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**Queensland Government Submission to the House of
Representatives, Standing Committee on Aboriginal
and Torres Strait Islander Affairs**

**Inquiry into the high levels of involvement of
Indigenous juveniles and young adults in the criminal
justice system**

February 2010

Introduction

The Queensland Government welcomes the House of Representatives, Standing Committee on Aboriginal and Torres Strait Islander Affairs Inquiry into the high levels of involvement of Indigenous juveniles and young adults in the criminal justice system (the Inquiry).

This submission provides information relevant to the terms of reference of the Inquiry, particularly relating to the Queensland Government's efforts to reduce the contact of Indigenous juveniles and young adults with the criminal justice system.

The Queensland Government is committed to closing the gap between the life outcomes and opportunities experienced by Aboriginal and Torres Strait Islander peoples and their non-Indigenous Queensland counterparts.

In 2009, the Queensland Government released its first 'Closing the Gap' report which contains information on the gap in life outcomes between Indigenous and non-Indigenous Queenslanders. It also details the Queensland Government's strategies for closing the gap. This report is available at <http://www.atsip.qld.gov.au/government/programs-initiatives/closing-gap/>

This report provides contextual information and content relating to the Queensland Government's efforts to inform the Inquiry's terms of reference.

Furthermore, the content of this submission is informed by recent publications relating to Indigenous overrepresentation and disadvantage, notably:

- Overcoming Indigenous Disadvantage: Key Indicators 2009 produced by the Steering Committee for the Review of Government Service Provision
- Queensland Crime and Misconduct Commission, Inquiry into Policing in Indigenous Communities, 2007
- Queensland Crime and Misconduct Commissions, Restoring Order, Crime prevention, policing and local justice in Queensland's Indigenous communities, 2009.

In addition to these reports, the Queensland Government, in partnership with Justice Modelling at Griffith University, funds research and the development of criminal justice system modelling systems to provide evidence to inform policy decisions. Key research publications including the juvenile justice simulation model can be found at www.griffith.edu.au/arts-languages-criminology/key-centre-ethics-law-justice-governance/research/justice-modelling

This submission does not intend to duplicate the work of these reports.

Background

The Queensland Government acknowledges that young Indigenous people continue to be over-represented across all statutory interventions. It is actively engaging young Indigenous people to prevent offending, reduce reoffending and provide support and assistance to reduce their contact with the criminal justice system.

According to all social indicators, Indigenous people are the most disadvantaged group in Australian society¹. Aboriginal and Torres Strait Islanders (both adults and juveniles) are over-represented in the criminal justice system irrespective of offence category, remoteness or gender. Data also shows that regardless of the category of offending, the rate of offending and incarceration are higher in more remote communities.

Queensland's Aboriginal and Torres Strait Islander Population

In total, Aboriginal and Torres Strait Islander peoples comprise 2.3 per cent of the nation's population and 3.5 per cent of Queensland's population. In terms of absolute numbers, New South Wales (138 507) and Queensland (127 580) had the largest Indigenous populations followed by Western Australia (58 710) and the Northern Territory (53 661)².

Estimates of the Aboriginal and Torres Strait Islander resident population for 2006 developed by the Office of Economic and Statistical Research show that Aboriginal and Torres Strait Islander peoples are dispersed across Queensland with 28 per cent living in major cities, 51 per cent living in regional areas and 21 per cent living in remote and very remote areas of the state.

In the future, Queensland is expected to retain the second highest share of Australia's Aboriginal and Torres Strait Islander population after New South Wales. Australian Bureau of Statistics (ABS) projections (low series) indicate that 28 per cent of Australian Indigenous people will reside in Queensland by 2009, slightly lower than the proportion in New South Wales (29 per cent).

ABS projections estimate that the Aboriginal and Torres Strait Islander population of Queensland will be the fastest growing of all states and territories over the next decade. This Australia-wide increase is due to various factors, the most notable of which is the age structure of the Indigenous population reflecting higher birth rates and shorter life expectancy. At the 2006 Census, 39 per cent of Aboriginal and Torres Strait Islander persons were aged less than 15 years, compared with 20 per cent of the non-Indigenous population. Only 3 per cent of the Aboriginal and Torres Strait Islander population was aged 65 years and over, compared with 12 per cent of the non-Indigenous population.

The Aboriginal and Torres Strait Islander population is considerably younger than the non-Indigenous population with, for example, people aged 24 years and under comprising 57 per cent of the Indigenous population but only 33 per cent in the non-Indigenous population³. In Queensland, the median age of Indigenous people is 20.1 years compared with 35.6 years for the non-Indigenous population.

This 'youth bubble' is likely to have implications for service delivery demand into the future⁴. It is estimated, for example, that Queensland's youth population (10 to 16 year olds), will increase by 2017:

- by 7.4 per cent for non-Indigenous youth
- by 14 per cent for Indigenous youth. By 30 June 2017, it is estimated there will be 22 219 Indigenous young people aged 10 to 16 years in Queensland⁵.

Aboriginal and Torres Strait Islander Juvenile Offending in Queensland

Aboriginal or Torres Strait Island young peoples make up 34 per cent of Queensland juvenile

offenders⁶. Research has shown that Aboriginal and Torres Strait Islander peoples come into contact with the justice system at an earlier age than their non-Aboriginal and Torres Strait Islander peers (18 per cent of Aboriginal or Torres Strait Islanders offenders are aged 10-12 years, compared to 5 per cent of non-Indigenous offenders)⁷ and many will progress into the adult system⁸.

A causal relationship has also been found between child maltreatment and juvenile offending, with Queensland's Indigenous children seven times more likely than non-Indigenous children to be placed on a care and protection order or to be placed in out-of-home care as a result of child abuse and/or neglect⁹. Dennison, Stewart and Waterson establish in their report that maltreatment actually increases the risk of a child offending before their eighteenth birthday¹⁰.

Other Queensland research has shown that the probability of young Indigenous people with multiple risk factors (including their involvement in the youth justice and child protection systems) progressing into the adult system is almost guaranteed¹¹. The researchers noted that the 'results of the project confirm that multiple factors amplify the risk of recidivism and highlight the importance of coordinated whole-of-government responses to youth offending'. The re-integration of the functions of Child Safety and Youth Justice under the new Queensland Department of Communities provide opportunities for these areas to work more closely together to provide strong rehabilitative support services to young people who have experienced neglect or harm, to ensure they do not enter the criminal justice system.

