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# **Inquiry into Australia's youth justice and incarceration system**

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**Submission to the Australian Federal Senate Legal and Constitutional  
Affairs Reference Committee**

## Executive Summary

The Queensland Family and Child Commission (the Commission) is a statutory authority responsible for oversight of Queensland's child protection and youth justice systems, and for providing advice to government to improve legislation, policy, practice and operational outcomes.

Over many years, the Commission has engaged directly with children and young people in youth detention centres, consulted with frontline workers, analysed critical incidents and life-outcome data, and evaluated youth justice programs. This body of work demonstrates that youth justice is a highly complex and sensitive policy domain in which public sentiment, political pressure and empirical evidence do not always align. The Commission's findings consistently emphasise the need to balance community safety and the experiences of victims with an understanding of the developmental needs and life histories of children who offend—many of whom have experienced significant trauma, adversity, unmet disability needs and prolonged involvement with multiple government systems.

While there is broad agreement on the overarching objective of youth justice policy—to keep the community safe—there remains a substantial gap between expert evidence and public understanding. Youth justice policy is particularly vulnerable to volatility, with the pace and direction of reform frequently shaped by high-profile incidents and public narrative rather than by evidence of what is effective in reducing offending and improving long-term outcomes.

The youth justice system is generally understood to pursue two interrelated goals:

1. to protect community safety; and
2. to change the behaviour of young people who engage in criminal activity.

Despite this clarity of purpose, youth justice systems across Australia are under significant strain and at a critical point for reform. Substantial public investment and repeated cycles of legislative change have not delivered sustained improvements. Instead, system responses remain largely reactive and increasingly punitive, often displacing the strong and growing evidence base supporting early intervention, developmentally appropriate responses, trauma-informed practice and community-led rehabilitation. Punitive approaches continue to dominate public and political discourse, despite their limited effectiveness in reducing reoffending or improving community safety.

High-profile incidents continue to prompt rapid policy responses that prioritise short-term reassurance over long-term outcomes. This instability undermines the conditions required for effective reform and results in legislative and operational changes that are frequently misaligned with contemporary research on child development, trauma, disability and desistance.

Decades of inquiries and Royal Commissions have repeatedly identified the same systemic failures, including:

- ☐ the persistent overrepresentation of Aboriginal and Torres Strait Islander children;
- ☐ harmful, and at times unlawful, detention practices;
- ☐ entrenched recidivism that demonstrates the ineffectiveness of punitive responses; and
- ☐ chronic failures to address the underlying drivers of youth offending.

These drivers—poverty, insecure housing, family violence, cumulative trauma, disability, disengagement from education, and early and repeated contact with statutory systems—remain inadequately addressed across portfolios and levels of government.

A significant structural challenge is the fragmented governance framework spanning Commonwealth, state and territory responsibilities. While youth justice legislation, policing and detention are primarily

state and territory functions, Commonwealth portfolios—including social services, disability, health, housing, education and Indigenous affairs—play a decisive role in shaping the environments in which children grow and develop. This fragmentation creates gaps in accountability, inconsistent service access, duplication of effort and markedly different outcomes for children depending on jurisdiction and geography.

Improving community safety requires a coordinated, whole-of-government and whole-of-community response that addresses these structural and social determinants. Timely, developmentally appropriate interventions are essential to support children to understand the consequences of their actions and to make different choices. Responses must prioritise stability, healing and developmental growth, and recognise the high prevalence of trauma, child protection involvement, disability and educational disruption among children who come into contact with the youth justice system.

This submission draws on contemporary evidence, including oversight reports, discussion papers and sector reviews published by the Queensland Family and Child Commission. Collectively, these materials provide an updated understanding of the drivers of youth offending and identify the systemic reforms required to improve outcomes for children and young people while strengthening community safety.

The submission also reflects the author's experience overseeing Queensland's youth justice system, informed by professional practice across two jurisdictions. From this work, the following key themes emerge:

- 1. reform must be designed and implemented strategically, with clear whole-of-system and whole-of-community outcomes;**
- 2. youth detention centres must be re-oriented as places of rehabilitation rather than punishment;**
- 3. consequences are essential to behaviour change, but must align with the developmental and cognitive capacities of children and young people;**
- 4. sustained effort must focus on addressing the root causes of offending;**
- 5. the most effective programs are relationship-based, community-led and holistic; and**
- 6. community leaders must take responsibility for the public narrative on youth crime, supported by greater transparency, reporting and evidence-led investment across the youth justice system.**

The evidence is clear: children entering the youth justice system overwhelmingly present with unmet needs arising from failures in other systems, including child protection, education, disability, health and housing.

Without a coordinated national strategy to address these drivers, reform within youth justice alone will neither reduce offending nor deliver lasting improvements in community safety. Focusing national attention on the standards of detention may alter detention practice, but focussing national attention on the root causes of crime can have transformative outcomes for community safety and the life trajectories of our children.

## Summary against the Terms of Reference

This submission responds to the Committee's Terms of Reference as follows:

### (a) Outcomes and impacts of youth incarceration

- ☐ Detention as currently designed and operated does not reduce reoffending and can increase the likelihood of future offending.
- ☐ Short periods of remand and high unsentenced detention rates prevent meaningful intervention.
- ☐ Detention disrupts education, health care, family connection, cultural identity and community supports
- ☐ Evidence from the Child Death Review Board demonstrates that repeated detention is a risk factor for self-harm, chronic instability and adult imprisonment.

