how to stop their offending (Figure 34).

**Figure 34: Survey respondents views of how court can address offending**



**Source:** Survey C: Staff with Strategic and Operational role in Youth Justice Reforms (n=18)

Stakeholders raised the risks of working collaboratively in the court room, particularly the risk that information provided for support purposes (e.g. by co-responders, collaborative multi-agency meetings) may be used for surveillance and reporting of non-compliance, for example, as a breach of conditions of bail that could lead to arrest and going back to court. A stakeholder noted that Youth Justice policies and ongoing staff training through a community of practice emphasised the importance of diversionary strategies to engage with young people and help them to comply with laws and court order requirements, and not to increase the young person's criminal record.

Co-responders described several examples of following through with young people to divert them from offending, by meeting their immediate needs (e.g. satisfying their hunger, finding somewhere to stay) and to use a learning approach rather than a punitive one. In this process, they were able to observe the needs of the family and to refer them to Family and Wellbeing support workers to ensure that the family can move ahead with more skills, resources and support and provide more supervision and support for their young family member. Stakeholders suggested continued monitoring of how this information is used to ensure the benefit of sharing information is not outweighed by net-widening.

Documents tendered in court are not provided to all parties in the court room e.g. Elders, parents and young people. Young people may have gone through the document with their legal representative prior to court, but the terminology used in court is likely to be different from how the lawyer explained it to the young person. Hence, it is difficult for young people and others in the court room to be able to follow the course of the conversation and to feel included.

*The information gathering process is very ad hoc and comes about over a number of unnecessary mentions where the magistrate tries to 'engage' and 'connect' over these adjournments. If matters are being referred to this court there should be an immediate template of some kind summarising each of these things as relevant to the young person.*

*What happens if there is none (Pre-Sentence Report). How is information brought before Court? (The magistrate has to).. rely on knowledge of the child and the background. In legislation, the PSR of children is required if going to detention or if court thinks it will be helpful.*

### 6.2.3 After court

Many stakeholders said that young people come out of court without an understanding of what happened, the result, and what they are required to do. Logistics make it difficult to ensure that the young person has immediate support, particularly if they are in detention as support people (Elders, case workers, cultural support officers) remain with other young people yet to go into court. Lack of information, a proper debriefing process, and a family member to console them, leave the young person very vulnerable. Incidents of damage to the video-link room and aggression towards detention officers are indicative of the pain and frustration felt by some who express it outwardly and get further charges and sanctions as a result.

*The young person doesn't understand what's going on. With the flow of cases, there's no time for the case worker to explain to the young person when they come out, because they are with another young person. No time to explain.*

*(At the detention centre) the Cultural Liaison Officer may not know the court outcome because they are not in the Court and have gone back to deal with other young people. The young person is told what happened by the Escort Officer if they are going home or not. They could be getting on a plane that day. Nobody knows.*

*Young person gets trial with some charges. Walks away from centre. Thinks charges are finished but hasn't yet gone to court on that charge. So they are upset at staff.*

In some cases, in an effort to expedite proceedings, lawyers bring to the attention of magistrates that the time the young person has been in custody is nearing the maximum likely sentence for the charge<sup>70</sup>. Stakeholders expressed concern that the gravity and nature of the charge does not justify the extended remand time which may impact on the penalty imposed.

Detention Centre staff reported that timely communication of release information is critical so that arrangements can be put in place to support the young person and their family when the young person leaves detention, including travel arrangements and communication with family members so that they may plan for the young person's return home. Even though a transition plan may have been previously prepared, it may take time to get it into place. Young people identified as having high needs to avoid reoffending have a 72 hour intensive support plan as research shows this is the riskiest time for young people to re-offend. The plans have comprehensive activities throughout the day and many agencies are not able to respond without prior notice as they have may have only two staff members and a full complement of participants.

*(It is) ..confusing for young people. On bail, they have a curfew. QPS checks and the young person is not there. So they return two nights later and the young person is there and then gets breached and gets taken from home. But they say 'why was I breached? I was doing the right thing.*

*The Court needs as much information as they can about the family and background.*

*Curfews don't recognise (the problems at home). Bail conditions need to allow for young person to live here or there e.g. with aunt. The child doesn't control where they live*

<sup>70</sup> Youth Justice Act 1992 (Schedule 1 7(c)) specifies that: the proceeding should be finalised as soon as practicable.

<sup>71</sup> Human Rights Act 2019 (s33(2)) provides that: An accused child must be brought to trial as quickly as possible.



## 6.3 Communication

The Youth Justice Act 1992 s72 (2) states that: the court must ensure that the child and parent understand, as far as practicable— (a) the nature of the alleged offence, including the matters that must be established before the child can be found guilty; and (b) the court’s procedures; and (c) the consequences of any order that may be made.

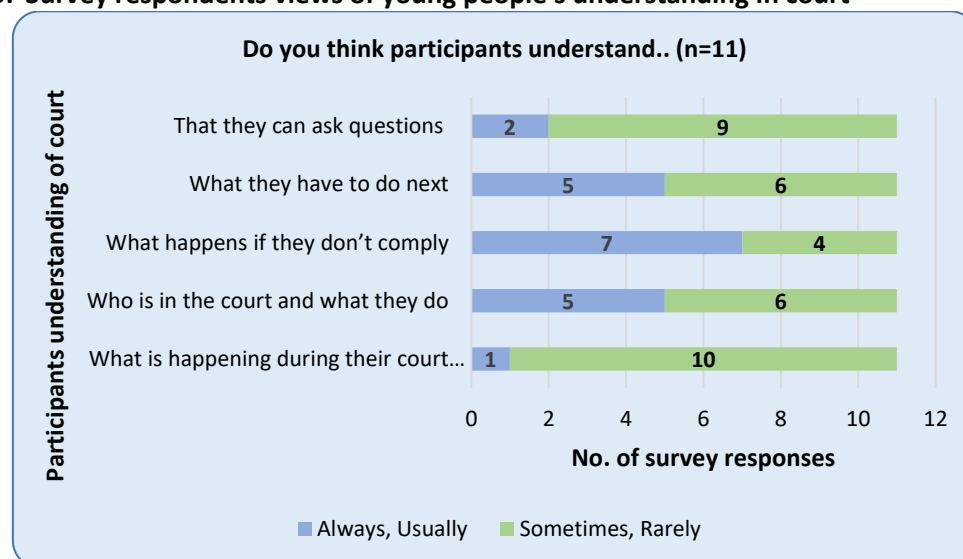
Magistrates are required by law to read out each formal charge when a child enters a plea. Stakeholders raised concerns about whether the language used in court is suitable for young people and identified several considerations, in addition to those attributed in general to children and adolescents, that affect their capacity to understand. These include:

- speaking Australian Standard English as a third or fourth language (Aboriginal English, one or two nation languages, creole)
- having literacy levels and speech development several years below their chronological age and therefore a smaller formal vocabulary
- having no one in their family who has completed high school or further education
- limited schooling, cognitive delays, intellectual disability
- mental health arising from trauma associated with abuse, domestic and family violence and neural diversity which affect memory and attention, substance dependence (Section 6.1).

The *Youth Justice Act* (1992) provides for explanatory notes to be given to the child and parent to satisfy the courts obligation the child and parent understand proceedings (s72 (2) and (3)). The Childrens Court of Queensland has developed some material for this purpose. In the Magistrates Court, magistrates may describe the charges in everyday language as well as reading out the exact wording of the charge.

Mostly, survey respondents who attend the court considered that young people ‘always’ or ‘usually’ understand what happens if they do not comply with orders. However, most also consider that young people ‘sometimes’ or ‘rarely’ understand what is happening in court or if they can ask questions (Figure 35.).

**Figure 35: Survey respondents views of young people's understanding in court**



Source: Survey A: Staff attending the court (n=12).

Stakeholders suggested changes to the way the court interacts with this cohort of young people:

*Most young people do not have any understanding of the (court processes). The court process is not catered to the needs of young people with complex and challenging behaviours and/or disabilities impacting their comprehension.*

*Short messages should be prioritised instead of long statements. Need to keep language simple to ensure young people understand.*

*Listen to so much legal talk. Have no idea what is being said to them. Young person sat there. Magistrate reads out their judgement but it is not juvenile language. They are trying to understand.*

Department of Education staff advise that the young people at the Cleveland Youth Detention Centre often have a reading level equivalent to Year 2 or 3 and in court use their survival skills to give expected answers.

Speech therapists working with these young people recommend:

- avoiding legal jargon and agreeing on the same terms for all parties to use
- limiting communication to a maximum of 10 minutes to maintain attention.
- using easy English explanations of court processes and court orders with pictures to aid comprehension (developed with departmental staff)
- each person who has contact with the young person, reinforcing what the young person is required to do.

Stakeholders proposed that it would be beneficial if all of the staff attending court developed their communication skills for this group of young people in this environment:

*All stakeholders could engage in training around effectively communicating with young people, trauma informed practice, criminogenic needs, cultural capability. This would assist stakeholders to make decisions that reduce a young person's risk of reoffending.*

Video-links add an extra barrier to communication as it is less personal and creates more distance between the speaker and the listener. Technology difficulties and extraneous noise can be a distraction. However, the practicality and convenience make video-link a preferred option, subject to agreement by the young person (through their lawyer) for bail and including the prosecutor for sentencing. Stakeholders suggested the need to improve the environment for the young person and to engage them more, for example:

*Need to take active steps to engage with young people in a meaningful way to ensure that they genuinely understand court processes and outcomes.*

Considering the number of young people in detention and the current logistical limitations in the video-link facilities, it was also suggested that a court be established at Cleveland Youth Detention Centre so that the magistrate and parties could attend in person, and families and lawyers had more suitable access to the young people they are supporting.

Although there are requirements to involve the young person and their family, there is also a requirement for parties to a proceeding to progress matters in accordance with law. This can involve back and forth legal discussion, checking records and providing information to the Magistrate about options for consideration. The young person and family members are present but not involved in this part of the proceeding which can take some time.

*Very time pressured. Need to communicate in the level of legislation efficiently. We talk amongst the adults. Then translate to kids.*

Some stakeholders question the value of the young person being present for the legal discussion:

*Could parties meet before court like in Queensland Drug and Alcohol Court (review meeting) or Murri Court where Elders run through the case with the Magistrate?*

*Intangibility of court process and outcomes. (Young people) really struggle with understanding the difference e.g. between bail order and the sentence order. Very hard to understand why they go through the system and why it is in their interest.*

Another considers that:

*more effort is required to enforce acceptance of responsibility and understanding of victim empathy. Blaming others and looking for excuses due to the past is not acceptable once the offending becomes excessive.*

## 6.4 Culture

### 6.4.1 In court

Many stakeholders expressed the need for information about cultural needs of the young person. Stakeholders acknowledge the presence of Elders in the court room and an Elder sitting with the young person in the Cleveland Youth Detention Centre video-link room. The magistrate makes sure that the young person knows the Elder(s) is there to provide support. Stakeholders suggested ways that Aboriginal and Torres Strait Islander people should be more formally recognised include:

- Acknowledgement to Country at the beginning of the session
- noting which nation the young person comes from (when known)
- having Elders from the same family group as the young person and known to the young person
- having Aboriginal and Torres Strait Islander artefacts and artwork.

The Townsville Justice Group work behind the scenes with families and young people. The Townsville Justice Group Court Coordinator picks up family members (and young people if not in detention) to bring them to court and uses this opportunity to break down barriers and develop rapport and trust through family connections. Some families and/ or the young person do not want the Justice Group to be involved. Elders see their main role as providing support to the parents of the child in court.

The Townsville Justice Group describes some of the barriers to their active involvement in court:

- small number of Elders available and high expectations from the community for them to meet a wide range of needs
- length of time required to be in court across two days
- time needed to engage with families to gather information and get consent
- concerns about providing information in court that could be detrimental to the young person or their family
- risk of embarrassing the young person or family member present
- hesitation by the Elders to interrupt proceedings from the gallery in order to speak to the magistrate.

Other stakeholders are not aware of the connections being made in the background or other barriers that could be involved with the current arrangements:

*Elders are present in HRYC but rarely take an active role. Elders could be more involved by providing cultural reports (orally or written)*

*I don't believe that the Elders sitting in Court provides cultural support. This seems tokenistic. Elders' voices must be centred in the discussion. I have no knowledge of the work they do before and after*

*court. None of the participants I am involved with have Elder support in this area (around 20 young people).*

Aboriginal and Torres Strait Islander people familiar with the court process and working with young people and families in the community suggested further ways to improve cultural safety and involvement of Aboriginal and Torres Strait Islander and their family members in the court room including:

- bring the magistrate closer (at the bar table) so people in the gallery feel a part of the proceedings
- engage Aboriginal and Torres Strait Islander Elders (male and female) to sit beside the magistrate with time to present the cultural report and speak to the young person in relation to Aboriginal lore and their obligations within their community
- increase the proportion of Aboriginal and Torres Strait Islander people in the room e.g. with Aboriginal and Torres Strait Islander Court Liaison Officers, Court Convenor, lawyers, prosecutors
- adopt a 'healing' approach, recognising the need for a sustained, holistic response to address the causes of the offending, including connection to family, culture and country.

*The magistrate speaks to First Nations children about Aboriginal lore while Elders are seated in the back of the Court and could more regularly be deferred to for these kinds of cultural discussions.*

Aboriginal and Torres Strait Islander stakeholders also see the importance of greater knowledge and understanding of Aboriginal and Torres Strait Islander culture, history and ongoing trauma as incorrect assumptions can have serious impacts on young people.

*Responsibility for a child is not primarily the parents as in Western culture. It rests with the broad Aboriginal and Torres Strait Islander 'family' especially if a parent is unwell or unable to support the child adequately. An aunt, uncle, grandparent may be the right person to be involved in court and in following up.*

*Intergenerational trauma from colonisation, loss of family members, loss of identity and ongoing racism and discrimination, continue to have significant impacts on the wellbeing and functioning of some families.*

*(Many non-Indigenous people) do not understand Aboriginal and Torres Strait Islander spirituality and how it is central to our culture.*

### *Male role models*

Several stakeholders talked about the importance for a young Aboriginal and Torres Strait Islander boy to have positive male role models as they move through their teens, to learn their responsibilities and to be initiated into their culture. Stakeholders expressed concern that the overrepresentation in custody of Indigenous men, in particular, may have contributed to a loss of culture for their children. Access to cultural mentoring programs is considered to be an essential part of the healing process for young boys as they approach adulthood. Some stakeholders also expressed the view that, taking into account the needs in a particular case, reconnection with fathers may also need to be facilitated.

*Broken families are a number one issue. Single mums are raising the children. Boys get to age 13 and have to do something to get to manhood at age 18. They need a different step up e.g. through fishing, hunting. From 13,14 boys are trying to get a role model – (They need) cultural schooling. Cultural lore still has rules for men and women. There are traditional areas they can go to and have responsibility.*

### *On Country*

Examples of successful outcomes through the court process showed the benefits gained when a young person had the opportunity to go *on country* with a trusted family member or through an *on country* program for some time. The focus on the new environment facilitated a reset by bringing

the young person into contact with *lore*, enabling them to develop practical, physical skills and to gain confidence and identity. It moved them out of the urban area and the pattern of offending behaviour that had developed, to see themselves in a different way. Stakeholders considered it is a necessary step before they could re-enter education, even in an alternative setting.

### *Connections with family and community*

To be referred to High Risk Youth Court, young people must live within the Townsville local government area. However many have come from central Queensland, the Gulf Country, Palm Island, Atherton Tablelands, Mount Isa, Mornington Island and Torres Strait. Cultural Support Officers at Cleveland Youth Detention Centre work hard to find the young person's family and connect them so that when they are released they have connections.

Cultural Support Officers are also involved in developing transition plans and providing input into pre-sentence reports. Stakeholders suggested that other valuable roles would be:

- supporting young people both while they are waiting and as they leave court
- liaising and working with service agencies coming into the detention centre to provide services to young people

In general, there was a concern from Aboriginal and Torres Strait Islander staff (government and non-government) that their knowledge of culture and connections with the community are undervalued, under-remunerated and under-utilised. What they have to offer in guiding the development of programs and policies and implementing them to improve outcomes for Aboriginal and Torres Strait Islander people including young people is not understood.

### *Culturally safe services*

The Department of Children, Youth Justice and Multicultural Affairs is moving towards procurement of services for Aboriginal and Torres Strait Islander people to be from Aboriginal Controlled Community Organisations. Child Safety staff work closely with Aboriginal and Torres Strait Islander Elders in finding suitable kinship placements when parents are unable to look after their children.