Factors that influence early and lengthy contact by Aboriginal and Torres Strait Islander peoples with the criminal justice system include:

- disconnection from culture
- feelings of loss and grief and lack of functional family environments in which Aboriginal and Torres Strait Islander peoples (especially the young) may be nurtured and supported
- poor relations with police
- a reliance on public space for recreation by groups of Aboriginal and Torres Strait Islander young peoples
- alcohol and drug use, petrol sniffing and chroming
- mental health problems
- homelessness
- early departure from school and disengagement from education
- lack of employment opportunities
- lower socio-economic levels
- exposure to high levels of violence
- lack of access to safe housing¹².

Nonetheless, the cause or causes of Australia's high Indigenous imprisonment rate are not universally agreed and continue to generate critical debate and research. Some researchers have highlighted the issues of systemic or institutional bias in the criminal justice system's response as the cause of the high imprisonment rate, while others point to the high rate of Indigenous involvement in violent crime and the high rate of Indigenous re-offending as the drivers¹³.

Aboriginal and Torres Strait Islander Youth Justice Strategy

The Department of Communities is the lead agency for youth justice in Queensland. In 2006-2009 the department developed and implemented the Aboriginal and Torres Strait Islander Youth Justice Strategy to provide an integrated response to reduce the over-representation of Indigenous young people in the justice system and increase their representation in diversionary processes. Further policy options are being explored for the development of a new strategy.

The key deliverables for the Strategy included:

- enhancing the use of existing diversionary justice options
- enhancing the cultural applicability and suitability of youth justice programs and tools
- strengthening family engagement of young people in the youth justice service system and at-risk of entering the youth justice service system
- enhancing the bail support service system
- service system integration and improvements.

Initiatives developed for the Aboriginal and Torres Strait Islander Youth Justice Strategy will, in the long term, contribute to a decrease in the proportion of Indigenous young people in the youth justice system and an increase in the proportion of Indigenous young people being referred to diversionary criminal justice options such as cautioning and youth justice conferencing.

The Queensland Government implemented a range of initiatives in 2007-08 including:

- The Young Offender Community Response Service in Cairns which has a specific focus on delivering culturally competent services for Aboriginal and Torres Strait Islander young people and their families.
- A Bail Support Service in Far North Queensland which was identified as a critical need in a region where 87.89 per cent of young people held in Far North Queensland watch-houses from 1 January 2007 to 30 December 2007 identified as being Aboriginal and/or Torres Strait Islander.
- Deployment of 12 FTE Indigenous Conferencing Support Officers and 5 FTE Senior Indigenous Conferencing Officers in the Youth Justice Conferencing Program to achieve higher attendance rates at youth justice conferences and a higher completion rate of conference agreements for Indigenous young people.
- Deployment of Indigenous Service Support Officers in youth justice service centres to deliver culturally appropriate services to Indigenous young people on supervised youth justice orders.
- Implementation of a Youth Justice Intervention Framework which promotes the development of cultural identity and support for Indigenous young people in the youth justice service system and provides culturally appropriate programs and services to young people (including Anger Replacement Training and Changing Habits and Reaching Targets).
- Providing financial support for respected Indigenous community representatives who are involved in youth justice conferencing processes by reimbursing Indigenous community members for expenses incurred from their involvement in youth justice conferencing processes.
- Enhancing the effectiveness of the youth justice conferencing via significant additional investment to allow more than 2 000 young people to be dealt with via this restorative justice process in the next 12 months. In the preceding 12 months, 738 referrals were for Indigenous young people.

These initiatives are expected to provide the community and individuals with positive and sustainable improvements in youth justice outcomes. However, the programs require time to become embedded within communities and as such benefits will not be realised and or reported for some time.

The *Youth Justice Act 2009* (the Act), which comes into force on 29 March 2010, contains objectives and principles which recognises the importance of the Indigenous community in the rehabilitating and sentencing of juvenile offenders.

The Act's objective recognises the importance of the families of children and their

communities, in particular Aboriginal and Torres Strait Islander communities, in the provision of services that are designed to rehabilitate children who commit offences and their reintegration back into the community.

As well, the charter of juvenile justice principles contained in the Act recognises the importance of the Indigenous community in dealing with young offenders noting that if practicable, a child of Aboriginal or Torres Strait Islander background should be dealt with in a way that involves the child's community and programs and services established under this Act should be culturally appropriate.

Response to the Terms of Reference of the Inquiry

TOR 1: How the development of social norms and behaviours for Indigenous juveniles and young adults can lead to positive social engagement.

The Queensland Government supports the development of positive behaviours among young Indigenous people and recognises that the development of these skills may reduce contact with the criminal justice system. A recognised avenue to develop positive social norms and behaviours among young Indigenous people is through participation in organised sport, arts and community programs which foster (among other things) self-esteem, social interaction, a reduction in boredom, an increased sense of belonging and the development of skills and teamwork. Education also plays a critical role in developing positive social norms and behaviours. This area is addressed in response to the Committee's third term of reference.

The Australian Institute of Criminology (AIC) has undertaken extensive research regarding the impact of sporting activities on crime prevention notably that sport and physical activity programs provide an effective vehicle through which personal and social development in young people can be positively affected. Reports commissioned by the AIC note that participation in sport and recreation programs can directly impact on behavioural risk factors and, as such, sport may be a useful intervention strategy in reducing anti-social behaviour¹⁴.

Sport and physical activity are important to reduce boredom and decrease the amount of unsupervised leisure time. Preventing and reducing boredom may reduce depression and provide healthy distractions for young people. There is consensus that if youth lack stimulation and have little to do they will seek their own, often antisocial activities.

The Queensland Government has implemented a range of programs to foster and promote positive social norms and behaviours for Indigenous juveniles and young adults. These developmental programs aim to strengthen protective factors to enable a young person to:

- develop living, educational and vocational skills
- widen their support network
- develop stronger linkages with their culture
- develop their potential
- care for themselves.