### (b) Over-incarceration of First Nations children

- ☐ Aboriginal and Torres Strait Islander children represent the majority of the detained cohort, reflecting cumulative and systemic disadvantage across child protection, education, housing and policing systems.
- ☐ School disciplinary absences, early child protection involvement, and disability under-diagnosis are strong predictors of youth justice entry and disproportionately affect First Nations children.
- ☐ A developmental, culturally grounded and community-led response is essential for reducing over-representation.

### (c) Compliance with human rights in detention

- ☐ Current detention environments do not consistently meet standards relating to safety, dignity, education, health, cultural connection, time out of cell, and freedom from isolation and restraint.
- ☐ Workforce shortages, reactive operating models and lack of a clear rehabilitation framework lead to inconsistent practice and unsafe environments in Australia's detention centres.
- ☐ Children with disability and neurodevelopmental conditions experience heightened risk of harm in custodial settings.

### (d) Alignment with international obligations

- ☐ Australia's youth justice practices—including high rates of remand and use of isolation—do not align with international minimum standards for the treatment of children in detention.

### (e) Need for enforceable national minimum standards

- ☐ Australia lacks a coherent, nationally consistent framework for youth detention design, workforce capability, service standards, evaluation, and cultural safety.
- ☐ National minimum standards are required to rectify fragmentation created by federalism and ensure equitable access to developmentally appropriate, trauma-informed, culturally responsive care in all jurisdictions.
- ☐ A national model must include measurable service benchmarks and transparent reporting.

### (f) Related matters

- ☐ Child protection system pressures, school exclusion practices, disability under-diagnosis, unstable housing and acute family disadvantage are key drivers of youth justice involvement.
- ☐ Effective youth justice reform requires coordinated federal, state and community investment across social services, disability supports, education, housing and health. Collectively, the evidence demonstrates that punitive responses do not improve community safety. Only developmentally informed, trauma-aware, culturally grounded and family-centred approaches can achieve sustained reductions in offending and reoffending.

## Changes to the youth justice system must be designed and implemented strategically with clear whole-of-system outcomes

### Summary

1. Fragmentation across portfolios, agencies and jurisdictions prevents coherent youth justice practice and redirects attention toward visible punitive levers (police, courts, detention) instead of early intervention, prevention and community-based supports.
2. Queensland invests more in youth justice than any other jurisdiction, yet expenditure is increasingly concentrated in detention—despite a +90% return-to-detention rate and a per-child cost exceeding \$760,000 per year.
3. Current youth justice processes are transactional, siloed and lack a single system steward; unlike child protection, youth justice has no integrated case management approach, clear referral pathways, or unified oversight.
4. The most effective reforms lie outside the youth justice portfolio: improving education, housing, disability, health, mental health and child protection systems will achieve greater reductions in youth crime than policing or detention alone.

The youth justice system is complex. It involves multiple portfolios, departments, organisations, and community groups as well as the police and the courts. This fragmentation makes it extremely difficult to explain the process, the practice, and the outcomes – and it leads to fixations on the easily understood areas (particularly policing and detention) and diminished attention on the wider community portfolios which are involved with a young person and their family.

The youth justice portfolio exists in recognition that the adult justice and corrections systems are inadequate to respond to youth offending, and yet the clearest parts of the system - policing, the children's court, and youth detention centres – closely mirror the elements of the adult system in their conceptual design, practice, and operation.

When we attempt to visualise the youth justice system in its entirety it is difficult to correctly articulate the main parts of the sector that contribute to - and are part of - the scheme. For example, whilst it is easy to identify Queensland expenditure on youth detention, there is no similar budget line or description of investment in early intervention, prevention, and community-based youth justice services.

Unlike other portfolios there is no sector leadership group, and a peak representative body was only established in 2024. Many non-government organisations operating in the youth justice system are small place-based operations, or programs that sit inside larger national organisations that have a primary focus in other portfolios.