*Child safety raises issues with the Elders (about the safety of a child). Elders make it happen.*

Further options for delegation of responsibility to Aboriginal and Torres Strait Islander communities are being explored under the Closing the Gap initiatives.

### *Collaboration*

#### Cultural support officers

Based on feedback, there appears to have been little communication between cultural support officers in different departments and no formal opportunities to collaborate. Young people on community-based orders are under Youth Justice case management which includes access to a cultural support officer, but there is no formal or informal arrangement to link cultural officers with the Townsville Justice Group to share information. Department of Education, Cleveland Youth Detention Centre and Child Safety also have cultural officers working with the same children and the non-government sector has a number of Aboriginal and Torres Strait Islander staff providing services for young people.

*Cultural supports are not linking and there is almost a sense of competition (between agencies – not the officers). Why not integrate the existing cultural support officer (YJ) knowledge.*

*Cultural links needs to be part of the pre-sentence report and in every part of communication*

*Multi-agency panels have one Aboriginal and Torres Strait Islander from DATSIP – no-one with a case management role*

#### Aboriginal and Torres Strait Islander service providers and Elders

There are several models of collaboration occurring at other levels of youth justice services. For example:

- At the Tier 1 level of the multi-agency panels led by Youth Justice, intensive case management brings together all the agencies providing services to a young person considered to have high needs, with their family members.
- The Townsville Stronger Community Early Action Group which focuses on young people who are not currently subject to a court order or child protection order, but who are identified as at risk of entry into the justice system (Section 3.3.4) uses a model of collaboration based on the concept of the 'Cultural Eco-System'. That is, the whole context and environment in which the family and young person are operating is within scope of the team's support.

Community Engagement Officers (engaged by the Early Action Group) work with families to identify a family member to take the lead in the young person's plan. A holistic response emerges from the parent (or nominated family member) identifying what they see as their priority needs to be able to support the young person (and siblings). The team proactively resolves issues with practical help, to allow the family time and space to address the more complex issues and to meet their parental responsibilities. Other agencies are brought in as required e.g. assessments of health, cognition, and to address issues that are barriers to progress for the child and family. The aim is to gradually develop the confidence and skills of family members so that they will be ready and able to supervise and care for their children with ongoing access to community services as needed.

The Early Action Group holds stakeholders meetings monthly to keep up-to-date on service availability and to problem-solve issues at a whole of system level.

## 6.5 Progression of matters through the court system

The legislation establishing the Childrens Court recognises the need for specialised practices and procedures. Stakeholders noted that High Risk Youth Court operates in the same way as the Childrens Court and has the same powers and functions as the Childrens Court (Section 2.2).

Stakeholders, apart from the Townsville Justice Group, deliver the same programs to young people whether the young person appears in the Childrens Court or the High Risk Youth Court (Section 3.1.3). Partnering agencies find that the additional workload and having four sitting days is onerous and costly, with additional staff attending court as well as back-up staff preparing material. As with all courts, there is considerable emphasis on court administration and accurate documentation of decisions made during proceedings. This is essential for accountability, as well as to ensure that individual's records are correct and that young people comply with court orders as directed.

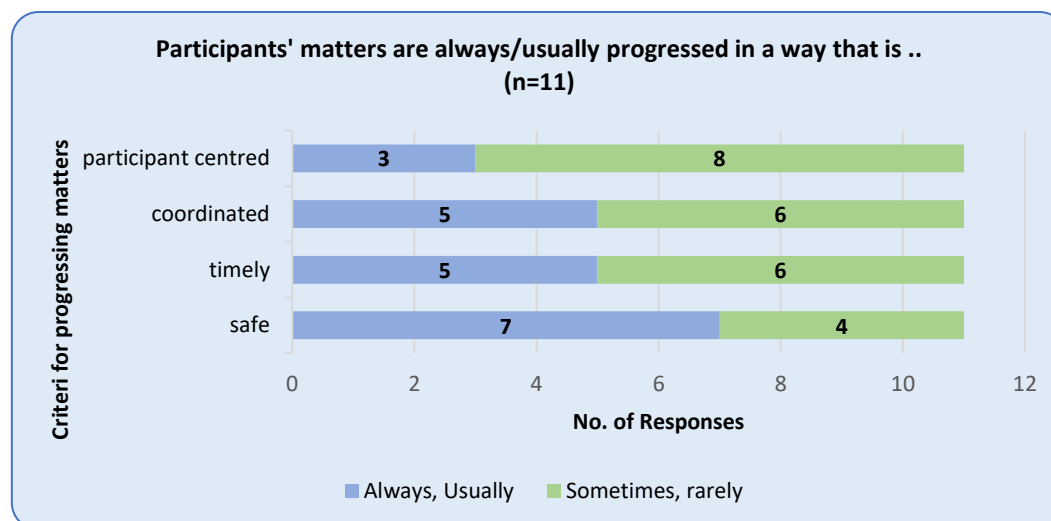
Stakeholders pointed out that the court is system-centric and not client-centric so it is not child-oriented (Sections 6.1 and 6.3) and does not reflect an understanding of the cultural ecosystem (as in Section 6.4). For example, all parties are required to arrive at 9.a.m. but may not be called for many hours. This does not take into account real constraints such as:

- family obligations to take younger children to school
- availability and cost of transport
- food and drinks while waiting
- time away from school and programs and, for parents, time away from work.

- keeping young people still and quiet for long periods without any activity
- not knowing when the case will be heard, so on high alert and stress for a long time.
- enabling connections between offenders.

Most survey respondents who work in the court consider that the matters are usually progressed in a way that is safe but not usually participant-centred, coordinated or timely (Figure 36).

**Figure 36: Survey respondents views of how matters are progressed**



Source: Survey A. Staff attending court (n=12).

Stakeholders call for better understanding of the system as a whole and the downstream impacts when one part of the process falters. In particular, the impact on the capacity of the system to address the needs of young people should be considered noting, for example, that youth detention centres are managing a range of operational, infrastructure and resourcing complexities in their care of young people. The impact of delays in cases proceeding adds costs to legal services and every agency involved and emphasises the importance of all agencies working together to support the timely finalisation of case files.

### *Diligence and Efficiency*

Chapter 5 shows the extent of delays in court proceedings and the extent of adjournments and describes the reasons for delays observed across five court locations. Stakeholders raised the impact of the delays on everyone in the court. Each delay:

- increases the time a young person is in connection with the court and that they have contact with other offenders both at court and in detention on remand
- adds to the child's trauma and takes them away from school or programs
- adds to the family's trauma of loss, loss of the child's role in the family, fear for their child/sibling and the breakdown of family structure and connections
- extends the time between the actual offence and the sentence, diminishing the impact of the consequence.

*Ensure that a young person is held accountable around the same time as the offence. If young people have to wait weeks and months to get to court then the process becomes less useful*

*(The court process could limit further trauma by)... finalising matters much quicker - not having lengthy adjournments or adjourning matters instead of dealing with them because the child has other matters before the court. I feel this often sets the child up to fail and could cause charges to remain before the court for months or years.*



*Timely resolution of matters leads to an improvement in behaviour, reduces the likelihood of incident involvement (and further charges) while in detention, and ultimately results in higher levels of genuine engagement in intervention to reduce further offending. The current process needs an overhaul to reduce rates of remand.*

The efficient operation inside the court is dependent on the effectiveness of processes conducted outside the court. Primarily this includes ensuring:

- that the magistrate has the necessary information to support judicial decision-making
- that other parties have information in time to carry out their function e.g. brief of evidence, bail applications, pre-sentence reports, assessments
- that young people and families are kept informed and are available for briefing and attending court.

*A conditional bail application for a young person was refused twice. On the third attempt, we described the service that was being recommended, their philosophy, way of operating and individual management plan. The magistrate agreed to bail and commended us for finding such a thorough support program.*

Stakeholders indicated that making calls to gather information is time consuming and in many cases, a duplication of effort when several staff who attend court need to talk to the same person. In essence, stakeholders identified that what is needed is a means to provide:

- a streamlined processes to limit or reduce duplication
- accurate, timely and updated information
- with no increase in workload
- oral reporting of last minute changes such as new offences and accommodation.

*Childrens Court (Magistrates Court) Practice Direction No. 2 of 2017* encourages the prosecution and defence to enter into a case conference in each case and establishes time frames. The Practice Direction applies in all Childrens Court matters, including the High Risk Youth Court. Stakeholders suggested that the Practice Direction be reconsidered so that more attention could be given to increasing the proportion of cases completed within three months. Monitoring the time it takes for information to be provided and the reasons for adjournments would highlight systemic blockages and identify opportunities for improvements.

Stakeholders queried the point of progressing some matters considering equity, fairness and appropriate treatment of a child:

*Under 14 year old child 'trashing' an office when taken from his family member*

*Young person experiencing the shock of a large city, without family members, when from a small place where everyone knows each other*

*Young person with mental health illness charged with several offences after attempting suicide.*

Several ways of improving the efficiency inside the court were suggested including:

- A DJAG court coordinator role that supports coordination of stakeholders at court, assists agency staff attending the court to bring together relevant information for court, and is recognised and supported to drive innovation and problem solving for process issues as they arise
- a shared 'live list' enabling each court staff member to speak to the child and family and to show when they are ready to see the magistrate. This facility could also record documents required and give early notice if the case will not be ready.
- using currently available options to limit the times that young people are required to be in court, to specific events when decisions are being made e.g. bail applications, sentences.

*Dealing with matters in a timely manner and holding legal representatives accountable for unwarranted delays.*

Stakeholders advised that if the young person is refused bail, their anxiety and frustration may lead to offending in detention. Therefore, this is a prime time to ensure that their support network is available to support them to express their feelings and settle down to avoid further criminal charges.

Magistrates Court of Queensland commenced its second Reconciliation Action Plan 2022 to 2025 in July 2022. A stakeholder suggested that the actions planned be viewed with a lens for young people, to see how they apply to Childrens Court. For example, actions related to cultural diversity learning could incorporate an understanding of family in a cultural context as described above.

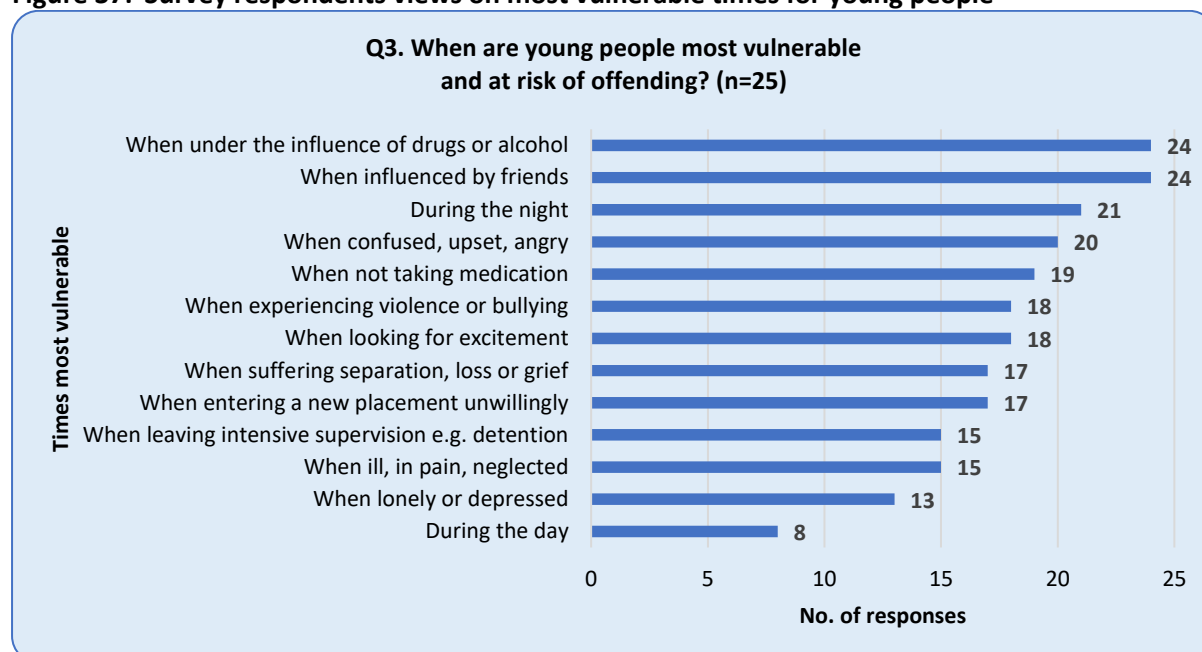
## 6.6 Service System

Outside the court, the regulatory functions of Youth Justice, Child Safety and Department of Education and the health and community service sector are critical to the effectiveness and efficiency of the court, as they directly impact the extent to which young people and their families are supported to comply with court orders, are rehabilitated to reduce their offending, and are reintegrated into the community.

Many government and non-government services are listed in Section 3.2 with a short description of the service they provide. This section provides stakeholders' perspectives on the suitability, accessibility and availability of services and supports that young people and families need and point to perceptions of gaps in services.

Stakeholders nominated the times in which these young people are most vulnerable and most subject to triggers that could lead to offending (Figure 37):

**Figure 37: Survey respondents views on most vulnerable times for young people**



Source: Survey B. Staff working with young people who are in the court system (n=25).

Most survey responses of staff attending court reported that Legal Services are available, accessible and suitable (highlighted green) (Table 18). Half the survey respondents rated Education services

and support to attend court as available and accessible (highlighted cream). Half rated physical health, language services, support to deal with matters in court and cultural support as available but not accessible or suitable. Mental health, disability and substance abuse were not rated as meeting any of the criteria by most respondents.

**Table 18: Are These Services Available, Accessible and Suitable to Meet the Needs of Young People?**

No. of Survey Responses rating services as meeting each criteria (Survey A) (n=12)			
Service Type	Available	Accessible	Suitable
Legal Services	11	7	8
Physical Health	7	5	4
Mental Health	5	4	2
Language	6	3	1
Education	7	6	5
Support to attend court	6	6	3
Support to deal with matters in court	6	5	2
Disability	1	4	0
Cultural Support	6	5	3
Substance Abuse	2	4	2

Source: Survey A. Staff attending court (n=12)

Young people on custodial and community-based supervision orders are supported to access services to assist with all areas regardless of whether they are in the High Risk Youth Court or not. Stakeholders mentioned several organisations that are providing appropriate services to young people.

Characteristics of services that are suitable for Aboriginal and Torres Strait Islander young people include:

- tailored to the individual
- flexible
- include weekends and night-time
- paid Aboriginal and Torres Strait Islander staff
- Aboriginal and Torres Strait Islander people are central to the design and running of the program
- wrap-around services – well coordinated and complementary
- right level of intensity and sequenced to ensure they are targeted to address the needs of young people with the highest risk.

*Services that work with high risk young people need to provide active outreach, have a trauma-informed framework for practice and be culturally responsive*

*Services that do not offer active outreach or have overly complicated processes are not suitable for the cohort of young people in the High Risk Youth Court however these issues are being escalated within each sector.*

*De-stigmatising the programs as just being for 'bad kids'. Expand the cohort to include mainstream juveniles so these young people are accepted as part of the broader cohort.*

Types of services that need to be available and accessible include:

- bail support
- youth mental health

- family wellbeing
- alternative education

*There also needs to be a focus on mental health in the court - a lawyer does not have the skills to determine whether a child is fit to attend court however this happens all of the time. The child may be significantly unwell in relation to their mental health, and pleading to charges they may not have the capacity to understand.*

*There are gaps in services for referral support for young people with long wait times. For example in relation to educational support - whilst there are fabulous education staff in HRYC - the system doesn't support children that need a spot in a flexi education (or whatever this may be). This need is really important. Kids are not always in a home environment where education is important. Whilst young people don't have some kind of structure, the system fails them and they will evolve into adults with nothing to offer the community. The cycle of offending continues into adulthood. There are other services that would benefit kids to support them when they are being charged/at risk etc. There are just services lacking.*

*Respected mentors of good standing in the community are considered to be very important to provide one on one support to a young person, particularly when just released from custody or having a critical episode (e.g. mental health, substance use, despair).*

*Each young person needs one adult they can trust, who will guide them through while they find their feet, learn the skills needed to operate interdependently and advocate for them.*

*(Someone to)...trust, rely on – the person needs to be outside the system. Walks alongside, advocates, helps navigate – consistency and connected layer for their justice journey. The young person needs long term support – still there for episodic lapses. Who should it be? Different leads depending on the relationship already established with the child.*

*Each young person should have a case manager who covers everything within their lives so they can build trust with that one person. The case manager should not have so big a caseload they can't help effectively. Case managers should be proactive and really care about outcomes for the young person.*

Most services, however, have a small number of staff and therefore can only take a limited number of people. Waiting times to access these services can be long. Some stakeholders consider there are plenty of services in Townsville, while some were aware of a few and others identified gaps in services and programs that are critical for very vulnerable young people leaving custody. Many young people need intensive therapeutic services and support over a sustained period.