Programs implemented by Queensland Government agencies include:

- The Youth Justice Enhancement Project which implements state-wide, evidence-based programs to enhance the quality of programs to reduce offending behaviour in Queensland including:
 - the Aggression Replacement Training Program which aims to reduce the risk of young people reoffending by teaching them social skills, anger management techniques and moral reasoning
 - the Changing Habits and Reaching Targets Program which promotes positive behavioural interactions, including teaching positive communication techniques, healthy relationships and moral reasoning.
- The Cape York Welfare Reform trial in the communities of Aurukun, Hope Vale, Coen and Mossman Gorge is focused on the development of appropriate social norms such as getting children to school, not offending, being good tenants and good parents and discouraging dependence on social security benefits.
- The 'Which Way – You Choose' initiative which teaches young people in 27 Indigenous communities across Queensland about healthy relationships through the AFL Kickstart Program.

- The Deadly Sports Program which provides youth in Indigenous communities with a platform to enhance their skills and build relationships with state sporting organisations.
- The establishment of 19 Indigenous Knowledge Centres and 15 Indigenous Art Centres which provide an important diversionary function in communities.
- The Culture Love Program which provides children and young people with opportunities to participate in creative activities during the critical school holiday period, a time when risk behaviours among young people tend to peak.
- The Stylin' UP Regional Program, a skills and community development program linked to the annual Stylin' Up Festival, Australia's largest Indigenous Hip Hop and R'n'B festival.
- The Lighthouse Grants Program which fosters innovation across the training, arts and education sectors; improves education, training and arts outcomes for Indigenous people in Queensland; and celebrates and promotes initiatives in Indigenous education, training and arts in Queensland.
- The Pathways to Prevention Project which provides a whole-of-community response to crime prevention and family support services to primary school aged children and their families before problems emerge.

A key agency engaging young Indigenous people in sport and recreation programs continues to be the Queensland Police Service. In Queensland's Indigenous communities, sport and recreation programs for young people have been a popular strategy for preventing youth crime. For example, the expansion of the Cape PCYC programs (\$13.96M over four years) in Aurukun, Kowanyama, Northern Peninsula Area and Woorabinda provide positive alternatives to youth in a wide range of communities. These centres aim to provide sport and recreation activities, as well as life skills to youth which has a demonstrable effect on offending behaviour for attendees. Evaluation is planned for 2010-11.

The complexities of Indigenous service delivery, including remoteness and economic disadvantage, mean that the process of change will be long and incremental. The PCYC programs are targeting younger children in the community as the main drivers of change as they develop into teenagers and young adults; this includes addressing health issues and acceptable social norms. It is imperative that these changes are seen to be driven and supported by people from the local community if they are to be adopted successfully.

In addition, the Queensland Police Service co-ordinates and participates in a number of locally and regionally based initiatives which target youth and young adults to reduce involvement in criminal or anti-social activities. These programs are normally broad based, and include Aboriginal and Torres Strait Islander youth as part of their client base.

For example, the Saturday Night Live project in the Northern Queensland Police Region targets a known hot spot for youth and adult crime, and anti-social behaviour. Much of the activity centres around a large car park near a shopping centre. It is at this public space that police run weekly activities for young people that include T-Ball, food and drinks, games, a mobile activity centre, music and movies. The aim is to provide diversionary activities and alter the negative image of the area by creating positive guardianship.

The recently released Crime and Misconduct Commission November 2009 report Restoring Order: crime prevention, policing and local justice in Queensland's Indigenous communities reiterated that each community is different and should therefore be treated differently¹⁵. This is relevant to urban, regional, rural and remote communities. The Crime and Misconduct Commission review noted that in Indigenous communities there was a level of violence that would be considered unacceptable in other communities.

The Garbutt Magpies Team

One Queensland example provided to the 2009 Productivity Commission, Overcoming Indigenous Disadvantage: Key Indicators report has tracked the life outcomes of young Indigenous people who participated in a social development sports program, the Garbutt Magpies Team.

In 1983, the Garbutt Magpies Under 17 Touring Side (Queensland) comprised 19 young men aged under 17 (including 15 Aboriginal and Torres Strait Islander men) to travel to Melbourne to watch the Australian Rules Grand Final and play football against young men their own age. In 2008, the current health and wellbeing of the players (now middle-aged men) was explored by La Trobe University and James Cook University. It was found that the positive experiences of the young men during their involvement with the Garbutt Magpies may have impacted on their health and lifestyle later in life:

- most (79 per cent) attended school until Year 12 and more than half (58 per cent) went on to gain further trade or other qualifications
- all had been employed most of the time since leaving school, with most (68 per cent) currently working full time
- most (79 per cent) earned more than \$21 000 per year, with seven (37 per cent) earning more than \$81 000, and eight (42 per cent) owned or were purchasing their own home
- most considered their physical health (79 per cent), emotional wellbeing (89 per cent), and general wellbeing (84 per cent) as good or very good, and more
- more than half (53 per cent) considered their physical fitness as good, however most (79 per cent) did not regularly play sport
- more than half (58 per cent) drank alcohol within the previous week, however nearly one third (32 per cent) had not drunk alcohol for more than six months
- more than half (58 per cent) had never smoked, almost half (42 per cent) had never used illicit drugs, and more than half (53 per cent) had not used illicit drugs for five years or more.

TOR 2: The impact that alcohol use and other substance abuse has on the level of Indigenous juvenile and young adult involvement in the criminal justice system and how health and justice authorities can work together to address this.

Research has shown that alcohol and other substance abuse is a significant factor contributing to incidences of violence and other crimes in many Indigenous communities. While the most recent data in relation to alcohol consumption and its relationship to crime is described in the *Overcoming Indigenous Disadvantage* report (Chapter 10.3 Alcohol consumption and harm), there is limited specific research relating to the trends in consumption of alcohol and other substances among young Indigenous people in Queensland and the variations between urban, regional and remote locations.

A strong correlation exists between alcohol and substance misuse and entry into the criminal justice system however preventing offending is not the sole focus of alcohol and other drug programs as they also have a strong therapeutic, rehabilitative, individual, family and community focus.