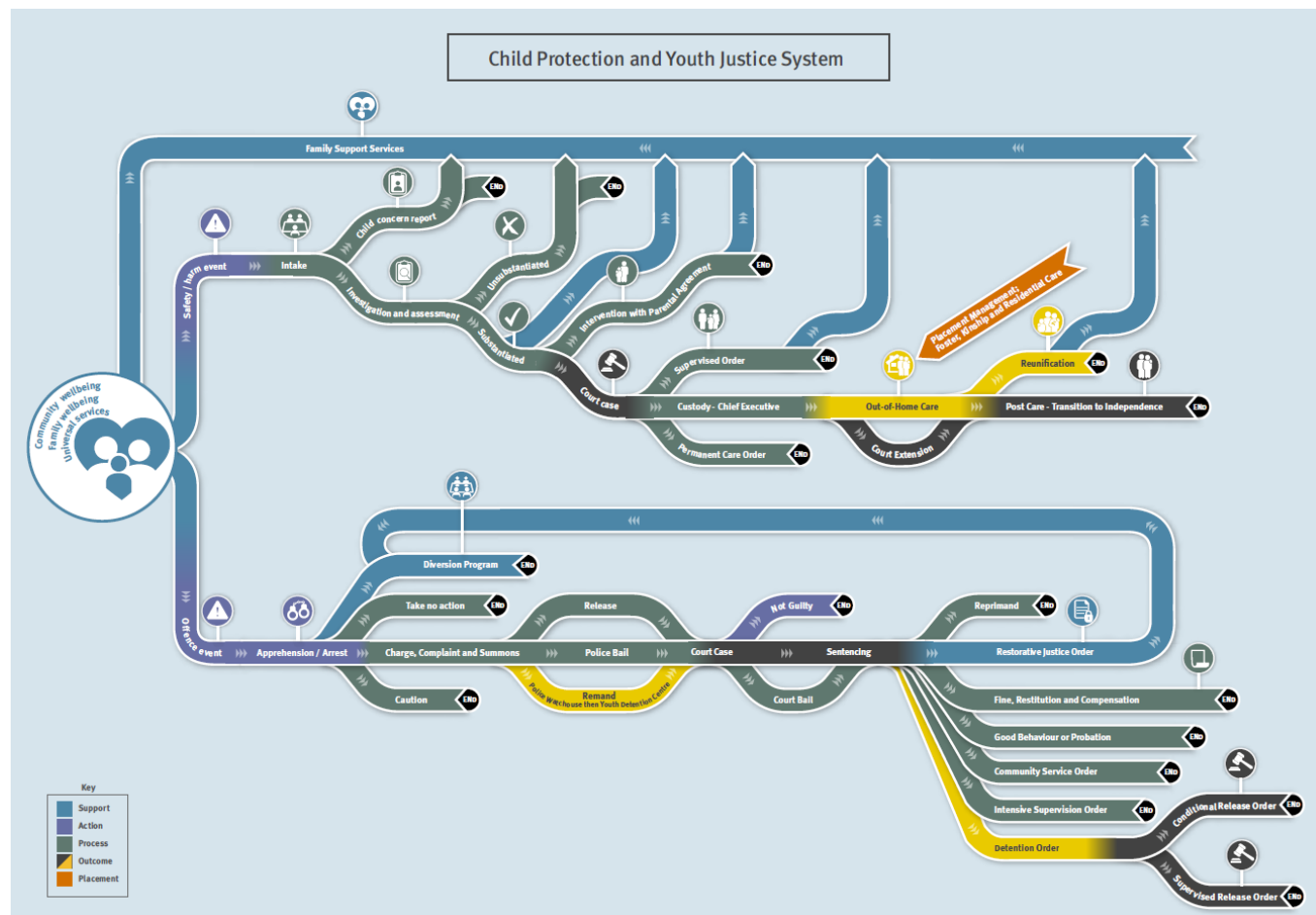
Queensland spends more on youth justice services than any other jurisdiction. In Queensland the real recurrent expenditure on youth justice services for 2021–22 was \$346 million increasing 14 per cent from \$302,785,000 in 2020–21. Total expenditure has increased over the last four years, however expenditure on community-based services has decreased, while detention-based service expenditure has increased.

The cost of detention-based supervision per young person has increased by 8.66% to \$2,086.32 per child per day.<sup>1</sup> In 2020–21, Queensland had the second highest percentage of young people returning to detention after release, at 91.26 per cent, following Victoria. The percentage of young people who return

<sup>1</sup> 'Cost per young person subject to detention-based supervision' is defined as recurrent expenditure on detention-based supervision per day, divided by the average daily number of young people subject to detention-based supervision.

to detention within 12 months in Queensland has been consistently high.<sup>2</sup> Given that detention episodes fail to prevent reoffending in more than 90 per cent of cases, this \$761,000 investment per child per year should be repurposed.

In 2023 the Queensland Family and Child Commission produced a map of the Child Protection and Youth Justice System, published [on our website](#).



The map received significant interest, and clearly highlighted several points:

- ☐ The journey through the child protection system includes multiple and clear connection points to family support services and universal support services for the family – whereas the youth justice system has a lineal approach with limited clear referral points to the universal and secondary support system.
- ☐ The journey through the child protection system was more holistic, in that all concerns about the child can be case managed together through an evolution of the case practice approach – whereas the youth justice process was transactional, with new behaviours by the young person treated as new charges, new cases, and new sentences.
- ☐ The journey through the child protection system typically ends based on behaviour change occurring (i.e. safety is restored) – whereas the youth justice process typically ended arbitrarily based on court outcome or end of sentence with no requirement for behaviour change to have occurred.

<sup>2</sup> Australian Institute of Health and Wellbeing (2023). *Young people returning to sentenced youth justice supervision, 2021-22 supplementary data tables, Table s17*. <https://www.aihw.gov.au/reports/youth-justice/young-people-returning-to-sentenced-supervision/data>

- The journey through the child protection system is overseen by the Child Safety Department – whereas the journey through the youth justice system has no clear single point of oversight (the police, court and sentenced components of the system operate separately).

The map produced by the Commission was distinguished from other Queensland Government explanations of the system in that it brought together the court, police, and youth justice systems into one visualisation. This cross-portfolio understanding of the process is necessary if Queensland is to deliver reform to the youth justice system.

In reforming the youth justice system, we must also recognise that we will more successfully reduce youth crime by making changes outside of the youth justice system than we will within it. In a further section of this paper, I cover the root-causes of offending, however for the purpose of making the point for the need for a 'whole of system strategy' I will say: The biggest improvements Queensland will make to youth crime will be through the education, health, mental health, housing, and child safety portfolios. We will not reduce crime and make the community safer through the police and youth justice portfolios alone.

Ultimately my view is that, in my jurisdiction of Queensland, a single complete picture of the youth justice system and how it connects to necessary human service elements is missing. Camps and diversion programs should form part of an integrated system including policing and detention as well as mental health, youth homelessness, education, disability, health, and employment systems however this has not been accurately visualised. Without a map of eligible pathways and criteria this network becomes a patchwork of programs that operate independently and transactionally.