Table 19 summarises service gaps identified by survey respondents with strategic and operational roles in Youth Justice Reforms.

**Table 19: Survey results - Gaps in Services for Vulnerable Young People and Their Families**

Gaps in services that limit supports for vulnerable young people and their families		
Housing	Culturally suitable services	Alternative education
lack of youth housing and housing in general leading to overcrowding of families	more culturally suitable services required	at capacity for alternative schooling options
high rents, low availability	limited visibility of these services	minimal options particularly for under 15 years
limited options and stock	no follow up to ensure outcomes	
high rates of homelessness	ongoing staffing issues	disengagement from Department of Education
Mental health	Substance use	Youth engagement activities
limited outreach mental health services for young people	parents' substance abuse is an ongoing issue	services don't want to work with the worst cohort
long waiting lists for services	lack of commitment by parents to address their issues.	more activities needed in outer suburbs: Northern Beaches, Deeragun
		lack of experienced residential care staff
Youth Employment	Family support services	Other
No one wants to employ someone with a criminal past	lack of early intervention services delivered consistently and persistently for families	limited public transport coordination of services
Transition to independence		
Skills in everyday living		

**Source:** Survey C. Staff in strategic and operational roles in Youth Justice Reforms (n=18).

Other stakeholders also identified service gaps including:

- programs for young people under 15 years
- drug rehabilitation for young people
- youth housing especially for young people unable to get bail, out-of-home care placements
- transition from custody to develop basic skills and gain confidence to meet the requirements of an alternative education setting
- Community legal centre so that young people can ask for legal advice before problems get out of hand e.g. filling in government forms, getting ID
- assessment for Fetal Alcohol Syndrome Disorder, speech development, cognitive delay, neurodiversity.
- services to develop financial skills: budgeting, banking, managing income
- advocate in the court – like the Child Advocate for children on Child Protection Orders through the Office of the Public Guardian.

*defendant children need suitable housing for bail (NOT bail houses) and support in the form of programs or activities that deter offending with supervision when in both the care of the department and outside of it.*

Equally important is the need for programs to support families. Stakeholders described situations when young people return to parents with the same underlying needs as when they went into custody. The young person would easily fall back into old patterns or would not be able to cope with disagreements and the previous way of life. Stakeholders talked about the need for services to work with the parents (often a single parent) to address health, housing and financial issues, so that they are in a stronger position to support and supervise their child and access services the family need. This model could be similar to the Community Engagement model being used by Townsville Stronger Communities Early Action Group, for children who are not subject to court orders, as some of the older siblings belong to the same families. Such a service would need to be designed and managed by Aboriginal and Torres Strait Islander controlled community organisations and staff.

The description of what the services offer is of interest to the court in making decisions, for example, about bail, conditional bail and supervised release and assists magistrates to consider the rehabilitation and reintegration of the children as required by legislation.

Stakeholders suggested that staffing shortages contribute to the gaps in services in Townsville. Contributing factors include a higher churn of staff, the wide geographical area and a higher rate of social issues for historical reasons.

In summary, the court itself is limited in what it can do to address the difficulties faced by children and their families. At the same time, the court needs to know their circumstances in order to minimise further trauma during the court process. Figure 38 represents a simple logical relationship connecting the child and family needs, the features of supports, the intended impact on participants and how the court can support the process.

**Figure 38: Survey respondents' views of young people's needs and changes required**

What to address (child & family)	How	What to build	What court can do
<ul style="list-style-type: none"> <li>•safe place to live</li> <li>•food</li> <li>•basic necessities</li> <li>•trauma</li> <li>•health</li> <li>•substance misuse</li> <li>•attitudes of offending and victims</li> </ul>	<ul style="list-style-type: none"> <li>•integrated case management</li> <li>•right intensity</li> <li>•highest risk</li> <li>•intensive family support/ intervention</li> <li>•culturally appropriate</li> </ul>	<ul style="list-style-type: none"> <li>•self-identity</li> <li>•connectedness to culture</li> <li>•pro-social activities</li> <li>•alternatives to offending</li> <li>•engagement in school</li> <li>•family support and engagement</li> </ul>	<ul style="list-style-type: none"> <li>•hear matters quickly</li> <li>•align with evidence-based practice</li> </ul>

**Source:** Survey C: Staff in strategic and operational roles with Youth Justice Reforms.

## 6.7 Youth Justice Reforms

The purpose of the evaluation is to provide advice on the contribution of the High Risk Youth Court to the wellbeing of young people, in the context of the Youth Justice Reforms. Hence, this section provides stakeholder feedback on the reforms since 2019 and their relationship with the High Risk Youth Court. The Youth Justice Strategy focuses on the pillars described in Section 2.1.2.

1. intervene early
2. keep children out of court
3. keep children out of custody
4. reduce reoffending.

Since 2019, the Youth Justice Strategy focus has been on the first two pillars of prevention and early intervention. Government led services such as Multi-agency Collaborative Panels, Co-responders and Townsville Stronger Community Early Action Group have brought together government and non-government agencies with responsibilities and services, to provide wrap-around diversionary responses. Chapter 5 shows positive signs of reducing the number of children coming to court. This section looks, in particular at the strategies of agency collaboration including information sharing and the involvement of Aboriginal and Torres Strait Islander people in working with families to address chronic issues that impact the ability of families to provide support to vulnerable young people with complex needs.

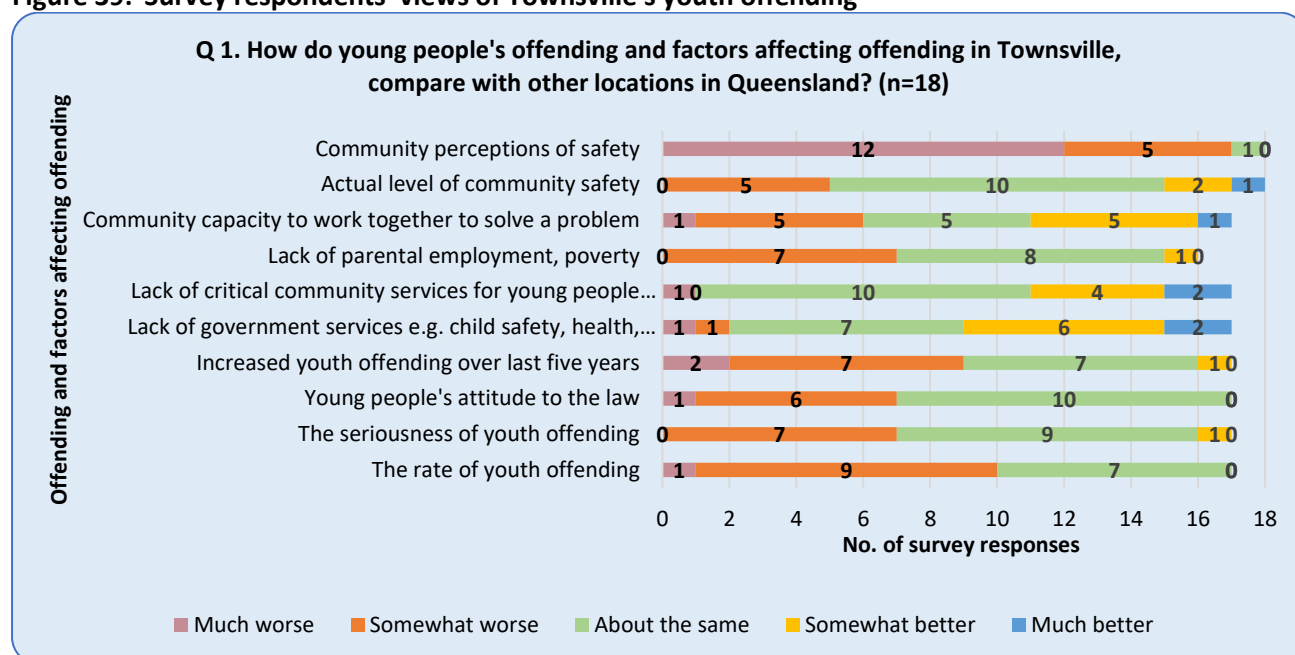
The evaluation has not sought or received stakeholder feedback on legislative reforms aimed at keeping young people with repeated contact with the justice system focus, in custody to protect community safety<sup>72</sup>.

### *Perceptions of offending and contributors to offending*

Many stakeholders referred to the environmental context in Townsville of heightened sensitivity to youth offending, the prominence of media reports, the impact of social media on attitudes to young people, and the common statement that the community 'had had a gutful'. Short term community safety and community perceptions of safety are at the forefront of decision making and daily operations (e.g. Co-Responders, Multi-Agency Collaborative Panel).

More than half the survey respondents who are involved with youth justice reforms, considered that the community perceptions of safety were much worse than elsewhere but that the actual level of safety was much the same. The rate of youth offending was considered to be somewhat or much worse than elsewhere and the seriousness of offending and attitude to the law were about the same. Access to community and government services, and factors contributing to offending (unemployment and poverty) were considered to be much the same or better than elsewhere (Figure 39).

**Figure 39: Survey respondents' views of Townsville's youth offending**



**Source:** Survey C: Staff in strategic and operational roles with Youth Justice Reforms.

**Note:** Unlisted responses showed 'don't know'.

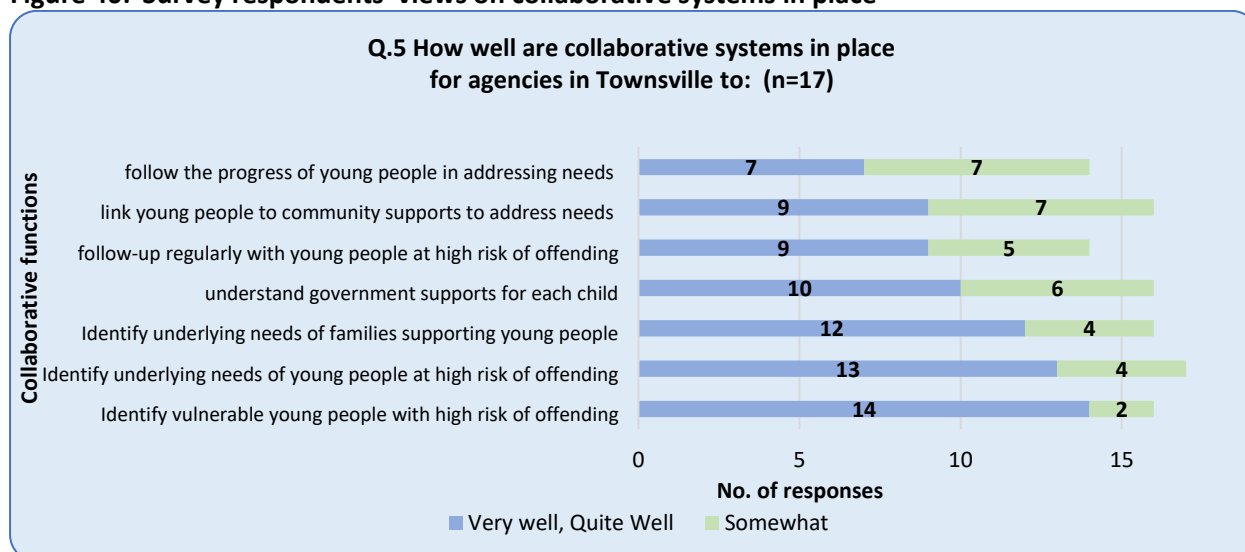
### *Collaboration*

A major focus of the Youth Justice reforms has been to bring together all the agencies providing services to young people and their families. Both the geography and the history of Townsville make this difficult. However, two-thirds of the survey respondents consider that the collaborative systems in place are identifying vulnerable young people and their needs, and their families' needs (Figure 40).

<sup>72</sup> A review of the initial reforms was undertaken by the Queensland Family and Child Commission (2021) and of the legislative changes by Bob Atkinson (2022, not released at time of the evaluation).



**Figure 40: Survey respondents' views on collaborative systems in place**



**Source:** Survey C: Staff in strategic and operational roles with Youth Justice Reforms.

**Note:** Missing responses were 'too early to tell' or 'not yet'.

Stakeholders confirm that the Multi-Agency Collaborative Panel meets regularly at Tier 1 level which focuses on intensive case management with services providers for young people who are repeat offending and Tier 2 which involves managerial oversight of cases and monitors progress. Stakeholders reported that the information sharing which has been facilitated between government departments, is allowing effective multi-agency case management that addresses multiple factors for both the young person and family that may contribute to offending. Open and frank discussions with parents about what will help them meet their parental responsibilities can be held in a safe environment.

With the backing of a high level multi-agency group led by Queensland Police Service, and support from leaders in the community, the Townsville Stronger Communities Early Action Group is reporting successes on the ground by:

- bringing together service providers
- coordinating and directly engaging families young people and connecting them to community
- establishing weekly assessments
- overcoming systemic barriers e.g. waiting list for mental health assessment.

A key factor, attributed to the success, is that families determine their priority needs and work with staff to develop their own plan.

### *Co-Responders*

Co-responders' role is to divert young people from offending by establishing rapport and trust so they will ask for help rather than offend (Section 3.3.2). The co-responder team has a Youth Justice Officer and a Police Liaison Officer. Most teams have an Aboriginal and Torres Strait Islander person. Co-responders operate on the ground, for example:

- taking young people who are on the streets at night to their home and checking they are supervised
- addressing basic needs such as hunger
- referring families to support agencies and letting the agencies know to give them a call.

*The Youth Co-Responder model has been successful with engaging with young people*

*Young people call the co-responders when they need assistance.*

The Co-responder team is advised if a young person is coming out of detention, and how to approach and work with young people with a mental health illness.

### *Aboriginal and Torres Strait Islander leadership*

In line with Closing the Gap National Principles, there is a move towards greater Indigenous involvement in Indigenous matters and recognition that Aboriginal and Torres Strait Islander people respond better to programs designed and delivered by and for Aboriginal and Torres Strait Islander people.

The concept of the family 'eco-system' situates the parent and child within the broader family environment including other family members who can assist, and the Aboriginal and Torres Strait Islander community network.

*Involvement at the grass roots level with Aboriginal and Torres Strait Islander people – shifting the power balance.*

Stakeholders suggested:

- more involvement of Aboriginal and Torres Strait Islander people on the Multi-Agency Collaborative Panel Tier 2 panel
- more identified positions in court roles.

## 6.8 Mackay: A community response

### BACKGROUND

This snapshot presents the views of a number of Aboriginal and Torres Strait Islander service providers in Mackay. Mackay was included as one of the five court observation sites because there was interest in the work the Community Justice Group was doing with young people in the area.

As shown in Section 5.1.1, the number of young people coming before Mackay Childrens Court dropped 20 % over five years even with an estimated population increase of 4.9%. The estimated proportion of the Mackay age cohort (10 to 17 years) with lodgements in 2021 was 0.4%, which was much lower than the proportion in the four other court locations included in the analysis, that ranged between 1.2% and 1.8% (Section 5.1.1).

The Community Justice Group coordinator organised a two day visit for the evaluator to discuss the Mackay context and explore factors that could be contributing to the reduction in youth justice offending.

### HISTORICAL AND GEOGRAPHIC CHARACTERISTICS OF MACKAY

Mackay is the traditional home of the Yuwibara (the people of Yuwi country). Aboriginal and Torres Strait Islander people are six percent of the Mackay population. Mackay has the largest population of Australian South Sea Islanders in Australia (estimated at 5000 people) who are third and fourth generation descendants of people (including children) brought from the beaches of Vanuatu and other Pacific Islands to work unpaid on the sugar plantations<sup>73</sup>. The stories of injustice are now represented in monuments and plaques across Mackay.

### *Particular characteristics of Mackay*

Many people have family connections as both Aboriginal and Torres Strait Islanders and Australian South Sea Islanders. In Mackay, Aboriginal people were not taken out of their families to the same extent as elsewhere as mothers hid their children as South Sea Islanders. There is a lineage of respect for all families. Because of

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<sup>73</sup> State Library Queensland [Australian South Sea Islanders in Queensland: Stories from the Archives](#)

Mackay's location, there has not been the influx of people from other Aboriginal and Torres Strait Islander nations as in the larger cities (Brisbane, Townsville and Cairns).