The Queensland Government has designed programs which aims to provide a holistic approach to the management of alcohol and other substance misuse. Notably, the Queensland Government lead the way with the introduction of legislation to enable the government to work with 19 discrete communities between 2002 and 2006 to implement alcohol management plans. The plans seeks to reduce access to alcohol through restrictions on possession within communities and stricter trading conditions at nearby liquor outlets.

Following a review of alcohol policies and programs, the Alcohol Reforms initiative was announced in 2008 and \$110 million in state and commonwealth funding was provided to enable a suite of measures to be developed and introduced. This next phase of Alcohol Reforms is aimed at achieving a sustained reduction in alcohol-related harms in discrete Indigenous communities across Queensland through alcohol restrictions and improved services including:

- new alcohol and drug treatment services, including increased access to clinical detoxification and counselling services
- new programs like sobering-up facilities and community patrols
- extra police and increased police powers
- more programs focused on literacy, before and after school activities and PCYC programs
- more support for local activities such as men's and women's groups.

Alcohol Reforms and the Cape York Welfare Reform trial complement each other to assist families to adopt more positive social behaviours. The trial focuses on ending the dysfunction experienced by families in these communities through intensive income management support, more detoxification and rehabilitation services, improved educational opportunities and better health services. In addition to the services noted above, Wellbeing Centres have been established in the four Cape York Welfare Reform communities.

Additional cross-sectoral programs implemented to reduce the impact of alcohol and other substance misuses include:

- The Ending Offending and Ending Family Violence Program which is an Indigenous specific program that examines the role of alcohol and or drugs in bringing an offender into contact with the criminal justice system.
- The Addressing Volatile Substance Misuse (VSM) initiative which targets young people using volatile substances in public places and provides police with additional powers to remove implements and detain young people engaged in VSM as well as ensuring they are taken to a safe place with access to support services.

- The Weed it Out Program to reduce harm associated with cannabis use through supply reduction in far north Queensland.
- Alcohol, Tobacco and Other Drug Services in Queensland Health provide a range of clinical services for people seeking treatment for their alcohol and other drug use. Since October 2004 these services have delivered 2523 episodes of care to Indigenous young people aged 25 years or younger. Alcohol was the principal drug of concern in 44 per cent of cases.

Another example of a targeted Indigenous specific alcohol and substances program is detailed in the box below.

Queensland Indigenous Alcohol Diversion Program (QIADP)

QIADP is a \$36.4 million whole-of-government alcohol diversion pilot led by the Department of Justice and Attorney-General. The program aims to reduce the alcohol-related crime and harm cycle by involving eligible Indigenous persons in intensive alcohol treatment and case management as a means of reducing Indigenous over-representation in the criminal justice and child safety systems.

Aboriginal and Torres Strait Islander adults aged 17 years or above are eligible for the Queensland Indigenous Alcohol Diversion Program. The program has been operating in three locations since 1 July 2007: Cairns (including Yarrabah), Townsville (including Palm Island) and Rockhampton (including Woorabinda). There are a total of 130 positions available at any one time in Queensland: 40 in both Cairns and Rockhampton (including eight for Child Safety and 32 for Criminal Justice in each location) and 50 in Townsville (including 10 for Child Safety and 40 for Criminal Justice).

The Queensland Health funded therapeutic component of QIADP aims to reduce alcohol consumption and improve the health of Indigenous people charged with alcohol-related offences, and Indigenous parents involved in the child protection system where alcohol is identified as an issue. The QIADP forms part of Queensland Health's contribution to 'Closing the Gap' with evaluations of such diversion programs showing reductions in drug consumption and improvements in mental and physical health.

A total number of 86 young Indigenous people aged 17 to 25 years commenced treatment on the program in the Criminal Justice stream and six young people between 17 and 25 years commenced treatment in the Child Safety stream.

The QIADP is currently being evaluated by an external agency with results expected in early 2010.

TOR 3: Any initiatives which would improve the effectiveness of the education system in contributing to reducing the levels of involvement of Indigenous juveniles and young adults with the criminal justice system.

The risk of offending for Indigenous young people who are disengaged from education and training is an ongoing concern for the Queensland Government. It is acknowledged that risk factors that lead to contact with the criminal justice system include early detachment from the formal education system; high levels of truancy; low achievement and feelings of failure; presence of bullying behaviour; peer rejection; and difficulty negotiating transition periods.

Improved educational outcomes are therefore essential to overcoming Indigenous disadvantage and reducing the levels of involvement of Indigenous juveniles and young adults with the criminal justice system.

In Queensland, the experiences of Aboriginal and Torres Strait Islander young peoples include:

- Students from many Torres Strait Islands and some Aboriginal communities must leave home to attend a secondary campus making the transition to a new school and new living arrangements highly stressful and difficult to manage
- A low participation rate of secondary schooling compared to that of the general student population making retention to Year 12 difficult
- Educational disadvantage compounded by the effects of family poverty which results in high levels of absenteeism in Aboriginal communities and at some urban schools, and a high level of truancy among some students
- Family mobility can have negative effects on the educational outcomes of students in all school settings, as can family drug and alcohol usage, especially in early childhood years, and health issues, including poor nutrition.

Many students are disadvantaged by geographical isolation and remoteness, with limited access to programs for vocational education and training, sporting excellence and gifted and talented education.

The early health and wellbeing of a child is crucial to their success in later life. The recently released Crime and Misconduct Commission November 2009 report Restoring Order has also noted that home visiting, parental support, preschool programs, and school and community based programs have positive impacts on reducing offending rates. It is for this reason the Queensland Government has invested heavily in early childhood development programs and services delivered across Queensland, including:

- delivery of parent education and support services targeted at parents with young children through Early Years Centres
- Early Intervention and Parenting support Initiative to support delivery of services by Queensland Health maternal and Child Health Staff at 106 sites across Queensland
- Universal Post-natal contact program that provides parents with a contact (telephone call or visit) within 10 days of discharge from hospital, 17 New Born and Family Drop-In Centres for new parents and extension of the 13HEALTH line to provide advice on infant child health issues
- Best Start Reading to Children program operating at 15 locations across the State which trains and utilises volunteers to deliver early language and literacy activities for under school age children
- increase in the number of Family Early Childhood services staff for the provision of Triple P for parents and carers of children with a disability
- targeted parenting programs in welfare reform communities.