## Consequences are critical to shaping behaviour – but only if they recognise the developmental and cognitive stages of children and young people

### Summary

1. Punitive or delayed consequences do not work for children; behaviour change requires timely, developmentally informed responses.
2. Most children in youth justice have significant trauma, disability and emotion-regulation needs that punishment alone cannot address.
3. Detention has one of the highest return-to-offending rates of any intervention; diversion and therapeutic supports achieve far better outcomes.
4. Youth offending is closely linked to child protection involvement and cumulative disadvantage, requiring responses that target underlying drivers.

Theoretically, there are five main reasons humans have created sanctions for bad behaviour.

1. we use it to deter - in the hope that our punishment of one person scares others into not offending
2. we use it for risk management - to remove offenders who are a risk to society and to keep them away from and/or out of society
3. we use it for restitution and recompense - to remove any benefit the offender received from not following the law, and perhaps to restore the victim as best we can to the point where the offending had not happened
4. we use it for retribution through which we impose a punishment as a revenge, or as a way to harm the offender for the harm that they have caused, and
5. we use it to rehabilitate through which we compel offenders into facilitating their own positive transformation to becoming more pro-social, and to take accountability and learn from their past.

These five theoretical reasons for punishment are reflected in the five purposes of sentencing outlined in Queensland's *Penalties and Sentences Act 1992* – punishment, rehabilitation, deterrence (both personal and general), denunciation and community protection.

In practical reality the emphasis on any one of these reasons will vary, based on the actual offence, the legal system, and societal values. Each of the reasons for a sanction will define how that sanction is applied, and what effect it will have. For example, restitution and retribution may seek to make a victim feel better, whereas rehabilitation will make the community safer for the longer term. In this assessment of current youth justice policy, I ask you to consider these forms of sanction and pay due regard to the programs and services that emphasise rehabilitation, and for our higher risk young people, reintegration. The evidence I have, demonstrates that we do not make the community safer through the harsher treatment of young people. Our punishment approach is increasing recidivism rates, not deterring them.

If the long-term goal of reducing youth crime is to be achieved, efforts and investment should focus on:

- ☐ reducing the individual, family, community, and structure factors that contribute to a young person committing crime
- ☐ specialised reintegration services for the young people who are committing most of the crime – and especially services for their families.



## Understanding effective punishment in a social and psychological context

All behaviours have consequences.

Children, however, do not experience or process consequences in the same way as adults. Their brains are still developing the capacity to regulate emotions, plan ahead, weigh risks, and understand how their behaviour connects to longer-term outcomes. Skinner demonstrated that behavioural learning occurs through immediate, consistent reinforcement and that delayed or unpredictable punishment does not meaningfully shape behaviour in children.<sup>3,4</sup>

This behavioural principle underpins how consequences function: positive consequences reinforce behaviours we want children to repeat, while negative consequences may deter behaviours we want to discourage. In a community, this helps maintain the balance between individual freedom and collective safety. For children, well-designed consequences also build moral reasoning by helping them understand the impacts of their behaviour on themselves and others.

Piaget's research on cognitive development shows that children have limited capacity for abstract reasoning, long-term planning, and impulse control until adolescence.<sup>5</sup> This makes punitive or delayed consequences—such as court processes, remand, or detention—ineffective learning tools. If we want to understand undesirable or antisocial behaviour in children and young people, we must first understand the complexity of child development and the individual, relational, ecological, and societal influences shaping behaviour. A child's developmental stage is central to determining whether any given consequence will deter or discourage repeated behaviour.<sup>6</sup>

Punitive or delayed sanctions do not reinforce learning. Instead, they often compound the instability, trauma, and disconnection that drive offending in the first place. For consequences to be effective, they must be timely, predictable, proportionate, and connected to a child's lived context. Children learn best when consequences help them understand why their behaviour was harmful, and when adults scaffold that learning with clear expectations, emotional regulation support, and opportunities to practise safer behaviours. These conditions are fundamentally incompatible with punitive youth justice systems that rely on control, containment, and delayed legal outcomes.

Current approaches, particularly the use of remand and detention for children aged 10–13, misunderstand the developmental reality of childhood and adolescence. These mechanisms rely on punishment, confinement, and deterrence, all of which research consistently shows do not work for children. Rather than promoting accountability, they entrench the very factors that led to offending: disengagement from education, family breakdown, unstable living arrangements, trauma responses, and a lack of safe, trusted adult relationships.

The idea that court processes and sanctions designed for adults will work on teenagers must be re-examined. Transactional and delayed judicial responses that fail to address the root causes of behaviour or guide a young person through a learning and accountability process, are simply not effective—particularly for children already experiencing multiple forms of vulnerability.

Queensland's outcomes reflect this. High rates of remand, repeated involvement in the justice system, and the escalation from youth detention into adult corrections demonstrate that current consequences do not create behavioural change or community safety. In many cases, they produce the opposite effect—

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<sup>3</sup> Skinner, B. F. (1953). *Science and Human Behavior*. New York: Macmillan.

<sup>4</sup> Skinner, B. F. (1938). *The Behavior of Organisms: An Experimental Analysis*. New York: Appleton-Century.

<sup>5</sup> Piaget, J. (1952). *The Origins of Intelligence in Children*. New York: International Universities Press.

<sup>6</sup> Inhelder, B., & Piaget, J. (1958). *The Growth of Logical Thinking from Childhood to Adolescence*. New York: Basic Books.

pushing children further away from the support structures that would help them develop the skills, confidence, and stability needed to stop offending.