*Mackay is a smaller community... everyone knows everyone. There are more housing estates but people have kept connected.*

**Aboriginal and Torres Strait Islander involvement and leadership:** Elders play a big role in the community in bringing people together and addressing issues as they arise. Children connect with and respect the Elders and look to them for guidance. Elders sit on the Mackay Multi-Agency Collaborative Partnership Group if the young person is going to Murri Court. Pioneer Murri Court elders were part of the court renaming in May 2022.

*The Pioneer Murri Court elders play an important role if a young person is not engaged with school.*

Elders provide the court with cultural reports in the language the children use. In court, all of those representatives-need to know the back story for the child.

**Community leadership:** Community leaders give support and are genuinely concerned. They want people to be working together. Magistrates are involved with cultural events for young people. The Murri Court was proactive: *If a child was retreating or withdrawn, the magistrate asked Aunty to go and chat to the child. She would speak to the child and the lawyer and then speak to the magistrate again.*

**Genuine Collaboration.** There is a strong emphasis on a very inclusive approach between government staff, Aboriginal and Torres Strait Islander owned and mainstream services. Agency staff are linked in, networking with other organisations, and are not siloed. This is making a big difference. Service providers work together irrespective of heritage and they work with the families – not just the children. Collectively, they work to ensure that young people understand their orders.

*The Co-Responders have led to improved relationship with the police - breaking down barriers. Families are generally receptive to someone reaching out and making suggestions.*

The Community Reference Group led by DSDSATSIP is an opportunity for different communities to come together and give their voice. It is open to community Elders and meets monthly. Gradually many barriers have been broken down..

- *Lots of different entities are working together to make a difference. The children need the connection.*
- *Everyone has a lot to bring to the table. It often boils down to dollars and grassroots funding.*
- *Not just short term solutions – (we are) looking to form relationship, empowering the community – everyone sits at the table and is empowered and wanting to better the community.*

*Community is already connected. Diversity is OK - not division. Different, but one.*

#### **FEATURES OF CULTURALLY FOCUSED CHILD-CENTRED SERVICES**

- *Healing, cultural knowledge and understanding*
- *We need to be present. Be available for these children and be connected to them.*
- *We showed children respect and involved them in decision making*
- *(We) think about the children holistically*
- *(We) need to connect with who they (boys) are*
- *There is a sense of belonging (in the community) from youngest to oldest – a sense of purpose.*

#### **GENERIC SERVICES**

- *variety of supports – mental health needs: western psychiatric treatments and also healing*
- *tell the story of the past to the children. It is confronting but we need to tell the stories as there are always new people coming through*
- *get children together on country and take them walking*

*(We are) not going to help the children until we help the families*

*When they come out (of custody)– they are in free fall. And they can't grab the right root. They need support services. All about giving them worth and hope. The whole community mourns when someone gets locked up.*

### **ABORIGINAL AND TORRES STRAIT ISLANDER SPECIFIC SERVICES**

Stakeholders described the importance of Aboriginal and Torres Strait Islander specific services run by Aboriginal and Torres Strait Islander people.

*Outstanding individuals working in numerous organisations – if one person can't, another will step in.*

For example, services include:

- support for young Aboriginal and Torres Strait Islander and Australian South Sea Islander people to participate in sporting or cultural activities in their chosen sport or field
- foster and kinship care and family wellbeing
- for boys and men: counselling, advocacy and support to deal with intergenerational trauma, based on a strong spiritual focus and cultural learning through woodwork, craft and art
- ongoing yarning circles for under 18s so young people who have worries, can raise them there
- education for young people who are disengaged and alienated from the conventional school system

*The Kutta Mulla Gorinna Special Assistance school has had a massive impact. A lot of at-risk kids are actually going to school. It gives them a sense of believing and kids feel ownership. Lots of community organisations go and visit the school. Kids get to hear stories of the aunties and see other Aboriginal and Torres Strait Islanders working in important roles.*

#### **WHY HAS THE NUMBER OF YOUNG OFFENDERS IN MACKAY DIMINISHED?**

The common theme from Aboriginal and Torres Strait Islander service providers and stakeholders who met with the evaluators is that the strong inclusive connections across the community, at all levels, and shared determination to not leave people behind, create a safety net for families in difficulty.

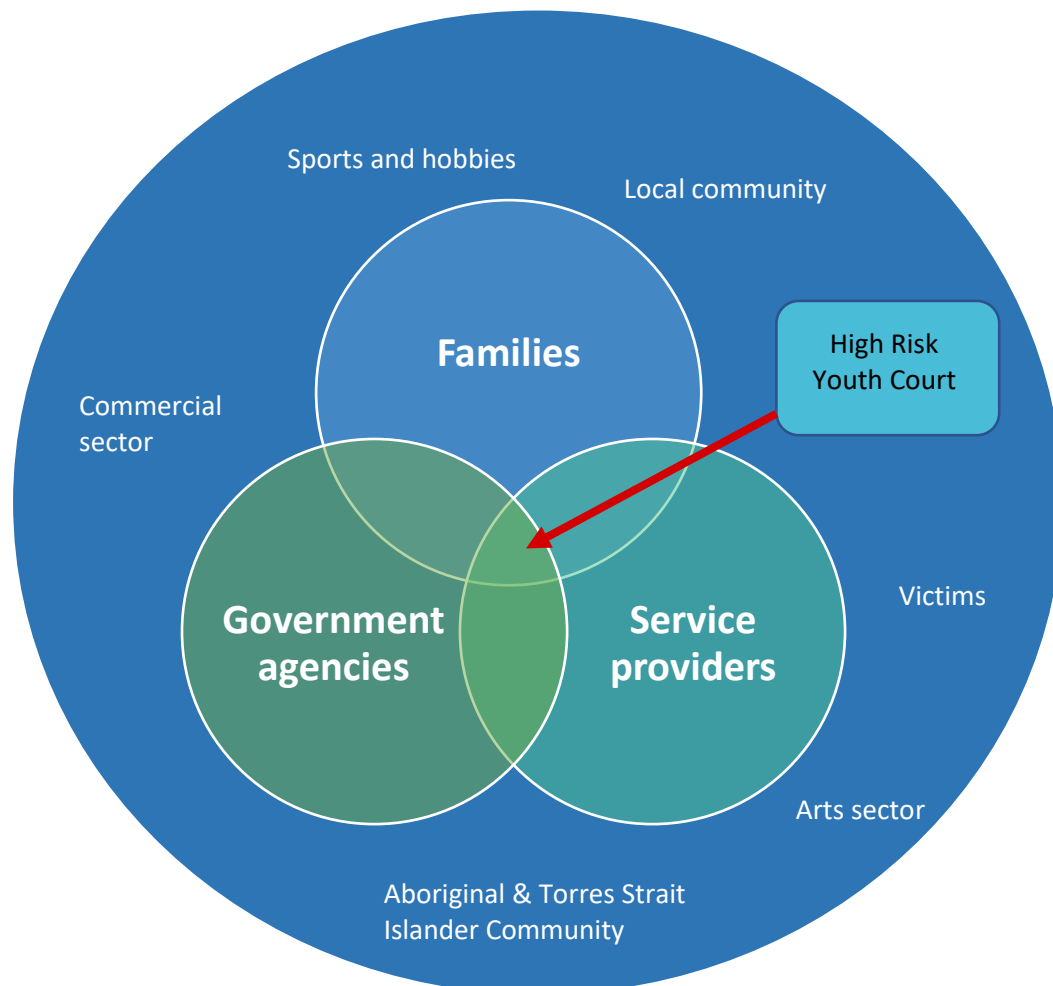
However, no one is resting on their laurels. The effort is continuing to ensure that the next cohort of young people have the supports they need from the family and community to keep on track.

## 7. Evaluation Findings

This chapter brings together the findings from the evaluation based on the quantitative data in Chapter 5 and the qualitative data in Chapter 6. The findings reflect the context established by the research evidence and report findings in Chapter 2 and the program environment and purpose of High Risk Youth Court described in Chapter 3. The structure of the chapter is guided by the program logic and scope of the evaluation established in the Evaluation Framework as described in Chapter 4.

As has been shown through the Court Observations in Section 5.3 and throughout the Stakeholder Perspectives presented in Chapter 6, High Risk Youth Court is a small part of a very large and complex system that young people and their families find themselves in (Figure 41). The complexity is demonstrated by the entrenched, interconnected nature of the underlying issues, the many disciplines, theories and practice frameworks at play in decision making and finding solutions, stakeholders with differing philosophies and world views, and the unpredictability of outcomes at an individual level (Funnel & Rogers, 2011). Although not specifically considered in this report, each Childrens Court location has a similar group of high needs young people who have repeated contact with the court.

**Figure 41: High Risk Youth Court within a large, complex system**



The purpose of the evaluation is to provide advice on how the High Risk Youth Court is contributing to *improving outcomes* for young people in the justice system in the context of current youth justice reforms. However, the court itself does not have responsibility for case management of young people and does not have significant additional resources to support young people and their families. The court is required to deal with children who have committed offences in accordance with the Principles established under the Youth Justice Act.<sup>74</sup> The Principles include holding the young person accountable and protecting the community from offences, as well as meeting goals of rehabilitation and reintegration into the community (Section 2.2 and Schedule 1 in Appendix 1).

Equally the court has a role of upholding the rights of children, keeping them safe and promoting their physical wellbeing, ensuring that a child is treated with dignity, that proceedings should be explained in a way the child understands, that proceedings are treated in a fair, just and timely way and that children should be diverted from the justice system. The Principles contained in Schedule 1 (See Appendix 1) are not listed in order of importance (R v EI [2009] QCA 278).

The evaluation compared the rate and nature of offending in Townsville with other Childrens Court locations as shown by lodgements of charges and found a number of similarities. However, a comparison of the progress of matters through court and outcomes of court was not undertaken due to the size of the dataset and complexity of the data. The research and descriptive data suggested the need for further action to reduce the time that vulnerable young people are in contact with court and the time they are unsentenced in custody and to address their therapeutic needs. The quantitative findings are strongly supported by the stakeholder perspectives with broad agreement on the areas where change is most critical. Many strategies to address barriers and gaps have been suggested.

The focus of the evaluation findings is on not only what happens *inside* the court to improve outcomes for young people but also what needs to happen *outside* the court, before and after the court appearance for the court to function effectively and support the operation of the Youth Justice system. The *Youth Justice Act 1992* specifies how children are to be treated in the youth justice system because of their vulnerability and the *Human Rights Act 2019* protects a number of rights that are relevant to the operation of the High Risk Youth Court including specific rights which apply to children in the criminal justice system (Section 2.2.2. and referred to in footnotes through the report). The implementation of practice improvements based on recommendations in the report will be subject to ongoing consultation and collaboration with stakeholders to ensure they meet the needs and safeguard the interests of young people. In particular, detailed consideration of the options available and potential innovations will be required to ensure that processes continue to ensure that the rights of young people in the justice system are upheld.

Contemporary practices in courts further suggest several ways in which the court itself, can have a positive impact on a defendant and can improve the likelihood of the young persons' rehabilitation and wellbeing (Royal Melbourne Institute of Technology, 2020). In the medium to long term, community safety is served by these young people building and enjoying productive adult lives, free of offending and not perpetuating the cycle of intergenerational poverty and trauma.

## 7.1 The Broader Context and Strategic Alignment

### 7.1.1 The number of children having contact with Court

The analysis of lodgements in the five court locations in Chapter 5 suggests a reduction in the number of children, and in the proportion of the age cohort, having contact with court in relation to

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<sup>74</sup> Section 2(d) *Youth Justice Act 1992*

youth justice issues.<sup>75</sup> The reduction is consistent with the research considered in Chapter Two. It continues a downward trend since 2010, which has been supported since 2019, by concerted prevention and early interventions strategies addressing Pillar 1 of the *Youth Justice Strategy to Keep children out of court*.

The case study of Mackay in Chapter 3 provides an example of a significant reduction (20% in five years) of young people coming to court and some suggestions from the community of what may have contributed to this decrease. Apart from the benefits to young people, their families and the community, a reduction also decreases pressure on court costs and associated costs for each department or agency, and with numbers reduced, allows more time for preparation of documents and relevant updates for court. However, as the Mackay stakeholders reiterated, they cannot 'rest easy'. The community, service organisations and government need to work together with families to ensure that they have the support they need to ensure that the emerging generation under 10 years of age, enjoy a non-offending future.

The comparative analysis of the court locations suggests that Townsville's youth offending rate is not out of step with other locations. Each location has an equivalent group of 'repeat offenders' and similar patterns of 'most serious offending' (Section 5.1). The recommendations of this evaluation may be relevant for consideration in other Queensland Childrens Court locations, taking into account local community differences and based on collaborative, fit-for-purpose, localised responses.

### 7.1.2 Understanding of young people with repeated contact with court

Growing knowledge of brain development and the impact of childhood trauma on cognition and behaviour show the need to go beyond traditional views of criminal behaviour and punishment and to provide more nuanced responses that take into account young people's level of understanding and learning capability. Stakeholder feedback consistently described the complex needs of young people appearing in High Risk Youth Court and the impact on them of the environments that they live in, often with a single parent who has chronic, untreated needs and limited support. A better understanding and response to communication difficulties could make a big difference to the outlook for young people and their families and not only reduce the costs of offending, but also enable them to be contributing members of the community. Specialist advice on adjustments that aid communication and contribute to behaviour change is available to courts and court stakeholders.

The Charter of Youth Justice principles which underpins the *Youth Justice Act 1992* includes the obligation of parties involved to *uphold the rights of children, keep them safe and promote their physical and mental wellbeing* (Schedule 1 (2)).

Further, the Queensland's *Human Rights Act, 2019*, imposes an obligation on each of the public entities performing functions that affect young people in the High Risk Youth Court, to consider whether their decisions and actions are compatible with rights specified in the Act. The Act specifically identifies considerations to be made in relation to Aboriginal and Torres Strait Islander people, to children in criminal proceedings especially when deprived of their liberty, and to people with a disability (Section 2.2.2). Reference to specific rights, is footnoted throughout the report.

The *Equal Treatment Benchbook* provides extensive advice on considerations to be given in court to ensure that people who come before the court *are treated fairly and equally with others* (Supreme Court of Queensland, 2016, p. 1). The Youth Justice Benchbook (Queensland Courts, 2021) also contains resources to support the court in meeting the specific requirements of the *Youth Justices Act* (1992) including Schedule 1, to consider the age and capability of children before the court.

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<sup>75</sup> It was outside the scope of this evaluation to analyse contacts with all Queensland Childrens Court locations.



The Queensland Family and Child Commission's report on the progress of the youth justice reforms (2021) advocated a greater focus on rights and wellbeing of young people in order to achieve better outcomes for vulnerable young people in the youth justice system:

*The youth justice system would be more effective in improving the lives of vulnerable children and keeping the community safe if it viewed at-risk young people through a rights and well-being lens, rather than just a criminal, lens (Queensland Family and Child Commission, 2021).*

### 7.1.3 Significance of family and culture

As shown in the work being carried out by the Townsville Stronger Community Early Action Group, there is recognition that working with families to address their issues so they can take responsibility for their children is a necessary and fruitful step in getting young people back on track. Young people returning to environments that are not equipped to provide them with basic needs of food and shelter continue to be at risk of committing survival and reactive crimes.

Greater understanding of intergenerational trauma and ongoing trauma faced by Aboriginal and Torres Strait Islander people shows the necessity to incorporate healing into the process of rehabilitation, drawing on cultural knowledge and expertise. For young people, connecting to culture develops a sense of identity and belonging that provides a foundation for them to take on their responsibilities within their communities. Under the Closing the Gap Priority Reform Areas, government is committed to 'formal partnerships and shared decision-making with Aboriginal and Torres Strait Islander leaders and communities (Section 2.1.3).

### 7.1.4 Consistent strategic direction and alignment across agencies

Several recent reports<sup>76</sup> have drawn the same conclusions about the critical success criteria to achieve major systemic change in youth justice outcomes, and hence community safety. The Four Pillars of the Youth Justice Strategy provide clear direction to all agencies involved in the reforms and there is demonstrated success in keeping young people out of courts through diversionary activities and addressing basic needs of families (Chapters 5 and 6). The Youth Justice Strategy is being implemented through approaches that are suited to tackling large complex social policy issues with:

- strong leadership and oversight from senior management and community leaders
- multi-disciplinary and collaborative structures facilitating cooperative and coordinated responses across stakeholders
- proactive information sharing in the front-line, at program management level and at senior management level
- community led solutions and decision making, that is client-centred and trauma-informed.