The decision to invest in these services complements our commitment to enhance access to

high quality early childhood education, which is widely acknowledged as beneficial to improving early childhood development outcomes.

The Queensland Department of Education and Training, Closing the Gap Education Strategy is an evidence-based statewide framework for the development of targeted local and regional interventions that aim to improve attendance, retention and attainment outcomes for Indigenous students. Designed to complement 'mainstream' education and training initiatives, the strategy has four areas of targeted interventions: foundation learning with a focus on literacy and numeracy; health and physical activity as a precondition to learning; participation to employment; and culture and enterprise. Because the strategy has only recently been implemented, its tangible benefits are yet to be realised. However, the Queensland Government anticipates significant improvements in educational outcomes for Aboriginal and Torres Strait Islanders which will, in turn, reduce the levels of involvement of Indigenous juveniles and young adults with the criminal justice system.

The Queensland Government is working with Indigenous leaders to implement innovative models of education that are suited to the needs of particular communities. More recently, the Bound for Success education strategies for Cape York and the Torres Strait are a response to the educational outcomes for Indigenous students in these regions, which are on average lower than for other Queensland students. These strategies focus on community and government working in partnership and stimulating high aspirations and expectations. The Department of Education and Training, working with Cape York Partnerships has commenced a three year pilot at the Aurukun and Coen campuses of the Western Cape College incorporating "club" and "culture" elements in the education program, and strengthening governance arrangements to ensure that the community has a greater engagement.

The Queensland Government through the Department of Communities, the Queensland Police Service and the Department of Employment, Economic Development and Innovation has implemented initiatives which support educational outcomes for Aboriginal and Torres Strait Islander young peoples. These programs are designed to:

- develop a sense of identity and pride in Indigenous students
- raises awareness among parents and young people about the importance of school attendance
- provide innovative curriculum strategies linked to a range of health, recreation, sport and culture programs
- provide innovative programs for young people at risk of disengaging from education; and
- reduce absenteeism.

Some programmatic examples include the statewide Embedding Aboriginal and Torres Strait Islander Perspectives in Schools Program and Transition Support Services. The Embedding Aboriginal and Torres Strait Islander Perspectives in Schools Program aims to develop a sense of identity and pride in Indigenous culture for all Queenslanders.

Through the Queensland Department of Education and Training, Transition Support Services support young people from Cape York, the Northern Peninsula Area and Torres Strait to transition to a secondary school in a large metropolitan or urban centre away from their home community by assisting them to face adjustment challenges and optimise educational opportunities. Transition Support Services records show that in 2008, Transition Support Service staff supported approximately some 200 Year 8 –12 students from Cape York and 50 students from the Torres Strait while they attended secondary schools in the Brisbane, Cairns and Tableland, Rockhampton and Townsville areas. Records for 2009 Semester 1 indicate that some 320 students are being supported under Transition Support Services. Expanded support for students from Palm Island is currently in the planning phase.

TOR 4: The effectiveness of arrangements for transitioning from education to work and how the effectiveness of the 'learn or earn' concept can be maximised.

A key development phase which may impact or delay contact with the criminal justice system is effective and positive transition from school to work. As such, effective arrangements to assist Indigenous Australians in transitioning from education to work are critical to reducing the levels of involvement of Indigenous juveniles and young adults with the criminal justice system.

In 2006 the Queensland Government introduced a 'compulsory participation' requirement meaning that all young people must participate in 'learning or earning':

- for two years after they complete compulsory schooling (i.e. completed year 10 or turned 16 years of age) or
- until they turn 17 years of age or
- until they complete a Queensland Certificate of Education (or Queensland Certificate of Individual Achievement), Senior Statement or a Certificate III or IV vocational qualification.

These changes are based on national and international evidence that young people who complete 12 years of education have greater opportunities for further education and sustainable employment.

Queensland Government agencies have also implemented several initiatives to address barriers to access and improve outcomes for young people, including Indigenous young people, transitioning from education to work. Programs operate to address specific educational need of Indigenous young people depending on the needs of the region. Examples of programs are provided below:

- The Taking Big Steps program is a culturally specific and inclusive transition program developed primarily for young Aboriginal and Torres Strait Islander peoples living in North Queensland which seeks to increase young people's awareness and understanding of issues associated with moving from a rural and remote community to regional or urban areas for secondary education.
- Student learning pathways, which include vocational education and training, school-based apprenticeships, traineeships and work-readiness programs.
- The Aboriginal and Torres Strait Islander Education Toward Employment Scholarship Scheme which encourages Aboriginal and Torres Strait Islander students to complete Years 10, 11 and 12 or alternate school-based training and provide scholarship recipients with financial support for expenses related to education and training.
- The Get Set for Work Project to address young people's learning needs for those who leave or are at risk of leaving school early.
- Western Cape College Work-Readiness Program to help Indigenous students prepare for an employment pathway through hands-on activities that utilise skills in the areas of building and construction, landscaping and maintenance and hospitality.
- The Palm Island Senior Phase Program which provides a vocationally oriented curriculum, focusing particularly on literacy and numeracy, for the young people of Palm Island.
- The Aboriginal Centre for the Performing Arts provides training to aspiring Indigenous performing artists and assists them in establishing their careers.
- Indigenous Vocational Education and Training Initiatives which have funded two Indigenous registered training organisations to provide training in the areas of alcohol (and other addictions) management, community services and community development.
- The Justice Entry Program which provides pathways for Aboriginal and Torres Strait Islander community members wishing to pursue careers in the criminal justice system.

The recently released Queensland Government's Positive Dreaming, Solid Futures – Indigenous Employment and Training Strategy 2008-2011, provides a new framework for the delivery of employment and training services to Indigenous people in the state. The strategy is designed to address a number of priorities aimed at improving outcomes for Indigenous Queenslanders in the area of vocational education and training.

Recent training initiatives to assist people, including Aboriginal and Torres Strait Islander peoples, enter and remain in the workforce include:

- The Service Guarantee which guarantees that all students can transition into learning or an earning pathway after Year 12 by committing colleges to ensuring that graduating students receive either an OP score, complete a SAT, be on a clearly articulated Vocational Education Training pathway or gain employment.
- The Department of Education and Training's VET Revenue General Program which in 2007 funded in excess of 1.5 million hours of training to Indigenous students through the mainstream public VET system, to the value of approximately \$22.2 million.
- The Department of Education and Training's work with industry, the community and registered training organisations to match training to the economic needs of Queensland to provide vocational education and training to 246 000 students through 13 TAFE institutes from 101 locations across the state, and administer the apprenticeship and traineeship system across Queensland.