Effective accountability requires developmentally appropriate responses delivered in community, not detention. These include restorative processes, family and community-led supports, culturally grounded interventions, and therapeutic responses that teach children how to regulate emotions, repair relationships, and make different choices in the future. These are the consequences that work—because they meet children where they are developmentally and address the drivers of behaviour rather than the symptoms.

If Australia wants to reduce youth offending and improve public safety, we must shift from punitive reactions to evidence-based, age-appropriate, and culturally informed approaches that help children understand the impact of their actions and build the capacity to choose differently next time. Anything less risks perpetuating the cycle of harm—to children, families, and communities—that this inquiry was established to address.

As I stated in my testimony to the *Legal Affairs Standing Committee* on 14 February 2022:

“All I would say on that is that as parents we tend to get it right. Parents with two children will punish or respond to poor behaviour differently depending on the child. The good parent will be focusing their actions on changing that young person’s mind and teaching them through the process but also having a level of compassion that the punishment that is doled out is not creating permanent harm and is not offsetting the respect between a parent and a child but is driving towards better behaviour. As a society, I question how we create a [youth justice] system that does that. Many of us have referred to restorative justice approaches for that very reason. That is, we need to understand what is driving each young person and take them through a process of learning why what they did was wrong but, more deeply, why they did what they did; and engaging victims, the community and, in fact, statutory authorities around them to put in place the pillars that we have also spoken about today to ensure that the community is safer.”

## **Punishment in a child development and familial context**

Theories of child development, consequential learning, and cognitive processing are not new, and have been highlighted in many other strategies to influence, address, or improve responses to children. This is reflected in education strategies offering flexible modes of learning delivery, and health models providing understanding of developmental markers and milestones to understand how to best respond to a child’s needs in the context of their presenting behaviour. Parenting is a complex journey, filled with challenges and rewards. Central to this experience is the delicate balance between using incentives and punishments to guide a child’s behaviour. Striking the right equilibrium is crucial for fostering a child’s emotional well-being, moral development, overall growth, and their impact on those around them.

Parents use punishment as a tool to signal and respond to undesired behaviour. When a parent punishes a child for their undesired behaviour, they are mindful of the potential long-term consequences of harsh or disproportional punishment, including the links to future aggression, lower self-esteem, and long-term negative effects on a child’s mental health as it relates to safe attachments.

Psychologist Diana Baumrind’s authoritative parenting style promotes setting clear rules and expectations while maintaining open communication and offering a middle ground that combines structure with warmth. This theory respects the need for children to continue to be nurtured despite behavioural indiscretions, and the need for this nurturing to continue throughout the disciplinary process to promote understanding of consequences and promote pro-social choices. This premise is reflected in psychologist Albert Bandura’s social learning theory – that observing the consequences of others’

actions contributes to the development of moral reasoning, however the key lies in the type and intensity of punishment.

Parents need to create an environment that allows children to learn from mistakes without feeling overwhelmed by shame. They need to foster a healthy sense of self-esteem and resilience. This balance between autonomy and shame is central to children developing values-based decision-making with an understanding of consequences and impacts of their behaviours. We need to this balance to create an environment where children see challenges as opportunities for learning rather than as threats to their self-worth. Overreliance on punishment can lead to shame, low self-esteem, and can contribute to power struggles and strained caregiver-child relationships.

For some children, the threat of criminal penalties can serve as a precaution and encourage children to change their behaviour, however, this is often not at the forefront of a young mind when offending. The ability to plan and foresee the consequences of one's actions is vastly less developed in a teenager than an adult. A review of neuro-imaging research from children and young people at different ages indicates that the frontal lobes—the part of the brain responsible for cognitive functions such as impulse control, future planning, empathy, and social interactions—is not fully developed until around 25 years of age. The underdevelopment of the frontal lobes can have notable effects on adolescent behaviours. It is not unusual for adolescents to experience:

- ☐ difficulty holding back or controlling emotions
- ☐ a preference for physical activity
- ☐ a preference for high excitement and low effort activities (video games, sex, drugs)
- ☐ poor planning and judgement (rarely thinking of negative consequences); and
- ☐ more risky, impulsive behaviours, including experimenting with drugs and alcohol.

Our understanding of child development and parenting recognises that behaviour change, and pro-social development requires thoughtful consideration of how to most effectively discipline poor behaviour, and how best to make that a learning process for the child. Experts in child psychology state this is best approached when the person discharging the punishment has both self-awareness and keen insights into the specific personality and needs of the child. The key lies in understanding the developmental stage of the child, cultural influences, and the potential challenges and pitfalls associated with each approach. Ultimately, a holistic and adaptive strategy that combines discipline with positive reinforcement contributes to the overall well-being and growth of the child. When used judiciously, punishment can deter undesirable actions and teach children about responsibility and accountability as a strategy to manage behaviour. Overreliance on detention is not an effective approach to behavioural change – especially when that detention experience does not allow for supported learning and reflective exploration for the child to better understand their behaviour, the reasons for their behaviour, or their understanding of how to make better behaviour choices in the future. Young people with multiple detention periods are not deterred by detention. With an overreliance on punishment without a balanced environment to promote individual learning, the justice system does not manage behaviour – it enforces compliance.

## **The Youth Justice cohort**

Children and young people in youth detention have a very different neurodevelopmental and mental health profile compared to others who are not in custody. A multidisciplinary assessment of 99 children in youth detention in Western Australia's youth detention centre found 89 per cent had at least one severe neurodevelopmental or mental health disorder. These disorders included Foetal Alcohol Spectrum Disorder (FASD), intellectual disability, attention deficit hyperactivity disorder (ADHD),

trauma/attachment disorders, depression, anxiety, learning difficulties, and speech and language disorders.