There is also a consistent approach to detaining young people who have repeated contact with courts through legislation. The transparency and accountability of courts in their application of the law is maintained through available appeal processes. Custody may be the only option for repeat offenders unless the court determines through a risk assessment process, that bail conditions can be met by the young person. If a young person is given bail with tight restrictions on where they live, where they can go and who they can meet, compliance with conditions is closely monitored by the Queensland Police Service.

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<sup>76</sup> Atkinson (2018); Queensland Sentencing Advisory Council (2021); Queensland Family and Child Commission (2021).

As shown by the implementation of the Youth Justice Reforms and stakeholder feedback through the evaluation, collectively, there is a culture of responsiveness and practical, pre-emptive action across agencies to reduce the risk of offending.

However, both the quantitative and qualitative data presented in the evaluation indicate that further responses are required to ensure that the *Youth Justice Strategy* (2019–2023) goals of reducing contact with court, custody and reoffending are achieved for young people with high needs, who are involved with court matters in Townsville. The small number of young people referred to the High Risk Youth Court over five years (117) is an indication that a very small proportion of young people continue to commit offences that pose an unacceptable risk to themselves and the community after their initial contact with the court. Nevertheless, their offending has high impact as it is very visible to the public and has had tragic consequences creating community fear and loss of community safety.

The complexity of reasons for ongoing offending, gaps in the service system and delays in court processes mean that these vulnerable young people are engaged with the justice system and in custody including on remand, for long periods of time during their teenage years (Section 5.3). The evaluation findings support changes in court processes that reduce the young person's time in court and custody so that dedicated, sustained support to address their multiple needs can be provided in the community.

Several whole of government strategies to support very vulnerable young people, including those in the youth justice system are described in Section 2.1.2. The vision statements and intent of these strategies ensuring every child is included and 'not one child is left behind' (for example) would drive a sense of optimism and opportunity for these young people with high needs, to hearten those working with them, and to raise expectations of what can be achieved at every level. It is in everyone's best interests to reduce the number of these young people who will spend their next five decades in and out of custody with high use of emergency services unless their trajectory is changed.

#### **Recommendation 1**

That funding for a second, specialist list in Townsville is provided to maintain the operation of the Childrens Court in Townsville and to support a coordinated approach, informed by ongoing consideration of the circumstances and needs of vulnerable young people who continue to offend.

Consider, for example,

- more time for legal representatives to spend with young people to ensure that they understand the process in the court and can give instructions
- ensuring the DJAG court coordinator role is available to assist the court, and support engagement with stakeholders and necessary practical changes aimed at streamlining administrative court processes
- ensuring agencies are adequately resourced to support timely and streamlined court processes and provide appropriate training and development for relevant staff
- greater involvement of Aboriginal and Torres Strait Islander people.

*Goal: Deliver a tailored approach to young people with high needs in contact with the court through adequate resourcing to support the volume and demand in Townsville Children Court.*

## **7.2 In the High Risk Youth Court**

The program logic for the High Risk Youth Court at a high level is:

- the specialist therapeutic court involves the young person in the court process and support services with collaboration from government and non-government agencies, **in order to**
- engage the young person and their family with court requirements including programs to address the young person's needs, **so that**
- the young person is accountable for their behaviour, complies with court orders and risk of reoffending is reduced.

The program logic was based on assumptions that:

- the young people have the skills and capability (or could be adequately supported) to operate effectively in the court environment
- those working in the court have the skills and knowledge to successfully involve and engage very disadvantaged young people, with untreated conditions affecting their behaviour both in the court room and complying with orders
- programs to address underlying causes of offending as well as criminogenic needs, would be available, accessible and suitable
- the young person will develop the capacity to comply with orders and change their behaviour with existing resources.

Based on stakeholder feedback and court data, there is substantial evidence that these assumptions are not well-founded. The evaluation showed that there were examples of occasions when individuals received the therapeutic benefits intended, particularly when the magistrate was able to rely on considered options presented showing very strong family and service commitment to support and advocate for the young person. However, further development of the High Risk Youth Court approach would enable the specialised list to deliver its purpose overall.

Supported by current research, the evaluation has identified three requirements of the *Youth Justice Act 1992* that could be addressed in order to get better outcomes for young people and to reduce reoffending (Pillar 4):

- i. increased engagement and involvement of young people and their families
- ii. minimising time in court (Youth Justice Act, Pillar 2)
- iii. reduced length of time in custody (Youth Justice Act, Pillar 3).

The section (below) summarises strategies suggested by stakeholders. The focus of the strategies is on Aboriginal and Torres Strait Islander young people as they make up 90% of the High Risk Youth Court cohort and are at greatest risk of negative outcomes

### 7.2.1 Increased engagement and involvement of young people and their families

The *Youth Justice Act 1992* requires the court to ensure that the young person and family has '*the opportunity to be heard and participate in the proceeding*' (*Youth Justice Act 1992* Schedule 1 (7)).<sup>77</sup> The purpose of the young person's participation is that they will be encouraged, through the interest and authority of the magistrate, to take on board the messages about their offending and try harder to do what they are asked to do (Section 2.5). Similarly, family members with Elders' support, will be empowered to take responsibility for the young person's rehabilitation and reintegration. Stakeholders identified several barriers to engagement and suggest the following strategies for improvement:

#### *A user-centred, child-focused approach*

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<sup>77</sup> (1) In a proceeding before a court in which a child is charged with an offence, the court must take steps to ensure, as far as practicable, that the child and any parent of the child present has full opportunity to be heard and participate in the proceeding (*Youth Justice Act, 1992*).

A user-centred focus would see the young person and their needs first and, with specialist advice, then see that the goals of accountability, community safety, rehabilitation and reintegration can be met. This requires a recognition of the young person's vulnerability and ensuring that the court is accessible to the young person at their level of capability.

Many stakeholders consider that the name of the court list is not necessary and removing it would avoid stigmatisation faced by young people and their families that can harm their development of a pro-social identity and their rehabilitation. Other Childrens Court magistrates arrange lists based on particular attributes of cases, for example, additional time needed for case discussion or for a support agency to meet with the young person.

#### *Skilled staff and resources to make courts more accessible*

The cognitive and behavioural difficulties described for this group of young people demonstrates that the court needs to be better equipped to interact and communicate with them at an individual level, with guidance from specialist assessments and case managers. For example, this could include specialist youth justice and communication training, tips sheets, pictorial tools, video demonstration clips, interpreters, support people, and increased use of therapeutic jurisprudence techniques (Youth Justice Benchbook, Appendices 2 and 3, 2021).

#### *Understanding of culture*

Several aspects of cultural knowledge raised by Aboriginal and Torres Strait Islander stakeholders in Section 6.4. impact on how young people and their families are viewed in court. Greater understanding of cultural lore, concept of family, family practices, cultural communication protocols and ongoing impacts of colonisation, is needed to facilitate productive interactions and to reduce unconscious bias.

#### *Presence and involvement of Aboriginal and Torres Strait Islander people in the court room*

Visibility of Aboriginal and Torres Strait Islander people in all roles and the presence of Elders and family, increases Aboriginal and Torres Strait Islander trust in the process and reduces stress. Consideration could also be given to an Elder sitting with the magistrate and having a role in talking to the young person about cultural lore, the role they need to play in their family, community expectations about their behaviour, its impact on victims and community, and how to make amends.

#### *Physical and aesthetic environment*

Research suggests that engagement is more likely to occur if the environment is less formal, more private, speakers are within a normal conversational distance, for example, across a table, at the same height as the listener and are sensitive to the needs of children and adults accompanying them.

*These design features are important because they create a more informal, comfortable and familiar environment for children and families attending court, with the intention of lowering the anxiety they may be feeling about the day, and of keeping children entertained during waiting periods. The design also takes account of the fact that children and young people require age-appropriate activities and entertainment (Royal Melbourne Institute of Technology, 2020, p. 19).*

At the discretion of the judiciary, consultation with local stakeholders including Elders, could identify practical ways in which the environment could reduce anxiety they feel before and during the court experience.

Video-links are convenient and possibly less stressful for young people in some respects than attending court, but create a barrier to communication that is widely acknowledged (Hutchinson, 2021); Page & Robertson, 2016). Audibility, clarity and correct positioning of the image are essential. Discussions with young people may elicit ways in which the video-link could be improved, for

example through: more visuals that explain what is happening; music while the young person is waiting for legal discussions to occur; interactive buttons so the young person can use 'hand up' to indicate they have a question or comment, or wish to respond yes or no, or want to talk to their legal representative privately; or time when the legal representative can 'translate' the decisions made by the magistrate, before the case is finished. After court, legal representatives need opportunities to speak with the child about what happened and answer questions.

### *Timing*

Many concerns were identified about the inconvenience and potential harm in listing all cases at 9:00 a.m., thus requiring young people to be co-located for lengthy periods of time. At the discretion of the magistrate, options for alternative scheduling of cases, taking into account the obligations of families and other agencies, could improve both the logistics and flow of operations and reduce the stress accumulating while waiting in nervous anticipation. This could open up more time for lawyers and Elders to have meaningful meetings with young people and families.

Staggered court times would allow young people in Cleveland Youth Detention Centre to attend school for part of the day and reduce the stress created by having many tense, young people in a small area.

### *Involvement of young person in 'problem-solving'*

As has been shown in Section 6.2.2, there are many reasons why staff attending court are reluctant to have young people speak and why family members themselves are reluctant to speak. There are several ways in which courts have adopted practices that address the special needs and rights of children in order to minimise the stress of a court procedure, that could be considered. (2.5.5)

The findings suggest that practical guides and other suggested changes, with regular anonymous feedback from young people and family members about how well it is working for them, would provide a good first step to improving the involvement of both young people and family members. As described below, however, a collaborative community problem-solving approach could be used outside the court to consider how a young person and family with high needs can be adequately supported to be granted bail and reduce the risk of extended time on remand if it is not required.

### **Recommendation 2**

That DJAG works with stakeholders, including the judiciary, to determine ways that the court could be more accessible for young people with high needs and more culturally safe for Aboriginal and Torres Strait Islander young people and their families to enable their involvement

Consider, for example:

- removing the label "High Risk Youth Court" and focusing the special list on children with high needs
- involving Aboriginal and Torres Strait Islander peoples and Elders more in the court process
- developing the specialist skills of those attending court
- making the physical and aesthetic environment more child-focused

There is also an opportunity to consider:

- making the court room more responsive to the needs of Aboriginal and Torres Strait Islander peoples, particularly children, based on evidence-based practice
- ongoing support for judicial education, recognising that Childrens Courts are specialist courts, and in the context of ongoing development of therapeutic approaches to engage young people and their families
- adapting the timing of the court mentions to reduce waiting time outside court.

**Goal:** Young person and family interact with magistrate and understand what is happening in court.

### 7.2.2 Minimising time in court (Youth Justice Act, 1992)

For the young people who come to court, the aim is to minimise their contact with court (Pillar 2) in line with research evidence that indicates continued involvement in the justice system, without addressing underlying needs, has negative consequences for young people's wellbeing (Section 2.5). This includes the *length of each event* as well as the number of events required and the *length of time* to finalise a matter. As shown in Sections 5.1 and 5.2, many young people in High Risk Youth Court spend a lot of time in court. Stakeholders have identified many ways in which enhanced administrative practices could better facilitate the operation of the court.

#### *Length of each event*

Based on advice that young people are likely to maintain attention for no more than 10 minutes, consideration needs to be given to how the court process can be streamlined and to when it is necessary for the young person to be present. In setting up the High Risk Youth Court, it was expected that the magistrate would have more time to discuss matters with the young person and family. Current operations risk young people disengaging during lengthy discussions they are not involved in and may reinforce for the young person and their family that they are not a part of the process. The time for each event to focus on matters required to be considered during the proceeding, for example, by:

- having accurate court documents and updates exchanged in time for other parties to review in advance. This could require meetings between prosecutors and legal representatives prior to court which could be achieved on the day of court, for example, if the first listing is at 10 am.
- removing the matter from the list and notifying parties if not ready by a set time
- excusing young people and their families from being present at mentions that do not require decision making such as bail or sentencing
- developing suitable common templates for those agencies attending court to ensure that information on relevant considerations for bail and sentencing is presented to the magistrate.

Reduction in the time for an event will allow more cases to be heard in a court session and reduce the waiting time for an adjournment. The suggested processes could be supported by a DJAG Court Coordinator playing a key role in coordinating operations to optimise the use of court and stakeholder resources.

#### *Length of time to finalise a matter*

Analysis of court data shows the high number of adjournments which result in many charges taking over three months to finalise (Section 5.2). The reasons for adjournments are not documented however stakeholders attending court indicate that the most common cause is information not being ready (Section 6.2). Stakeholders at court are aware of the need to progress matters quickly but feel powerless to make a difference. Further discussion and data gathering would assist in identifying systemic delays and negotiating protocols to meet agreed timelines.

**Information sharing:** Stakeholders broadly agree that the magistrate needs sufficient information to be able to make informed decisions in granting or refusing bail and sentencing. However gathering and providing accurate information in time is difficult in a resource-constrained, time-limited, dynamic environment so stakeholders in court are hesitant to commit to providing more information when they cannot be certain that they will be able to locate the people or agencies who know and progress the information.



Stakeholders contributing to work outside the court in the broader youth justice system report that information sharing protocols have greatly improved intensive case management for young people being monitored by the Multi-agency Collaborative Panel and also by the Early Action Group. Access to succinct information about supervision, support, progress in skill development and family circumstances, for example, would enable the magistrate to make decisions more quickly and not require additional, unnecessary information to be prepared. It may be useful to hold agency level or family meetings outside the court environment and then provide agreed information to the court.

#### Streamlining information to court

Magistrates indicated that more relevant and appropriate information in concise format would be preferred as soon as a young person is referred to High Risk Youth Court so that they are able to talk to the young person more easily from the outset and the information can be used to guide bail decisions. In-depth pre-sentence reports are hard to read in full and take considerable time to prepare, contributing to remand time. In order to meet the Youth Justice principles, expeditious provision of essential documents to the court is required to limit the time a young person is in court, to ensure they understand what is being said, and to provide robust and relevant information on their behalf. These arrangements would only apply to documents which are legally permitted to be shared.

The current Childrens Court Practice Direction could be revisited to provide additional guidelines on time frames for finalisation, such as a benchmark for the number of events for a case and time to finalisation. At certain points, the magistrate may call a review to determine how the matters can be brought forward to resolve. At a system level, an overall target to reduce the number of adjournments and associated processes could be established, with due care that meeting the targets does not cause unintended consequences. To achieve these critical improvements, a collaborative approach is needed, building in sufficient resources and support for each party.

As above, the role of the DJAG Court Coordinator could be expanded to facilitate and monitor the processes introduced to support early case finalisation where appropriate.

#### **Recommendation 3**

That DJAG works with relevant agencies to identify practice and administrative changes that would reduce the time of a matter in court, unnecessary adjournments and the length of time to finalisation by ensuring:

- information needed by the court is available at predictable times
- administrative processes are efficient and suitable.

Consider, for example:

- supporting mechanisms for information flow and coordination between stakeholders pre and post court to support progress of court matters and enable agencies to perform related functions
- guidelines for lawyers and other participating agencies on ways to resolve blockages impacting on finalisation
- ensuring that legal representatives have sufficient access to the watch-house and detention centre to speak to the young person
- mechanisms for early disclosure of evidence and early resolution

**Goal:** *Matters are resolved more quickly*



#### **Recommendation 4**

That DJAG works with relevant agencies to improve the (timeliness and relevance of) information provided to the court to assist judicial decision making required at particular events during proceedings and facilitate other engagement, without impacting on the proper conduct of the criminal proceedings

Consider, for example, the most efficient and effective ways for court stakeholders in court to provide:

- a summary of the young person's details at first mention so that the magistrate has information to inform their interaction with the young person (e.g. needs, interests, relevant youth justice history)
- information to be considered for bail applications and sentencing (e.g. pre-sentence reports)
- information about opportunities for the young person to address their needs
- specialist assessments and reports (e.g. mental health, disability, cognitive impairment)

**Goal:** *The magistrate is supported to make well-informed decisions based on easily accessible information and the risk of unnecessary adjournment is reduced.*

### **7.2.3 Minimising time in custody**

Pillar 4 aims to reduce each young person's time in custody and the Youth Justice Act requires court to prioritise young people in custody.