Queensland supports the Council for Australian Governments (COAG) Indigenous Economic Participation National Partnership Agreement to improve opportunities for Indigenous people to find and retain employment including through targeted strategies to assist Aboriginal and Torres Strait Islander peoples to transition from education to work. Queensland Government agencies are working towards implementing their specific responsibilities under this Agreement.

Queensland also recognises the need for young people to learn and or earn. However a precursor to this is stable accommodation. The National Partnership Agreement on Homelessness states that jurisdictions will assist young people aged 12 to 18 who are homeless or at risk of homelessness to reengage with their family where it is safe to do so, maintain sustainable accommodation and engage with education and employment. In particular, the Supported Accommodation for Young People Initiative will provide clients with stable accommodation and support services where their homelessness is compromising their engagement in education and training. The Homelessness National Partnership Agreement will provide funds in the support component of the model.

TOR 5: Best practice examples of programs that support diversion of Indigenous people from juvenile detention centres and crime, and provide support for those returning from such centres.

The importance of developing integrated and structured arrangements for young people exiting detention is a consistent theme in the literature regarding what works to address youth offending and reoffending. Research indicates that transition from detention or re-entry back into the community from detention should not be viewed as a discrete process¹⁶, but rather effective transition support requires:

- integrated case planning between the community and detention centres
- early planning for transition and engagement of community supports in planning
- ability for young people to access similar programs in the community and youth detention
- sustainable connections of young people with their communities of origin
- involvement of those who will be assisting them to reintegrate into the community¹⁷.

To be effective, transition processes must begin well before a young person is released and involve those who will be assisting the young person, including family, to reintegrate into their community. Strong service integration and supporting collaborative processes allow governments and community service providers to provide seamless service delivery in the community and in youth detention centres.

By engaging in the case planning processes and maintaining or forming a relationship with the young person prior to release, community agencies are better placed to provide on-going services to a young person on release. This may also enhance the post release planning processes of the detention centres as they will have a better understanding of the services available to a young person in their community of origin.

Preliminary Queensland data indicates that nearly nine in ten Indigenous young people leaving youth supervision or detention will be arrested by police after completing their order or period in custody¹⁸. This data highlights the importance of transitioning young persons from supervision or detention.

In response to this the Queensland Government has developed and is implementing a range of innovative programs to offer support for young people exiting detention, for example:

- The Probation and Parole Service, which links sentenced Indigenous offenders with external service providers to address many issues including drug and alcohol, family reunification and family violence.
- The 'through-care' Advance 2 Work Program which is aimed at assisting offenders prior to release to become work ready through the provision of general job search support, resume preparation, employment assistance, training and referral services.
- The Young Offender Support Service which addresses the developmental needs of young people who have offended.
- Youth Justice Workers who supervise young people involved in the youth justice system to address factors contributing to their offending and encourage young people to build positive connections in their communities.
- The Ending Offending Program which assists Indigenous offenders to change their use of alcohol and substance abuse.
- The Transitions Program which aims to resolve potential post-release barriers by bringing community agencies into correctional centres to work with offenders.

- The Youth Housing and Reintegration Service is a support service to assist young people aged 12 to 20 years who are homeless or at risk of homelessness, to transition to greater independence and stability by providing access to a range of accommodation options appropriate to clients' housing needs.
- The Wundurra Koolin program to support prisoners in their reintegration back into the community and to develop cultural resilience.
- The Youth Enterprise Partnership tailored support and access for young people aged 15 to 18 years who have recently entered the youth justice system and are at risk of further offending to social networks to assist them to obtain meaningful employment in Brisbane and Townsville.

As these programs have been implemented based on evidence on what works positive outcomes are expected, however their benefits to individuals and communities will need time to be realised.

A Queensland study shows that for both Indigenous and non-Indigenous juveniles, a greater proportion reoffended if their first contact with the juvenile justice system was court rather than a caution (46.6 per cent of Indigenous young people reoffended after receiving a caution compared with 53.4 per cent who reoffended after being referred to court¹⁹). This indicates that diversion can be successful in reducing re-contact with the juvenile justice system.

In addition to the above programs, the Queensland Government has implemented a range of programs aimed at diverting juveniles and young adults from contact with the criminal justice system including:

- the Justice Mediation Program to resolve a matter without requiring appearance in court
- the Special Circumstance Court Diversion Program designed for defendants who are homeless, at risk of homelessness, suffering from a mental illness, intellectual disability or cognitive impairment and are willing to participate in the program
- the Drug Court, a diversionary court program which looks at mental health issues prior to sentencing
- the Queensland Indigenous Alcohol Diversion Program is a treatment program offered for people diverted from either the criminal justice or child protection system
- the QMERIT program is a pre-sentence diversion program which targets people willing to assume responsibility for their drug-related behaviour as early as possible in the Court process and allows courts the flexibility to offer a person the option of voluntary participation in a sustained program of treatment prior to sentencing.

Diversionary programs specific to juveniles include:

- promoting cautioning to lower rates of re-offending for young people (cautioning rates for Indigenous young offenders are around 20 per cent of those of non-Indigenous offenders)
- Indigenous Conference Support Officers to ensure culturally responsive service delivery to Indigenous young people
- Youth Justice Conferencing where juvenile offenders are diverted from formal engagement with the criminal justice system by police or court referral
- the Police Diversion Program is an initiative aimed at diverting illicit drug offenders into treatment, including assessment, education and counselling
- the Queensland Youth Murri Courts, which provide a forum where Aboriginal and Torres Strait Islander Elders and respected persons can have cultural input into the sentencing process and provide insight into the impacts of offending on the local community
- the Youth Opportunities Program which offers two services including interventions and support to at-risk young people and their families and services to assist young people charged with offences to establish and maintain stable accommodation and successfully comply with bail conditions.

TOR 6: The scope for the clearer responsibilities within and between government jurisdictions to achieve better co-ordinated and targeted service provision for Indigenous juveniles and young adults in the justice system.