The Australian Institute of Health and Welfare (AIHW) 2024 annual report<sup>7</sup> on young people under youth justice supervision in Australia, included key findings that Queensland had the highest number of young people subject to youth justice supervision of the 2022 – 2023 reporting period, and the second highest proportion (72.9%) in the nation of children who had previous contact with the child protection system in the 10 years between 1 July 2013 - 30 June 2023.<sup>8</sup> In addition, Queensland had more First Nations children aged 10-13 under youth justice supervision that had prior contact with the child protection system, than the entire country had of non-Indigenous 10 – 13-year-olds under youth justice supervision with prior contact with the child protection system.<sup>9</sup>

A significant impact of childhood neglect and abuse is the lowered ability to manage one's emotions and to self-regulate. Individuals who experience emotional dysregulation may find it challenging to modulate the intensity, duration, and expression of their emotions in appropriate ways. This can lead to emotional responses that are overly intense, disproportionate to the situation, or difficult to manage. Emotional dysregulation can stem from a variety of factors, including:

- **Neurobiological Factors:** Brain regions responsible for emotional regulation may function differently, leading to difficulties in processing and modulating emotions.
- **Past Trauma:** Experiences of trauma can disrupt a person's emotional regulation capabilities, making it harder to manage emotions in response to triggering situations.
- **Mental Health Conditions:** Conditions like mood disorders (e.g., depression, bipolar disorder), anxiety disorders, and personality disorders can contribute to emotional dysregulation.
- **Environmental Stressors:** High levels of stress, exposure to chronic adversity, and lack of supportive environments can challenge one's ability to manage emotions effectively.

Responding to emotional dysregulation requires a considered and supportive approach. To address behaviours in young people who are experiencing emotional dysregulation requires a response that provides validation, safety, empathy, promotes self-awareness, develops coping strategies, utilises distraction techniques, engages professional help, nurtures a support network, and develops skills. Importantly, addressing behaviours in young people who are experiencing emotional dysregulation must avoid negative criticism of their emotional experiences; positive criticism of their experiences can be constructive in exploring their feelings and understanding the underlying causes of their behaviour and emotional experiences.

In 2022, the Commission released the *Designing a better response to youth offending in Queensland: Raising the age of criminal responsibility* issues paper, outlining evidence supporting non-criminal responses to reducing offending.<sup>10</sup> In 2010, an international review of 29 trials over a 35-year period, showed that criminal justice responses were more likely than diversionary programs to lead to children reoffending. A similar study in 2018 showed police-led diversion to be more effective than traditional justice responses, with a 44 per cent reoffending rate compared to 50 per cent. A recent study by the UK Police has also showed police diversion has been successful at reducing reoffending among young people, compared to traditional criminal justice processes. Non-criminal responses can be particularly

<sup>7</sup> The Queensland Family and Child Commission (November 2024), [Crossover Cohort: Young people under youth justice supervision and their interaction with the child protection system – Data Insights: Australian Institute of Health and Welfare](#).

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> Queensland Family and Child Commission (2022). *Designing a better response to youth offending in Queensland: Raising the age of criminal responsibility: Issues paper*. [Designing a better response to youth ~ Raising the age of criminal responsibility Issues paper 0.pdf \(qfcc.qld.gov.au\)](#)

effective with children who may be at higher risk of deeper involvement with justice systems, based on their cultural background. Across Europe, cognitive and behavioural programs for young offenders are more common than programs based on punishment and deterrence, owing to the evidence that punitive approaches may contribute to reoffending rather than reduce it. These programs are typically mandatory for participants, delivered in community settings by social workers, educators, or mental health professionals.

By operating on a risk- need-responsivity model, which targets the programs in a way that responds to the needs of the young person, they have led to average reductions in reoffending by 30 per cent.

Research shows alternatives to criminal penalties, such as programs aimed to address the causes of children's behaviour, can lead to significantly better outcomes for children, and reduced offending in their communities. While criminal penalties may help some children to overcome offending, for many children exposure to the criminal justice system is linked to ongoing offending and poor outcomes in health and education.

## **Child Protection and the Interrelationship with Youth Justice**

Queensland's child protection system has become overwhelmed with growing numbers of children requiring intensive support that the system consistently fails to provide. The overrepresentation of children who have a history of child protection remains interconnected with the youth justice system in Queensland.

Almost universally, these children who have come into contact with the youth justice system, came from backgrounds of multifactorial disadvantage including adverse family circumstances, child protection intervention, exposure to domestic and family violence, mental illness present in the household, substance abuse in the household, criminal justice involvement of other family members, parental death, and parental separation or divorce. These perpetuating factors of disadvantage and its interaction with the child youth justice system, additionally provides a high likelihood of further progression of adult criminal justice involvement.<sup>11</sup>

In 2018 - 2019, of the 3,128 children under youth justice supervision in Queensland, 56.8 per cent had also received child protection services (including investigated notifications, care and protection orders or out-of-home care) in the previous five years. Aboriginal and Torres Strait Islander children, and females under youth justice supervision were most likely to have received a child protection service in those five years. These circumstances of a young person's early life experiences must be considered in the context of long-term impacts on their development and their capacity to make pro-social choices into adolescence and adulthood.

Child abuse and neglect have particularly pervasive and long-lasting effects on children and their futures. The impacts of child abuse and neglect can include poor emotional and mental health, social difficulties, cognitive dysfunction, and behavioural problems including aggression. Governments have a responsibility to promote physical and psychological recovery and social reintegration of any child who has experienced abuse and neglect. Many children under youth justice supervision (community or detention-based supervision) have current or previous contact with child protection services.