The analysis of *sentenced* and *unsentenced*<sup>78</sup> time shows that many of the young people in High Risk Youth Court have accumulated lengthy periods of unsentenced time in custody over their teenage years (Section 5.3). Because of their criminal history and the lack of options for supervision in the community, they are unlikely to be granted bail. The actual number of young people getting detention orders when sentenced has diminished, which may be because the young person has already served time equivalent to or more than the usual custodial sentence for the offence. Further analysis of Youth Justice custodial data and DJAG's court data would elicit a better understanding of the outcomes for young people following extended periods of remand and guide the setting of benchmarks for ongoing monitoring.

Factors that would potentially reduce the length of time in custody include supporting process and practice changes which improve the likelihood that submissions can be made to the magistrate that mitigate the risk of reoffending and risk to community safety, including collating evidence that: the young person is adequately supported to address issues that contribute to their offending; and that supervision and support from families, community, government and non-government service providers are sufficient to enable the young person to meet court orders.

Gathering information about young people and families: To be able to provide well-argued submissions for young people, legal representatives need additional preparation time and adequate access to young people, their families and case information. This is reported to be particularly difficult for the Aboriginal and Torres Strait Islander Legal Service under current resourcing arrangements. Training and experience are essential for submissions to be framed in ways that provide the magistrate with the information required for a decision.

Impact of unsentenced custodial time: Detailed quantitative analysis shows the extent of the contact that many young people have through adjournments and the time taken for charges to be finalised

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<sup>78</sup> This data is sourced from Youth Justice. Youth Justice records the number of nights on remand as '*unsentenced*' and the number of nights on a detention order as '*sentenced*'.

in High Risk Youth Court (Section 5.3). Some young people have had very lengthy accumulated times on remand (over 2.5 years) - some with no detention orders.

Currently, the amount of time a young person has been on remand for a case is available to the court but the accumulated time over several episodes of remand is not easily visible to the court. A stakeholder described the impact of the repeated state of unknowing and powerlessness that young people experience, perpetuating hypervigilance and anxiety and further aggravation as each court date draws near.

The uncertainty also impacts on whether the young person is settled enough to undertake programs that it is anticipated could actually contribute to their readiness to transition from detention and lead to positive outcomes on their release. As their length of time in custody is unknown, they cannot be offered programs that are designed to run over several weeks. The priority of attending to serious physical health needs means that they may not be ready to work on factors affecting their rehabilitation from criminal behaviour through participating in structured criminogenic programs. The team of psychologists and the case worker may need to focus more on their day to day coping strategies in a stressful environment than on long term strategies addressing underlying needs. Sudden release and quick placements do not allow for the careful planning and relationship building that is needed for young people to feel safe and willing to trust new service providers or placement staff, or to have their family and community ready to provide support for them that is needed for their reintegration into the community.

Each of these challenges limits the opportunities for the young person to receive sufficient help with their rehabilitation and reintegration.

Alternatively, when the young person is sentenced to detention and has an end date, staff can work with them in a planned way connecting them to their family, culture, education or employment opportunities, supporting them to develop a positive outlook for their reintegration into community.

Some stakeholders expressed the view that the young person chooses custody because their friends are there, they like the structure, they get a warm bed and food. On the contrary, there is plenty of evidence to show that custody causes long-term harm, institutionalises young people making it harder for them to integrate into the community, and stifles their growth towards adulthood. Despite some practical benefits of custody, they continue to suffer from bullying and abuse, entrenching their low self-worth and hopelessness, and increasing the likelihood that they will continue offending in adulthood. Further, time in custody contributes to disengagement from their parents and siblings and loss of their sense of identity.

There is an opportunity to consider the benefits and risks of raising the visibility of the young person's accumulated time on remand and elevate the priority to resolve issues preventing bail or finalisation of the matter. Subject to further analysis, such an approach could ensure time spent on remand is front of mind for relevant stakeholders at all stages, and is available to inform legal advice and advocacy, and court decisions where appropriate.

Noting the potential lifelong damage of holding young people in custody for a long period, oversight of the time the young person is in contact with court, particularly for young people with extended time on remand (e.g. greater than 12 months), may assist in focussing attention on identifying ways to progress the process more quickly. This may lead to considering what it would take for a young person to be released from custody before their sentencing, or if that is not possible, could identify what else can be done for them to be integrated into their family and community while they are in custody.

### 7.3 Outside the court

Improving the efficiency and effectiveness of the court to get better outcomes for these young people depends on having the systems and processes outside the court that:

- provide the information the court needs
- problem-solve the supports, therapeutic and practical services the young person and their families need to reduce the underlying causes of offending so that the court is confident the risk of their release is not unacceptable
- build up the capacity of the young person's family and community to provide a safe, supportive environment that meets the young person's needs for rehabilitation and reintegration into the community.

The evaluation has shown the complexity of the issues for the young people with repeated contact with the courts and, as they are children without means, are beyond their capacity to address without significant supports. There is substantial evidence to show that the added trauma and long term harm resulting from loss of freedom will cause further psychological damage that will limit their chances of rehabilitation. The accumulative effect of repeated periods of custody while on remand make these young people even more vulnerable as they are living in limbo with the uncertainty of their future. Only a small number receive a detention order (Section 5.3). As many stakeholders who work with the young people pointed out, when they are released, they may go home to families where none of the pre-existing problems have been addressed.

The Youth Justice Strategy reforms are tackling Pillar1 first and this is reducing the number of young people entering the criminal justice system. However, as predicted by the Atkinson report (2018) the young people who are still coming to court and in custody are the most disadvantaged and in need of intensive, long-term, specialist support. They are more likely to be Aboriginal and Torres Strait Islander males and it is likely that their families have chronic needs as well. With many reforms implemented, it is now timely for a concerted effort to tackle Pillars 2 and 3: reduce time in court and, where possible, time in custody for the high needs group. The urgent needs of the young people who have attended High Risk Youth Court and the commitment of stakeholders to find a better way to address their needs, make Townsville a good place to progress this work.

Critical strategies to successfully deal with complex social policy issues such as youth offending using a systems approach are described in 2.5 and these strategies are showing success in the implementation of Youth Justice Reforms to keep young people out of court:

- strong leadership and oversight from senior management and community leaders
- multi-disciplinary and collaborative structures facilitating cooperative and coordinated responses across stakeholders
- proactive information sharing in the front-line, at program management level and at senior management level
- community led solutions and decision making, that are client-centred and trauma-informed.

These strategies can now be applied to focus on the young people who are showing the greatest need for specialist support to help them reduce their offending, aligning with existing systems and structures where suitable, or creating targeted structures designed by communities in line with Closing the Gap National Agreement Principles (Section 2.1.3).

*Once kids are into the justice system "the genie is out of the bottle – question is how to get that genie back in"* Aboriginal and Torres Strait Islander community workshop

### 7.3.1 Multi-disciplinary and collaborative structures facilitating cooperative and coordinated responses across stakeholders

As shown in Section 3.3.1, the issues affecting the offending of these young people cross many disciplinary and philosophic boundaries. When stakeholders only see the young person through one lens, they miss out on the knowledge and expertise others have. Several opportunities for increased collaboration about the young people with very high needs have been identified by stakeholders.

Young people who have come to the attention of the justice system are categorised within three levels of service but the families of the three groups are not discrete. A young person in Group 1, for example, may have a sibling in High Risk Youth Court (Group 3). Only half the young people on High Risk Youth Court are in the cohort for Group 2, but their siblings may be in Group 2, or once released from detention, they may be referred to Group 2 while on a Supervised Release Order. Figure 42 shows the interface between the families.

**Figure 42: Interface of response levels for families and young people**



Group 1: Early Action	Group 2: Emerging serious risk	Group 3: Very high needs
TSCEAG	MACP Tiers 1, 2, 3	To be developed
72%	20%	8%
<ul style="list-style-type: none"> <li>- early contact with police and diversionary pathways such as cautions restorative justice,</li> <li>- early disengagement from school</li> <li>- a sibling or close family member in the justice system</li> <li>- no youth justice or child protection orders</li> </ul>	<ul style="list-style-type: none"> <li>- need integrated case management due to patterns of reoffending, to divert, reduce risk and minimise contact with court</li> <li>- some may progress to Group 3</li> </ul>	<ul style="list-style-type: none"> <li>- considerable repeated contact with the courts, repeated periods of custody and likely refusal of bail very likely to be Aboriginal and Torres Strait Islander male</li> <li>- likely to have substance use, very low literacy, chronic physical and mental health needs</li> <li>- possibly untapped creativity and unknown potential</li> </ul>

#### *Existing collaborative approaches:*

- The Townsville Stronger Community Early Action Group work with families of Group 1 young people (3.3.4)
- Multi-Agency Collaborative Tier 1 Panels work on intensive case management. Tier 2 monitors progress at a program management level and report to Tier 3 (Section 3.3.1)
- Young people in Group 3 may be referred to the Multi-Agency Collaborative panel on release from custody.

Both groups work closely with the co-responders.

For the purpose of the court process, there is an opportunity to explore further options for local agency collaboration, including between:

- Cultural support officers from each government department, who may be supporting the same children and families
- Aboriginal and Torres Strait Islander government and non-government staff who are working with young people in custody, Elders and community members
- Childrens Court stakeholders inclusive of staff attending court, experts and stakeholders working with young people going to court.

**Collaboration requires strong and highly interdependent relationships. Participants realise that to achieve outcomes they have to agree to alter the way they think, behave and operate. It is about systems change ...and requires a high level of trust and extensive dialogue between participants (Keast & Mandell, 2013). [What is collaboration? Fact Sheet 1 \(of 9\)](#)**

Collaboration across sectors is difficult and requires an agreed, easily-stated purpose, strong support from senior leaders, energetic and proactive management, committed and consistent membership.

#### *Proactive problem solving on the front-line and at program and senior management levels*

Information sharing protocols between government agencies have been established in the best interest of the child at the case management level for the Multi-Agency Collaborative Panels. Protocols for sharing information with the Early Action Group family meetings also have to take into account the obligations for not-for-profit organisations to get consent from their clients to share their information.

Similar streamlined information sharing protocols are needed to facilitate problem-solving with young people with high needs and family member, outside the court, involving a range of stakeholders who have a connection with the family and young person.

Proactive efforts are also required to identify data that can be shared regularly across agencies to show progress in the reduction in time spent in court and in custody and to identify blockages.

The starting point for the Early Action Groups with the family is to work with young people to identify what they need, and then across the stakeholder group establishing who can help. The MACP also provides a community-led, child-centred, trauma informed, collaborative and problem solving approach to case manage the complexity with young people engaged in repeat offending.

Considering the number of agencies directly involved and needed to support organised, streamlined processes by the court, a well-coordinated stakeholder group is essential. Similar to stakeholder groups supporting existing case management in the service system, a client-centred problem-solving approach for the very high needs group as they progress through court is appropriate and would complement initiatives operating across the broader youth justice system as summarised in Table 20.

**Table 20: Meeting the challenges to addressing the youth justice pillars and goals for young people continuing to offend**

Pillar	Problem	Place-based solutions	Goal
<b>Reduce reoffending</b>	Young people aren't engaged in the process	through collaboration with government and non-government sectors	Court is accessible and responsive to young people's needs
	Families aren't engaged in the process		Families and care givers are supported to engage with court and are assisted to meet their complex needs.
	Cultural needs are not addressed in court		Aboriginal and Torres Strait Islander people are supported to be actively involved pre-during and post-court
<b>Contact with court</b>	Length of time for an event		Young people attend less often and for shorter periods
	Length of time to finalise a charge		
<b>Time in custody</b>	Time on remand		Young people are in the community prior to court appearances
	Gaps in services		Young people access support and services that address underlying needs related to offending

#### Recommendation 5

That DJAG adapts the existing court stakeholder group to support Townsville Childrens Court sittings and ongoing process improvements, facilitated by a DJAG Court Coordinator with a focus on building stakeholder collaboration and coordination, and connected to existing multi-agency governance mechanisms in the youth justice system.

Consider:

- including relevant stakeholders who operate outside the court such as Aboriginal and Torres Strait Islander service providers, community members, researchers and advocates
- terms of reference informed by the evaluation
- the use of court and youth justice data to inform continuous improvement to enable monitoring of administrative efficiency and outcomes of the court for young people.

*Goal: The coordination of stakeholders and commitment to continuous improvement in practice and administrative processes supports the operation of the Townsville Childrens Court and timely court responses*

## 7.4 Conclusion

The evaluation has found strong agreement from stakeholders in line with research evidence that a focus on addressing the underlying causes of offending and reducing the time young people are in court and in custody is in the best medium and long term interests for both the community and young people who are repeatedly coming to court. There is also general agreement that the key changes likely to achieve this goal are feasible, namely:

- the court *could be more accessible* to young people and families so that they understand what is going on
- the court *could use more information* about the young people and their families to establish a relationship with the young person and to respond more quickly to complete the case

- court procedures *could be more streamlined* to reduce delays so that sentencing occurs as close to the offence data as possible
- underlying high needs of young people and their families *could be addressed* to reduce offending
- suitable alternatives to custody that support the young person and their family and also ensure community safety *could be developed collaboratively* by the community outside of the court environment.

Research and data considered in the evaluation indicate that mechanisms implemented for Youth Strategy reforms appear to have had an impact in reducing contact with courts and concerted efforts with similar mechanisms are likely to support these changes. This includes:

- involving Aboriginal and Torres Strait Islander family and community members in the court and in the community in problem-solving ways to make the court more accessible
- ensuring ready access to relevant and appropriate information about young people in the court early
- streamlining court procedures with efficient administrative systems, and establishing structures to lead changes that address underlying causes of offending at individual, family, community and systems levels
- facilitating collaboration across government agencies, non-government organisations and other stakeholders.

Evidence provided in this report, including through stakeholder views and the quantitative data considered, suggests that current operations of the High Risk Youth Court are not substantially different to other Childrens Courts, and that more work is required across the service system to support the effective operation of the specialised court processes and the justice system more broadly.

Through the evaluation, stakeholders have individually shown their expertise, energy and commitment to improve the court process and the overall outcomes for the young people who are facing the most disadvantage. Bringing the stakeholders together with strong support from leaders and a focus on the goals articulated in the recommendations, will strengthen the approach and provide an opportunity for systemic changes that will make a real difference to the community, all the stakeholders involved, and, most importantly to the future for these young people and their families.



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## Appendix 1

### A1a. Youth Justice Act Excerpts

#### *s2 Objectives of the Act*

The principal objectives of this Act are—

- (a) to establish the basis for the administration of juvenile justice; and
- (b) to establish a code for dealing with children who have, or are alleged to have, committed offences; and
- (c) to provide for the jurisdiction and proceedings of courts dealing with children; and
- (d) to ensure that courts that deal with children who have committed offences deal with them according to principles established under this Act; and
- (e) to recognise the importance of families of children and communities, in particular Aboriginal and Torres Strait Islander communities, in the provision of services designed to—
  - (i) rehabilitate children who commit offences; and
  - (ii) reintegrate children who commit offences into the community

#### *48AAA Releasing children in custody—risk assessment*

- (1) This section applies if a court or police officer is deciding whether to release a child in custody in connection with a charge of an offence or keep the child in custody.
- (2) The court or police officer must decide to keep the child in custody if satisfied—
  - (a) if the child is released, there is an unacceptable risk that the child will commit an offence that endangers the safety of the community or the safety or welfare of a person; and
  - (b) it is not practicable to adequately mitigate that risk by imposing particular conditions of release on bail.
- (3) Also, the court or police officer may decide to keep the child in custody if satisfied that, if the child is released, there is an unacceptable risk that—
  - (a) if the child is released, there is an unacceptable risk that the child will commit an offence that endangers the safety of the community or the safety or welfare of a person; and
  - (b) it is not practicable to adequately mitigate that risk by imposing particular conditions of release on bail.