Good governance and strong, sound leadership – from all levels of government, community and private sector organisations, and within communities – are essential to meeting the challenges and realising the opportunities of closing the gaps in the life outcomes and opportunities of Aboriginal and Torres Strait Islander Queenslanders. This requires effective collaboration and productive partnerships across agencies and sectors, good engagement with stakeholders, and high standards of corporate capability, integrity and accountability.

The Queensland Government is committed to good governance and strong, sound leadership, demonstrating action itself as well as encouraging and supporting action across other levels of government, in councils and community organisations, and within communities. This has included:

- Actively implementing the COAG National ‘Closing the Gap’ targets and the Indigenous Reform agenda across government.
- Establishing the Office for Aboriginal and Torres Strait Islander Services in the Department of Communities, along with ten enhanced regional ATSI teams.
- Encouraging Indigenous participation in the Australia 2020 Summit and having an Indigenous stream – attended by the Premier, the Minister for Aboriginal and Torres Strait Islander Partnerships, and the Leader of the Opposition – at the Queensland 2020 Forum.
- Convening Ministerial Indigenous Roundtables to negotiate agreed commitments from all three levels of government on agreed priorities for Queensland’s discrete communities (excluding the Torres Strait).
- Facilitating Local Indigenous Partnership Agreements to drive local priorities and actions, negotiated to date with three communities – Mornington Island, Doomadgee and Napranum – with others underway.
- Supporting community justice groups in providing a range of services to community members in contact with the justice system.

In addition, the Queensland Government has been actively engaging with Aboriginal and Torres Strait Islander peoples across Queensland, including :

- The recent machinery of Government changes creating the new Department of Communities, which incorporates child protection, youth justice and youth support programs, community support, disability support services, Aboriginal and Torres Strait Islanders Services and housing, providing opportunities for greater integration and effectiveness of service delivery to the community.
- The Government Champion Program (started in 2002) which assigns a CEO or deputy of government agencies to actively engage with, and advocate inside government on behalf of, a particular community (for remote communities).
- Negotiation tables that bring together government and community decision-makers to share information, explore, debate, progress, negotiate or resolve complex issues and acknowledge and celebrate progress, successes and achievements (for remote communities).
- The establishment of a Queensland Aboriginal and Torres Strait Islander Advisory Council to provide the Government with high level, strategic advice on strategies and partnerships that can contribute to meeting the Closing the Gap targets and the Queensland Government’s *Toward Q2: Tomorrow’s Queensland* ambitions.

Across jurisdictions, the Queensland Government is an active participant of the Australasian Juvenile Justice Administrators (AJJA) which is a Standing Committee of the Community and Disability Services Minister's Advisory Council (CDSMAC) which provides support to the Community and Disability Services Minister's Conference (CDSMC). The AJJA is the appropriate and established forum to achieve better national co-ordinated and targeted service provision for Indigenous juveniles and young adults in the justice system. The AJJA works collaboratively to:

- set the strategic direction for juvenile justice in Australasia
- provide leadership in the field of juvenile justice
- provide relevant, accurate and research-based information and advice to CDSMC and CDSMAC on juvenile justice matters
- share information of relevance for the benefit of all juvenile justice jurisdictions.

In order to achieve these goals the AJJA undertakes to:

- continually develop and review the work plans of its working groups
 - work with national bodies such as the AIC and the Australian Institute of Health and Welfare (AIHW) in the collection of data
 - support and contribute to national research and reports
 - develop a Juvenile Justice National Minimum Data Set
 - continually promote national standards for juvenile justice.
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TOR 7: The extent to which current preventative programs across government jurisdictions are aligned against common goals to improve the health and emotional well-being of Indigenous adolescents, any gaps or duplication in effort, and recommendations for their modification or enhancement.

The Queensland Government considers that the COAG's Closing the Gap on Indigenous Disadvantage and related National Partnership Agreements will provide the necessary framework to align efforts of state and territory governments with the Commonwealth. This holistic approach seeks to address policy gaps and reduce duplication of effort. While not directly focused on criminal justice, the Closing the Gap on Indigenous Disadvantage agenda aims to significantly contribute towards reducing the involvement of Indigenous juveniles and young adults in the criminal justice system through improving social and educational outcomes for Indigenous young people. As the causes of poor life outcomes are much the same as the drivers of crime, addressing the six Closing the Gap targets will reduce Indigenous offending and victimisation.

The Justice Agreement, signed by the Queensland Government and the Aboriginal and Torres Strait Islander Advisory Board on behalf of the Aboriginal and Torres Strait Islander peoples of Queensland, has the long-term aim of reducing the rate of Aboriginal and Torres Strait Islander people coming into contact with the Queensland criminal justice system to at least the same rate as non-Indigenous Queenslanders. It is highly likely that this goal will not be reached over the ten years of the Agreement but progress is being made on other goals of the Justice Agreement in relation to fairness, equity, cultural competency, and Indigenous participation in justice administration.

Queensland recently endorsed the National Indigenous Law and Justice Framework and agreed to develop justice targets to include in the Closing the Gap agenda. The aspirational document that aims to:

- improve all Australian justice systems so that they comprehensively deliver on the justice needs of Aboriginal peoples and Torres Strait Islanders in a fair and equitable manner
- reduce over-representation of Aboriginal and Torres Strait Islander offenders, defendants and victims in the criminal justice system
- ensure that Aboriginal peoples and Torres Strait Islanders feel safe and are safe within their communities
- improve justice outcomes for Aboriginal peoples and Torres Strait Islanders by reducing the level of alcohol and substance abuse within Indigenous communities, and
- strengthen Indigenous communities, with whole of government and other partners, so that improvements in law and justice and safety can be sustained in the long term.