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<sup>11</sup> The Queensland Family and Child Commission (September 2024), [Queensland's Family Support System Service Context & Drivers into Statutory Systems Summary evidence report](#).



## All efforts should focus on addressing the root causes of offending

### Summary

1. Youth offending is driven by cumulative disadvantage—trauma, disability, unstable housing, school exclusion, and child protection involvement—so responses must address these underlying conditions, not just the symptoms.
2. Investment outside the justice portfolio (education, health, housing, disability, employment, family support) delivers far greater reductions in youth crime than policing or detention.
3. Family, community, and culturally led supports are essential; programs that strengthen parental capacity and embed community-controlled approaches significantly improve rehabilitation and reduce reoffending.
4. School disengagement is a major pathway into youth justice; inclusive and trauma-informed education reforms are critical to preventing offending and supporting long-term community safety.

Creating an effective youth justice system requires us to understand the drivers of offending behaviour, the circumstances that led to offending, and the changes that are necessary in young people's lives to prevent reoffending. All efforts and investment in all areas of the youth justice system should focus on the root-causes of youth offending – and the actions across government, within education, health, housing, child safety, and communities, must be focused on pro-social engagement of young people.

To date, Queensland has siloed youth offending as a police and youth justice issue. To address youth offending and promote pro-social youth behaviour and safety and wellbeing for the community, there needs to be a strategic approach across all portfolios.

An investment in community will see greater impact on youth behaviour than an investment in policing.

Addressing root causes of offending is not discrete to early intervention or prevention strategies but rather should be considered and embedded in every element of the youth offending response. That is to say, it is never “too late” to address root causes of offending for youthful offenders, and the investment in exploring, understanding, and intervening with the drivers of offending needs to be present in every stage of the youth justice response – from deterrence and prevention strategies, through early intervention, and particularly in punishment responses such as custodial detention.

Left unaddressed, significant adversity remains a precursor to youth justice exposure.

In 2020–21, 10 to 17-year-olds from the lowest socio-economic areas were five times more likely to be under youth justice supervision than those from the highest socio-economic areas. In 2022, a total of 1,605 young offenders were surveyed in the Youth Justice Census.<sup>12</sup> Of these:

- ☐ 45 per cent were disengaged from education, training or employment
- ☐ 53 per cent had experienced or been impacted by domestic and family violence
- ☐ 33 per cent had a least one mental health or behavioural disorder (diagnosed or suspected)
- ☐ 30 per cent had been living in unstable and/or unsuitable accommodation
- ☐ 27 per cent had at least one parent who spent time in adult custody

<sup>12</sup> Queensland Government – Department of Children, Youth Justice and Multicultural Affairs (2022). *Youth Justice Census Summary*. [YJ Census Summary Statewide \(desbt.qld.gov.au\)](https://desbt.qld.gov.au/census-summary-statewide)

- 27 per cent had a disability (assessed or suspected), including 17 per cent who had a cognitive or intellectual disability
- 19 per cent had an active Child Protection Order.

The best way to keep the entire community safe is to make every effort to prevent and address offending, in a way that addresses these underlying factors of adversity and disadvantage: Investing in school reengagement, youth employment programs, mental health services, youth centres, youth housing and parenting support.

Acknowledging these underlying circumstances of a young person's life is not about providing an excuse for their behaviour or ignoring the rights of victims. It is about developing an understanding so that we can provide appropriate consequences that lead to rehabilitation and restoration – and ultimately reduce the likelihood of reoffending. It is to make communities safe.

For young people, a restorative justice response is more effective than a criminal justice response. Evidence shows that criminal justice responses are not working. In 2019-20, 56.8 per cent of young people aged 10-16 years at the time they exited detention returned to sentenced supervision within 12 months. In 2022, Youth Justice data indicated that 84-96 per cent of young people released from the three detention centres committed another offence within 12 months. If we want to reduce youth offending, we need to provide targeted responses to children that take into account the factors that contribute to their behaviour.

The youth justice system is designed to uphold and protect community safety by responding to the behaviours in young people that are anti-social and criminal. The youth justice system spans from early intervention to detention. The Youth Justice Act 1992 (Qld) recognises the importance of the provision of services designed to rehabilitate and reintegrate children and young people who commit offences.

This will help to guarantee that children are provided with responses that support their pathway out of offending behaviour – via strengthened family, health, education and employment outcomes. Children, families and communities will benefit from a renewed approach to reducing harmful behaviour that has better long-term success at delivering community safety.

## **Families and communities must be involved in the delivery of youth justice services**

The single biggest source of successful crime prevention in our communities are parents and family. Parental responsibility for the behaviour of their children is a critical element of our society that does not always translate into our youth justice system operations.

Evidence shows that children in contact with the youth justice system are some of the most vulnerable and disadvantaged members of our community. It should not surprise anyone that family dysfunction, including domestic violence, mental health, substance addition, poor employment and educational engagement, and cognitive and other health issues are the key factors in determining who will enter the youth justice system.

Young people exposed to the youth justice system are too often treated as individuals – separate to their connection to a family unit, particularly where significant familial adversity remains a precursor to youth justice exposure. In our work, we consider that for young people exposed to the youth justice system, their family unit as an extension of the individual is critical to the success of changing the young person's behaviour.

The youth justice system must be more inclusive of the parents and families of young people. Youth justice programs must bring specific focus to parental responsibility and capacity. Police and court decision making should include consideration of the home situations of young people to make effective



decisions. Detention centres must be inclusive and engaging places for parents and families to interact with young people in a way that assists rehabilitation.