#### *48AA Matters to be considered in making particular decisions about release and bail*

- (1) This section applies if a court or police officer is making any of the following decisions in relation to a child in custody in connection with a charge of an offence (the alleged offence)—
  - (a) whether there is an unacceptable risk of a matter mentioned in [section 48AAA\(2\)](#);
  - (b) whether there is an unacceptable risk of a matter mentioned in [section 48AAA\(3\)](#);
  - (c) whether to release the child despite being satisfied there is an unacceptable risk of a matter mentioned in [section 48AAA\(3\)](#);
  - (d) whether to release the child without bail or grant bail to the child;
  - (e) whether the child has shown cause under [section 48AF\(2\)](#) why the child's detention in custody is not justified.
- (2) The court or police officer must have regard to the following matters of which the court or police officer is aware—
  - (a) any promotion by the child of terrorism;

- (b) any association the child has or has had with a terrorist organisation, or with a person who has promoted terrorism, that the court or police officer is satisfied was entered into by the child for the purpose of supporting the organisation or person—
    - (i) in the carrying out of a terrorist act; or
    - (ii) in promoting terrorism.
- (3) Also, if the decision is being made by a court, the court must have regard to the sentence order or other order likely to be made for the child if found guilty.
- (4) In making a decision mentioned in subsection (1) —
  - (a) the court or police officer may have regard to any of the following matters of which the court or police officer is aware—
    - (i) the nature and seriousness of the alleged offence;
    - (ii) the child’s criminal history and other relevant history, associations, home environment, employment and background;
    - (iii) the history of a previous grant of bail to the child;
    - (iv) the strength of the evidence against the child relating to the alleged offence;
    - (v) the child’s age, maturity level, cognitive ability and developmental needs;
    - (vi) whether a parent of the child, or another person, has indicated a willingness to the court or police officer that the parent or other person will do any of the following things—
      - A. support the child to comply with the conditions imposed on a grant of bail;
      - B. notify the chief executive or a police officer of a change in the child’s personal circumstances that may affect the child’s ability to comply with the conditions imposed on a grant of bail;
      - C. notify the chief executive or a police officer of a breach of the conditions imposed on a grant of bail;
    - (vii) if the child is an Aboriginal person or Torres Strait Islander—a submission made by a representative of the community justice group in the child’s community, including, for example, a submission about—
      - A. the child’s connection with the child’s community, family or kin; or
      - B. cultural considerations; or
      - C. considerations relating to programs and services established for offenders in which the community justice group participates;

#### *48B Reasons for decisions to keep or remand children in custody*

- (1) If a court makes an order keeping or remanding a child in custody in connection with a charge of an offence, the order must state the reason for the decision.

#### *52A Other Conditions of release on bail*

- (1) This section applies if a court or police officer decides to grant bail to a child mentioned in section 52(1) and the child is being released from custody.
- (2) The court or police officer may impose another condition on the grant of bail, other than a condition about appearing before a court or surrendering into custody, only if the court or police officer is satisfied—
  - (a) there is a risk of the child doing a thing mentioned in section 48AAA(2)(a) or (3); and
  - (b) the condition is necessary to mitigate the risk; and
  - (c) the condition does not, having regard to the following matters of which the court or police officer is aware, involve undue management or supervision of the child—
    - (i) the child’s age, maturity level, cognitive ability and developmental needs;
    - (ii) the child’s health, including the child’s need for medical assessment or medical treatment;

- (iii) for a child with a disability—the disability and the child’s need for services and supports in relation to the disability; (iv) the strength of the evidence against the child relating to the alleged offence;
  - (v) the child’s home environment;
- (3) A condition imposed under subsection (2)—
  - (a) must state the period the condition has effect (the stated period); and
  - (b) the condition is necessary to mitigate the risk; and
- (4) In deciding the stated period for a condition, the court or police officer must—
  - (a) consider the matters mentioned in subsection (2)(c); and
  - (b) ensure the stated period is no longer than is necessary to mitigate the risk mentioned in subsection (2)(a).

#### *69 Presence of parent required generally*

- (1) If a parent of a child is not present when the child appears before a court charged with an offence, the court, after making inquiries of those present as to—
  - (a) the whereabouts of the child’s parents; and
  - (b) whether a parent of the child has been informed of the proceedings as required under—
    - (i) [section 43](#); or
    - (ii) the [Police Powers and Responsibilities Act 2000, section 392](#);
 may adjourn the proceeding to enable a parent to be present at the time and place to which the proceeding is adjourned.
- (2) The court may recommend that the chief executive provide financial assistance to a parent of the child to ensure that a parent is present at the proceeding.

#### *150 Sentencing principles*

- (1) In sentencing a child for an offence, a court must have regard to—
  - (a) subject to this Act, the general principles applying to the sentencing of all persons; and
  - (b) the youth justice principles; and
  - (c) the special considerations stated in subsection (2); and
  - (d) the nature and seriousness of the offence; and
  - (e) the child’s previous offending history; and
  - (f) the presence of any aggravating or mitigating factor concerning the child; and
  - (g) without limiting paragraph (f), whether the child committed the offence—
    - (i) while released into the custody of a parent, or at large with or without bail, for another offence; or
    - (ii) after being committed for trial, or awaiting trial or sentencing, for another offence; and
  - (h) any information about the child, including a pre-sentence report, provided to assist the court in making a determination; and
    - (i) if the child is an Aboriginal or Torres Strait Islander person—any submissions made by a representative of the community justice group in the child’s community that are relevant to sentencing the child, including, for example—
      - (i) the child’s connection with the child’s community, family or kin; or
      - (ii) any cultural considerations; or
      - (iii) any considerations relating to programs and services established for offenders in which the community justice group participates; and
    - (j) any impact of the offence on a victim, including harm mentioned in information relating to the victim given to the court under the [Penalties and Sentences Act 1992, section 179K](#); and
    - (k) a sentence imposed on the child that has not been completed; and

- (l) a sentence that the child is liable to have imposed because of the revocation of any order under this Act for the breach of conditions by the child; and
- (m) the fitting proportion between the sentence and the offence.
- (2) Special considerations are that—
  - (a) a child's age is a mitigating factor in determining whether or not to impose a penalty, and the nature of a penalty imposed; and
  - (b) a non-custodial order is better than detention in promoting a child's ability to reintegrate into the community; and
  - (c) the rehabilitation of a child found guilty of an offence is greatly assisted by—
    - (i) the child's connection with the child's community, family or kin; or
    - (ii) any cultural considerations; or
  - (d) the rehabilitation of a child found guilty of an offence is greatly assisted by—
  - (e) a detention order should be imposed only as a last resort and for the shortest appropriate period.
- (3) In determining the appropriate sentence for a child convicted of the manslaughter of a child under 12 years, a court must treat the victim's defencelessness and vulnerability, having regard to the victim's age, as an aggravating factor.
- (4) If required by the court for subsection (1)(i), the representative must advise the court whether—
  - (a) any member of the community justice group that is responsible for the submission is related to the offender or the victim; or
  - (b) there are any circumstances that give rise to a conflict of interest between any member of the community justice group that is responsible for the submission and the child or victim.
- (4A) In sentencing a child for an offence, a court may receive any information, or a sentencing submission made by a party to the proceedings, it considers appropriate to enable it to impose the proper sentence or make a proper order in connection with the sentence.
- (6) In this section –
 

**sentencing submission**, made by a party, means a submission stating the sentence, or range of sentences, the party considers appropriate for the court to impose.

#### 158 Children entitled to explanation of sentence

- (1) When making an order sentencing a child for an offence a court must take steps to ensure that the child understands—
  - (a) the purpose and effect of the order; and
  - (b) the consequences (if any) that may follow if the child fails to comply with the order.
- (2) Examples of the steps a court may take are—
  - (a) directly explaining these matters in court to the child; or
  - (b) having some appropriate person give the explanation; or
  - (c) having an interpreter or other person able to communicate effectively with the child give the explanation; or
  - (d) causing an explanatory note in English or another language to be supplied to the child.
- (3) Subsection (1) does not apply where the child's presence is not required at sentence.
  - (a) the child will not surrender into custody in accordance with a condition imposed on the release or a grant of bail to the child; or
  - (b) the child will commit an offence, other than an offence mentioned in subsection (2)(a); or
  - (c) the child will interfere with a witness or otherwise obstruct the course of justice, whether for the child or another person.
- (4) Subsection (5) applies if—
  - (a) the child is before a court; and

- (b) the court has information indicating there may be an unacceptable risk of a matter mentioned in subsection (2) or (3), but does not have enough information to properly consider the matter.
- (5) The court may remand the child in custody while further information about the matter is obtained.

#### *175 Sentence orders – general*

- (1) When a child is found guilty of an offence before a court, the court may—
  - (a) reprimand the child; or
  - (b) order the child to be of good behaviour for a period not longer than 1 year; or
  - (c) order the child to pay a fine of an amount prescribed under an Act in relation to the offence; or
  - (d) subject to subsection (2), order the child to be placed on probation for a period not longer than—
    - (i) if the court is not constituted by a judge—1 year; or
    - (ii) if the court is constituted by a judge and [section 176](#) does not apply—2 years; or
  - (da) if a restorative justice agreement is made as a consequence of a presentence referral relating to the child—order the child to perform his or her obligations under the agreement; or
  - (db) order that the child participate in a restorative justice process as directed by the chief executive; or
  - (e) subject to subsection (2), if the child has attained the age of 13 years at the time of sentence—order the child to perform unpaid community service for a period not longer than—
    - (i) if the child has not attained the age of 15 years at the time of sentence—100 hours; or
    - (ii) if the child has attained the age of 15 years at the time of sentence—200 hours; or
  - (f) if the child has not attained the age of 13 years at the time of sentence, make an intensive supervision order for the child for a period of not more than 6 months; or
  - (g) order that the child be detained for a period not more than—
    - (i) if the court is not constituted by a judge—1 year; or
    - (ii) if the court is constituted by a judge and [section 176](#) does not apply—the shorter period of the following—
      - A. half the maximum term of imprisonment that an adult convicted of the offence could be ordered to serve;
      - B. 5 years.
- (2) An order of the following type may only be made against a child found guilty of an offence of a type that, if committed by an adult, would make the adult liable to imprisonment—
  - (a) a probation order under subsection (1)(d);
  - (b) a community service order;
  - (c) an intensive supervision order.
- (2A) For subsection (1)(db), the offence the child is found guilty of is taken to be referred by the court to the chief executive for a restorative justice process.
- (3) A court may make an order for a child's detention under subsection (1)(g) with or without a conditional release order under [section 220](#).
- (4) This section has effect subject to the [Childrens Court Act 1992](#)



## A1b. Schedule 1 Charter of Youth Justice Principles

- 1 The community should be protected from offences and, in particular, recidivist high-risk offenders.
- 2 The youth justice system should uphold the rights of children, keep them safe and promote their physical and mental wellbeing.
- 3 A child being dealt with under this Act should be—
  - (a) treated with respect and dignity, including while the child is in custody; and
  - (b) encouraged to treat others with respect and dignity, including courts, persons administering this Act and other children being dealt with under this Act.
- 4 Because a child tends to be vulnerable in dealings with a person in authority, a child should be given the special protection allowed by this Act during an investigation or proceeding in relation to an offence committed, or allegedly committed, by the child.
- 5 If a child commits an offence, the child should be treated in a way that diverts the child from the courts' criminal justice system, unless the nature of the offence and the child's criminal history indicate that a proceeding for the offence should be started.
- 6 A child being dealt with under this Act should have procedures and other matters explained to the child in a way the child understands.
- 7 If a proceeding is started against a child for an offence—
  - (a) the proceeding should be conducted in a fair, just and timely way; and
  - (b) the child should be given the opportunity to participate in and understand the proceeding; and
  - (c) the proceeding should be finalised as soon as practicable.
- 8 The youth justice system should give priority to proceedings for children remanded in custody.
- 9 A child who commits an offence should be—
  - (a) held accountable and encouraged to accept responsibility for the offending behaviour; and
  - (b) dealt with in a way that will give the child the opportunity to develop in responsible, beneficial and socially acceptable ways; and
  - (c) dealt with in a way that strengthens the child's family; and
  - (d) dealt with in a way that recognises the child's need for guidance and assistance because children tend to be dependent and immature.
- 10 A victim of an offence committed by a child should be given the opportunity to participate in the process of dealing with the child for the offence in a way allowed by the law.
- 11 A parent of a child should be encouraged to fulfil the parent's responsibility for the care and supervision of the child, and supported in the parent's efforts to fulfil this responsibility.
- 12 A decision affecting a child should, if practicable, be made and implemented within a timeframe appropriate to the child's sense of time.
- 13 A person making a decision relating to a child under this Act should consider the child's age, maturity and, where appropriate, cultural and religious beliefs and practices.
- 14 If practicable, a child of Aboriginal or Torres Strait Islander background should be dealt with in a way that involves the child's community.
- 15 Programs and services established under this Act for children should—
  - (a) be culturally appropriate; and
  - (b) promote their health and self respect; and
  - (c) foster their sense of responsibility; and
  - (d) encourage attitudes and the development of skills that will help the children to develop their potential as members of society.
- 16 A child being dealt with under this Act should have access to legal and other support services, including services concerned with advocacy and interpretation.
- 17 A child should be dealt with under this Act in a way that allows the child—
  - (a) to be reintegrated into the community; and

- (b) to continue the child's education, training or employment without interruption or disturbance, if practicable; and
  - (c) to continue to reside in the child's home, if practicable.
- 18 A child should be detained in custody for an offence, whether on arrest, remand or sentence, only as a last resort and for the least time that is justified in the circumstances.
- 19 A child detained in custody should only be held in a facility suitable for children.
- 20 While a child is in detention, contacts should be fostered between the child and the community.
- 21 A child who is detained in a detention centre under this Act—
- (a) should be provided with a safe and stable living environment; and
  - (b) should be helped to maintain relationships with the child's family and community; and
  - (c) should be consulted about, and allowed to take part in making, decisions affecting the child's life (having regard to the child's age or ability to understand), particularly decisions about—
    - (i) the child's participation in programs at the detention centre; and
    - (ii) contact with the child's family; and
    - (iii) the child's health; and
    - (iv) the child's schooling; and
  - (d) should be given information about decisions and plans about the child's future while in the chief executive's custody (having regard to the child's age or ability to understand and the security and safety of the child, other persons and property); and
  - (e) should be given privacy that is appropriate in the circumstances including, for example, privacy in relation to the child's personal information; and
  - (f) should have access to dental, medical and therapeutic services necessary to meet the child's needs; and
  - (g) should have access to education appropriate to the child's age and development; and
  - (h) should receive appropriate help in making the transition from being in detention to independence.
- Example for paragraph (h)—
- help in gaining access to training or finding suitable employment.

## Appendix 2: Survey Questions

A For Staff Attending the Court

B Staff Working With Young People Who Are in the Court System

C For Staff Attending the Court

### *High Risk Youth Court Survey A: For Staff Attending the Court*

1. Do High Risk Youth Court participants receive services and support when needed? Please rate whether *always, usually, sometimes* or *rarely* apply.

☐ Legal services ☐ Assessment of needs ☐ Physical health ☐ Mental health ☐ Language (e.g. interpreter, easy to read information) ☐ Support to attend Court ☐ Support to participate in their matters ☐ Education support ☐ Disability support ☐ Cultural support ☐ Substance use

Options: Always; Usually; Sometimes; Rarely; Don't know

Please list other services participants may receive or services they need.

2. Are these services and supports mostly available, accessible and suitable? Please select *ALL* options you agree with on each row. For this survey... **Available** means that the services exist and there are enough to meet the needs of young people e.g. no long waiting lists and there is enough choice. **Accessible** means that services are easy to get to and easy to get into e.g. physically, via transport, online or phone or the internet, various times and frequency, cost, eligibility. **Suitable** means that the services meet the particular needs of the individuals e.g. by their age, gender, culture, learning abilities, disabilities, qualifications and experience of staff and client focus.

☐ Legal services ☐ Physical health ☐ Mental health ☐ Language (e.g. interpreter, easy to read information) ☐ Support to attend court ☐ Support to deal with matters in court ☐ Education support ☐ Disability support ☐ Cultural support ☐ Substance use

Options: Available; Accessible; Suitable

Comments:

3. How many participants are getting enough support?

Options: All of them; Most of them; Some of them; A few of them; None; Don't know

Please outline any gaps in services and/or any barriers participants face in receiving support.

4. Does the High Risk Youth Court get timely and accurate information about each participant in relation to the options listed below. Please rate whether this occurs *rarely, sometimes, usually* or *always*. If it does not apply please leave blank. For this survey... **Timely and accurate information** refers to details and advice that is received punctually and is correct.

☐ the participant's cultural context ☐ the participant's needs (e.g. health, disability, accommodation, care) ☐ the participant's interests ☐ reasons young people have not been able to comply (e.g. court orders, programs) ☐ the participant's engagement with programs or service ☐ the participant's progress with programs or services ☐ the participant's support and treatment

Options: Always; Usually; Sometimes; Rarely; Don't know

Please add comments to explain your answer

5. In your opinion, how often does the court have sufficient information to allow for informed decision making? For this survey.... **Informed decision making** means a choice has been made with all the information related to the decision topic.