In relation to programs for Indigenous young people at risk of coming into contact with the criminal justice system, research suggests programs that are holistic in their approach, incorporate the young person's family and community, enhance self-determination and result in empowerment rather than dependency appear to be most effective for Indigenous young people²⁰. Indigenous offenders tend to have high levels of both risk and need, and therefore intensive, sufficiently resourced programs are required. In general, the following principles are important to consider:

- programs should be culturally specific with emphasis on Indigenous heritage, culture and lore and are developmentally appropriate
- programs should involve significant others such as family and community and emphasise the need for everyone involved to work together and have an impact on the whole of the young person's life
- programs should use consultation and partnership approaches
- programs must be delivered by suitably trained staff and that the programs are culturally appropriate.
- focus on remedying educational deficits and basic skills to raise social competence
- help young people to develop market place work-skills which can lead to further training opportunities, qualifications and real jobs

A survey of youth justice staff in Queensland revealed the widely accepted view that all programs delivered to Indigenous young people should be designed specifically for them, as modified programs can lack credibility. However, it was suggested that generic programs (those with a generic content, for example, decision making) could be made more culturally appropriate by using Indigenous staff in the delivery and utilising culturally relevant content.

In order for cultural programs to be meaningful, they need to be tailored to the Indigenous young person and be reflective of their family, community and culture. Indigenous staff stressed the importance of establishing where a young person is from in order to define what and who is appropriate to include in a cultural program. Involving Elders, Indigenous staff, community agencies and the family of the young person in development and delivery is seen as critical to the success of cultural programs.

Conclusion

The Queensland Government is committed to improving life outcomes for its Aboriginal and Torres Strait Islander population and will continue to work in partnership with communities and the Commonwealth Government to implement best practice principles and programs to effect change in this area.

Since 2007, the Queensland Government has been actively involved in implementing policy and programs to meet its commitments under the COAG Closing the Gap on Indigenous Disadvantage agenda. While not directly focused on criminal justice, the COAG Closing the Gap agenda will contribute towards reducing the involvement of Indigenous juveniles and young adults in the criminal justice system by adopting a holistic approach to improve social, health, economic and educational outcomes for Indigenous young people. While it is too early to quantify the impact that these new measures will have on reducing the involvement of juveniles and young adults in the criminal justice system, it is anticipated that significant additional investment in this area will lead to positive outcomes for Aboriginal and Torres Strait Islander peoples in Queensland.

ENDNOTES

- ¹ Steering Committee for the Review of Government Service Provision, *Overcoming Indigenous Disadvantage: Key Indicators 2005 Report*.
- ² Australian Bureau of Statistics (2006) *Population Distribution, Aboriginal and Torres Strait Islander Australians*, ABS Cat. No. 4705.0, Canberra: Australian Bureau of Statistics, Accessed 15 September 2009 at <http://www.abs.gov.au/AUSSTATS/abs@.nsf/DETAILSPage/4705.02006?OpenDocument>. Note that estimated resident population figures may be adjusted by the ABS to take into consideration Census undercounts and the level of Indigenous status that is unknown.
- ³ Children aged under 15 years comprised 38per cent of the total Indigenous population (compared with 19per cent in the non-Indigenous population); people aged 15-24 years comprised 19per cent of the Indigenous population (compared with 14per cent) and people aged 65 years and over accounted for only 3per cent (compared with 13per cent).
- ⁴ Australian Bureau of Statistics (2004) *Experimental Estimates and Projections, Aboriginal and Torres Strait Islander Australians* (Cat. no. 3238.0).
- ⁵ Based on the estimated Indigenous population and assuming the projected growth of 1.34per cent in 2009 for Indigenous people aged 10 to 14 years will continue.
- ⁶ Queensland Police Annual Statistical Review 2007-08
- ⁷ Makkai T. & Payne J. (2003) 'Drugs and crime: a study of incarcerated male offenders', *Research and Public Policy series no. 51*, p.151. Canberra: Australian Institute of Criminology.
- ⁸ Lynch M., Buckman J. & Krenske L. (2003) 'Youth Justice: Criminal Trajectories', *Research and Issues Paper Series, No.4*. Crime and Misconduct Commission: Brisbane.
- ⁹ At 30 June 2008. Source AIHW (2009) *Child Protection Australia 2007-08*, Catalogue No. CWS 33, Author: Canberra. available at <http://www.aihw.gov.au/publications/cws/cpa07-08/cpa07-08.pdf> (tables 3.10 and 4.8). Comparable national figures are 7.7 times as likely for care and protection orders and 8.9 times as likely for out-of-home care.
- ¹⁰ Dennison, S., Stewart, A. & Waterson, E. (2003). *Pathways from Child Maltreatment to Juvenile Offending School of Criminology and Criminal Justice, Griffith University, Brisbane.*
- ¹¹ Lynch M., Buckman J. & Krenske L., (2003) 'Youth Justice: Criminal Trajectories', *Research and Issues Paper Series, No.4*. Crime and Misconduct Commission.
- ¹² Unpublished. Youth Justice Options Paper (2006). Prepared by the Office for Youth.
- ¹³ See for example, Weatherburn D and Snowball L (2006) 'Indigenous over-representation in prison: The role of offender characteristics', *Crime and Justice Bulletin No 99*, NSW Bureau of Crime Statistics and Research.
- ¹⁴ Morris L., Sallybanks J. & Willis K., (2003) *Sport, Physical Activity and Antisocial Behaviour in Youth*, *Trend and Issues Paper Series, No 249*, Accessed at www.aic.gov.au/documents/A/F/4/per cent7BAF436255-92BC-4532-9964-D56A0EA380EEper cent7DtI249.pdf
- ¹⁵ *Crime and Misconduct Commission. 2009. Restoring Order: Crime prevention, policing and local justice in Queensland's Indigenous communities. www.cmc.qld.gov.au.*
- ¹⁶ Unpublished. Youth Justice Options Paper (2006). Prepared by the Office for Youth.
- ¹⁷ Ibid.
- ¹⁸ The 2008-09 CJA Proof of Concept found that, while numbers were small (n=37), 86.5per cent of Indigenous young people discharged from youth detention or who completed juvenile supervision aged 17 years or over in 2005-06 were arrested by Police within two years.
- ¹⁹ Susan Dennison, Anna Stewart and Emily Hurren, 2006. *Police cautioning in Queensland: the impact on juvenile offending pathways* <http://www.aic.gov.au/documents/B/4/E/per cent7BB4E2379D-3557-4252-8C5D-CAC44459D97Eper cent7Dtandi306.pdf>
- ²⁰ Unpublished. Youth Justice Options Paper (2006). Prepared by the Office for Youth.