Options: Always; Usually; Sometimes; Rarely; Don't know

Currently do you believe there are any barriers to sharing accurate information in a timely manner? Please explain your answer. Can you think of any opportunities for improvement?

6. Please rate whether *always, usually, sometimes* or *rarely* applies to the questions below. In the High Risk Youth Court, to what extent is the participant involved in the following:

☐ Answering questions ☐ Explaining their personal situation ☐ Asking questions ☐ Listening attentively ☐ Showing they are willing to comply with program orders ☐ Discussing what will help them ☐ Responding to statements about them

Options: Always; Usually; Sometimes; Rarely; Don't know

Comments:

7. For this set of questions please rate whether *always, usually, sometimes or rarely* applies. In the High Risk Youth Court to what extent is the participant's support system (e.g. family member, guardian, Elder) involved in the following:

☐ Talking to the Magistrate ☐ Explaining the family/ support system's situation ☐ Explaining problems young person faces ☐ Discussing what will help the participant ☐ Discussing how they can help the participant engage and comply

Options: Always; Usually; Sometimes; Rarely; Don't know

Are there any barriers to this engagement for the support system? Is the support system engaged in the Court in a way that is respectful of their culture?

8. To what extent are participants treated with:

☐ Fairness ☐ Dignity ☐ Respect ☐ Cultural understanding

Options: Always; Usually; Sometimes; Rarely; Don't know

Please describe instances you have seen where these values are not upheld.

9. Are participants' matters progressed in a way that is:

☐ Safe ☐ Timely ☐ Coordinated ☐ Participant-centred

Options: Always; Usually; Sometimes; Rarely; Don't know

Comments:

10. Do you think participants understand:

☐ What is happening during their court proceedings ☐ Who is in the court and what they do ☐ What their charges are ☐ What happens if they don't comply ☐ What they have to do next ☐ That they can ask questions

Options: Always; Usually; Sometimes; Rarely; Don't know

Comments:

11. Please choose all options that apply. Is there cultural support for participants:

☐ Before their court proceedings ☐ During their court proceedings ☐ After their court proceedings ☐ When in detention ☐ None of the above

Comments:

12. Is cultural support for the participants: In this survey... **Available** means that there are enough services to meet the needs of youths e.g. no long waiting lists and there is enough choice. **Accessible** means that services are easy to get to and easy to get into e.g. physically, via transport, online or phone or the internet, various times and frequency, cost, eligibility. **Suitable** means that the services meet the particular needs of the individuals e.g. by their age, gender, learning abilities, disabilities, qualifications and experience of staff and client focus.

☐ Available ☐ Accessible ☐ Suitable

Options: Always; Usually; Sometimes; Rarely; Don't know; Please indicate gaps in cultural support services. What else is needed?

13. Please click on all that apply. From your perspective, in court, do the participants:

☐ Show they are motivated to change ☐ Engage in strategies to address their needs ☐ Attend support services as required ☐ Actively participate in programs ☐ Know what to do to address their needs ☐ Understand the impact on their support system ☐ Understand the impact on victim ☐ Express remorse/regret ☐ Take responsibility for their behaviour ☐ Take active steps to avoid offending ☐ Comply with conditions of their Court orders

Comments:

14. Please choose the roles that you undertake for High Risk Youth Court:

☐ represent participant's needs and interests ☐ recommend support to be provided to the participant and/or family ☐ collaborate with other agencies regarding participant's circumstances ☐ hold participants accountable for their actions ☐ increase participant's cultural engagement ☐ provide information to the Court  
Please add other roles that are important.

15. How long have you been involved with High Risk Youth Court?

☐ < 6 months ☐ 6 to 12 months ☐ 1 to 2 years ☐ > 2 years

Comments. e.g. other relevant experience.

### *High Risk Youth Court Survey B: Staff Working With Young People Who Are in the Court System*

1. What do vulnerable young people need to have in place to reduce their offending in the community? Please rate whether each item applies to *all, most, some, few or none* of the young people who are at high risk of offending. Leave blank if you do not know.

☐ stable, safe place to live ☐ connections with family members ☐ connection to their culture ☐ connections with their community ☐ mental health assessment and support ☐ disability assessment and support ☐ help with substance abuse ☐ help with regulating their emotions ☐ source of finance and financial guidance ☐ practical help with everyday living (e.g. how to shop, cook, wash, get ID) ☐ physical health assessment and support ☐ education at their level of learning ☐ getting a job or volunteering ☐ an activity they enjoy e.g. sport, fishing, art, music

Options: All; Most; Some; A Few; None

Please add any other supports that are necessary

2. Think about the features of services that vulnerable young people engage with. *What does a service or support need to look and feel like for young people to be engaged?* Please rate whether the item applies to *all, most, some, a few or none* of the young people you know who are at high risk of reoffending.

Please leave out the item if you don't know.

☐ have staff they identify with (e.g. family, culture, age, gender) ☐ listen and engage them in planning their support ☐ have easy rules they can remember and follow ☐ adapt to fit their capability and readiness ☐ cater for their interests and preferences ☐ help them identify and build on their strengths ☐ provide them a safe space ☐ treat them with respect ☐ model prosocial ways of behaving ☐ guide them when they make mistakes

Options: All; Most; Some; A Few; None

Please add other features that are necessary to engage these young people

3. When are these young people most vulnerable and at risk of reoffending?

☐ During the day ☐ During the night ☐ When confused, upset, angry ☐ When not taking medication ☐ When influenced by friends ☐ When looking for excitement ☐ When entering a new placement unwillingly (e.g. residential, foster care, kinship) ☐ When experiencing violence or bullying ☐ When ill, in pain, neglected ☐ When under the influence of drugs or alcohol ☐ When suffering separation, loss or grief ☐ When leaving intensive supervision e.g. detention ☐ When lonely or depressed

Are there other situations not considered above?

4. Please describe the common circumstances that trigger offending for young people you know.

5. Please leave out the item if you do not know. Based on what young people tell you about court, how often do they:

☐ Know what they have to do to stay out of trouble ☐ Know who will help them ☐ Know why they got the penalty ☐ Know what will happen if they break a condition of their order ☐ Think they were treated fairly ☐ Have a chance to explain what happened ☐ Have a chance to apologise ☐ Realise the impact on the victim ☐ Realise the impact on their family or the community

Options: All; Most; Some; A Few; None

Other (please specify)

6. From your knowledge of young people at risk of reoffending, please comment on how these factors impact on them. Please leave blank if you don't know.

☐ Length of time for decisions to be finalised ☐ Language used in courts ☐ Number of times they go to court ☐ Access to legal representatives ☐ Court layout and waiting area ☐ Use of video-links in court ☐ Time required at court ☐ Family being present ☐ Being taken to court (e.g. when on bail) ☐ Having the same magistrate ☐ Having Elders in court ☐ Other

7. Please add any comments about how the court process could limit further trauma and increase a young person's willingness to actively make efforts to not offend.

8. Please describe court outcomes that could increase the young person's risk of reoffending e.g. nature of penalty/ sentence; refusal of bail

9. What are the barriers for family members to attend court? Please indicate if these are a problem and what could be done to reduce the problem. Please leave blank if you don't know or does not apply.

☐ Transport to court ☐ Health problems of family member ☐ Responsibility for health/ care of other family members ☐ Length of time required at court ☐ Language barriers ☐ Work commitments ☐ Negative feelings about being at court (e.g. shame, fear, trauma) ☐ Lack of privacy ☐ Lack of connection to young person ☐ Other 1 ☐ Other 2

10. Any other suggestions for how the system as a whole (courts, supports and services) can assist the young person to reduce their offending?

### *High Risk Youth Court Evaluation Survey C: Staff with Operational and Strategic Management Roles in Youth Justice Reforms Questions*

1. From your knowledge and experience, how do young people's offending and factors affecting offending in Townsville, compare with other locations in Queensland?

☐ The rate of youth offending ☐ The seriousness of youth offending ☐ Young people's attitude to the law ☐ Increased youth offending over last five years ☐ Lack of government services e.g. child safety, health, police (detail in Q2) ☐ Lack of critical community services for young people (detail in Q3) ☐ Lack of parental employment, poverty ☐ Community capacity to work together to solve a problem ☐ Actual level of community safety ☐ Community perceptions of safety ☐ Other 1: ☐ Other 2:

Options: Much worse; Somewhat worse; About the same; Somewhat better; Much better; Don't know

Please add comments to name "Other" options and explain comments including data sources if known.

2. If you indicated in Q1 that there is a lack of government services in Townsville that impact on underlying causes of offending, please click on factors that affect service delivery: Please leave blank if you don't know.

☐ It is harder to get qualified staff for human service roles ☐ There is a higher churn of staff in Townsville ☐ There is more competition with higher status roles ☐ Staff are spread across a wider geographical area ☐ Inexperienced staff have less access to support ☐ Townsville has a higher rate of social issues for historical reasons.

Please explain any issues you have raised and/or add other factors.

3. If you indicated in Q1 that the lack of community services impacts on the nature of offending more in Townsville, please indicate the gaps in services that limit supports for vulnerable young people and their families.

☐ Housing ☐ Physical health ☐ Mental health ☐ Alternative schooling ☐ Counselling ☐ Substance use support (adults) ☐ Substance use support (children) ☐ Youth support ☐ Youth engagement activities ☐ Family and child support ☐ Youth employment ☐ Culturally suitable services ☐ Other 1 ☐ Other 2

4. Since High Risk Youth Court commenced in 2017, what local responses (e.g. from Townsville Stronger Community Early Action Group) have been effective in reducing offending by young people?

5. Research emphasises the need for local multi-agency collaboration to ensure that there are wrap-around services for children who are most vulnerable and at high risk of reoffending. How well are collaborative systems in place for agencies in Townsville to:

Options: Very well; Quite well; Somewhat; Too early to tell; Not yet

☐ Identify vulnerable young people with high risk of offending ☐ Identify underlying needs of young people at high risk of offending ☐ Identify underlying needs of families supporting young people ☐ Understand government supports for each child ☐ Follow-up regularly with young people at high risk of offending ☐ Link young people to community supports to address needs ☐ Follow the progress of young people in addressing needs ☐ Link families to community supports to address their needs ☐ Address systemic barriers to reduce offending ☐ Increase community responses to reduce offending

6. How is local progress in implementing the reforms monitored and reported e.g. at operational and at program levels; within each partnering agency?

7. The High Risk Youth Court was established to bring together information from agencies that would address a young person's offending and inform the magistrate's decision making. Are there constraints for staff in presenting information in the High Risk Youth Court? If so, please explain. Is this the same or different in Childrens Courts?

8. What information is important for the magistrate to hear from the various agencies in Childrens Courts and in High Risk Youth Court, in relation to young people with repeated contact with the court?

Options: Important for Childrens Court; Important for High Risk Youth Court

- ☐ Identified needs that contribute to offending
- ☐ Results of assessments and updates
- ☐ Level of family support including cultural connections
- ☐ Services/ programs that are available, suitable and accessible for the young person
- ☐ If young person is engaging with recommended supports
- ☐ Barriers to engagement
- ☐ Progress being made in developing skills, changing behaviours and attitudes
- ☐ Other 1

If you added Other 1, please explain. Please add comments about other responses

9. Please click on all that apply. When addressing a vulnerable young person's repeat offending it is important that the process in Childrens Court (including High Risk Youth Court):

- ☐ Minimises the young person's time in court
- ☐ Engages the young person in decisions about how to stop their offending
- ☐ Ensures the court has accurate and complete information
- ☐ Holds the young person accountable through making a plea of guilty or not guilty
- ☐ Ensures that the young person has appropriate supervision to keep them and the community safe
- ☐ Ensures that young people have appropriate support for their rehabilitation
- ☐ Ensures parents/ guardians are informed about their responsibilities

Is there anything else that you think the Court is best placed to do or not do? Please explain.

10. What are the critical factors for a young person with an extensive criminal history to reduce the frequency and/or seriousness of their offending?

11. Anything else the evaluation should consider?



## Appendix 3: Terms of Reference

### *A3a: Evaluation Management Team Terms of Reference*

The evaluation will be governed by the Evaluation Management Team which consists of:

- Director, Policy, Research and Evaluation, Courts Innovation Program
- Director, Specialist Courts and Referral Services
- Director, Women's Safety and Youth Justice Taskforce
- Director, Aboriginal and Torres Strait Islander Justice Programs and Partnerships
- Operations Manager, Referral and Support Services
- Manager, Policy
- Manager, Research and Evaluation, Courts Innovation Program.

The Evaluation Management Team and the evaluation team will be supported by a working group including staff from:

- DJAG Courts Innovation Program
- DJAG Women's Safety and Youth Justice Taskforce

#### **Role of the Evaluation Management Team**

The Evaluation Management Team will work collaboratively to achieve the best outcome for the evaluation. The Team's main function is to deal with all operational matters in relation to the evaluation, including:

- ensuring communication with the evaluation team
- facilitating decisions being made in a timely way
- monitoring progress of the Evaluation Project Plan and actions committed to
- assisting in retrieval of data
- managing risks and reducing barriers to implementing the Project Plan including meeting ethical and quality standards
- discussing and approving minor variations to the Evaluation Project Plan, if required.
- facilitating access to stakeholders
- sharing information relevant to the evaluation.

Specific Evaluation Management Team functions include decisions on:

- Evaluation methodology (the Evaluation Framework)
- Ethics approach to the evaluation
- Ensuring privacy and confidentiality of information collected
- Updating and monitoring risks to ensure the evaluation is completed as planned.

### *A3b: Evaluation Advisory Group Terms of Reference*

#### **Purpose**

The purpose of the Evaluation Advisory Group is to assist the evaluators to provide a comprehensive, reliable report that identifies improvements to the provision of court services for young people with complex needs and repeat offending.

#### **Membership**

- Courts Innovation Program staff (Policy and Program)
- Women Safety and Youth Justice Taskforce Unit
- Townsville Justice Group
- Government and non-government agencies involved in the delivery of the High Risk Youth Court including in the provision of services that address underlying causes of offending behaviour and/or advocates for young people
- Research and evaluation interest.

#### **Functions**

To guide the conduct of the evaluation so that it meets their objectives.

To provide advice at three critical points during the evaluations to ensure that:

- the evaluation is conducted respectfully and ethically in accordance with cultural protocols
- the depth and breadth of the consultations are representative and well-informed
- the findings are representative and are interpreted accurately and reliably
- the evaluation makes recommendations that address the intended change.

To locate and provide information of benefit to the evaluation and assist the evaluators in sourcing information and/or access to interviewees where necessary (especially in site visits)

To assist in communicating about the evaluation and encouraging engagement and trust

To guide evaluators in dealing with sensitive issues and in asking difficult questions.

#### **Meetings**

Members will be invited to attend three meetings (online) for the purpose of providing advice on the evaluation plan, consultation schedule, and interim findings.

## Appendix 4: ANZSOG's 10 Pillars of Youth Justice

The 10 Pillars of Youth Justice are practical imperatives designed by youth justice expert Lisa Ward to guide jurisdictions to build and reform their Youth Justice systems using evidence-based academic research and grey literature. The 10 Pillars of Youth Justice intersect and compound creating an opportunity to inform policy and practice.

Ward, L. (2020). *10 Pillars of Youth Justice*. <https://anzsog.edu.au/app/uploads/2022/06/ANZSOG-Research-Insights-10-Pillars-of-Youth-Justice-v3.pdf>

1. Keep young people away from the system
2. Treat young people differently to adults
3. Privilege engagement and relationships
4. Collaborate with family and community
5. Partner with education
6. Specialise in trauma and complexity
7. Connect service systems
8. Invest in restorative approaches
9. Tailor responses to different cohorts
10. Provide safe, structured custodial environments

# Services in the youth justice system

The Queensland Government is focused on keeping communities safe. We know this is best achieved through early intervention activities, such as diversionary programs, along with education, training, employment, housing, health and domestic and family violence services that wrap around at-risk young people and their families. By addressing the drivers of youth crime and better supporting young people on the transition to adulthood, young people can avoid becoming entrenched in the criminal justice system. For the small group of young people who commit serious, repeat offences, the youth justice system delivers intensive responses and high levels of supervision to hold them to account, while providing evidence based programs and multi-agency supports to address factors that have contributed to their offending. All young people in contact with the youth justice system, regardless of age or risk, are connected with alternative pathways that create better lives, brighter futures and ultimately safer communities.