The Commission supports extending community-controlled programs and the involvement of Elders and cultural authority in youth justice programs. We must capitalise on the opportunities presented within reforms such as Closing the Gap under the justice policy partnership to progress shared or delegated decision-making regarding policy development, program design and delivery and shared accountability for the development and performance of local responses to localised issues.

## **Government funding in all areas should be conscious of their contribution to addressing the root causes of offending**

While parents and families are the foundation for shaping their children's behaviour, multiple government portfolios and services play a critical role in providing a framework for pro-social youth engagement in community. Schools, sporting and cultural clubs, youth centres, local government events, and employment opportunities all provide circumstances for young people to be engaged and valued in their community – and in return they are less likely to engage in crime or anti-social behaviour.

As above, the opportunity for Government is to consider how portfolios like business, employment, tourism, community development, housing, science, and arts can all provide greater pathways for young people to engage in pro-social community events.

Of course, engagement in education is widely known to have a positive impact on social success. There is a clear and negative correlation between crime and the age at which a person discontinued with education. Internationally, education is considered a key policy tool in efforts to reduce crime. Equitable access to quality, inclusive and responsive education is a fundamental pillar of an alternative response to children's offending behaviour. There is a causal link between Queensland's high rates of school disciplinary absences and youth offending that needs to be addressed. Local initiatives that I am aware of include school principals negotiating with PCYC so that students are referred into PCYC programs rather than being suspended or expelled. This combined with re-engagement programs such as those run by Everything Sauve<sup>13</sup>, and Teens Take Control<sup>14</sup> achieve amazing transformation in young people while also operating outside the formal education system.

We do not need to demonise young people when discussing youth justice. Testing boundaries and making mistakes are an important part of growing up. It is our role as a community to ensure that young people learn responsibility and accountability for their actions in ways that are pro-social.

## **Education system failures as drivers of offending and recidivism**

Evidence provides that children's continued engagement with education is a powerful early intervention strategy to prevent or reduce future contact with the justice system.<sup>15</sup> School exclusion is not an isolated event, it is a gate way to long term disengagement. A review of pre-sentence for 100 children at risk of detention, conducted by the Queensland Family and Child Commission in 2022, revealed that 94 percent had been disengaged from school.<sup>16</sup>

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<sup>13</sup> Everything Suave (2024). [Everything Suave \(esuarve.com.au\)](https://esuarve.com.au)

<sup>14</sup> Teens Take Control (2024). [Teens Take Control Program | Teen Mentoring Program Sunshine Coast](#)

<sup>15</sup> The Queensland Family and Child Commission, n 13.

<sup>16</sup> The Queensland Family and Child Commission (June 2024), [Exiting youth detention – preventing crime by increasing post-release support](#).

The 2025 report, *“Include me, don’t exclude me”* explores and highlights the experiences of children who have been affected by School Disciplinary Absences (SDAs), critically it reveals stark disparities amongst vulnerable cohorts of children subject to SDAs.<sup>17</sup> First nations students and students with disability at twice the rate of all students, whilst children in out-of-home care are suspended or excluded at three times the rate of all students.<sup>18</sup>

In May 2025, the Queensland Minister for Youth Justice advised parliament that 72 per cent of the 222 children on dual orders with both youth justice and child protection systems had been previously suspended or excluded from school.<sup>19</sup>

This illustrates that an overwhelming number of children who enter into the youth justice system have come from a background of neglect, abuse, chronic instability and trauma, due to unsafe home environments and child protection involvement, and overwhelmingly requiring trauma focused therapeutic care and strong individually assessed educational supports.

When children are removed from classrooms, they not only lose access to education, they also lose access to peer networks, critical support services, routine and opportunities to build confidence and explore pathways to future employment opportunities. The disproportionate application of SDAs impacting students who are First Nations, living with disability, or in-out-of-home care raises concerns about systemic inequities within the schooling system, and the manner in which exclusion compounds vulnerabilities, and lifelong disadvantage. Recognising this intersectionality is essential for educational equity but also in preventing vulnerable children and young people entering the pathway to youth justice.<sup>20</sup>

Policy reform within education portfolios must form as part of a holistic response to the child and reflect the need to provide opportunity for children to be provided education in a culturally safe, and trauma informed learning environment, which nurtures healing, resilience, and lifelong better outcomes.

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<sup>17</sup> The Queensland Family and Child Commission (September 2025), [Include me, don’t exclude me - The experiences of children and young people who have been suspended or excluded from Queensland state schools.](#)

<sup>18</sup> The Queensland Family and Child Commission (August 2023), [Spotlight Youth Justice in Queensland.](#)

<sup>19</sup> The Queensland Family and Child Commission, n 13.

<sup>20</sup> The Queensland Family and Child Commission, n 13.

## Community leaders must take responsibility for the narrative regarding youth crime and there must be greater transparency and reporting across the youth justice system to build community confidence and evidence must dictate where youth justice investment and effort is focused

### Summary

1. **Public perceptions of a “youth crime crisis” do not align with evidence: youth offending has declined for over a decade, and most children do not reoffend after first contact.**
2. **A small cohort of high-risk children is driving repeat offending, yet current punitive responses—including increased remand—are not reducing crime.**
3. **Media amplification and high-profile cases have distorted community understanding, creating pressure for reactive policy rather than evidence-based reform.**
4. **Greater transparency, consistent reporting, and leadership from community and political leaders are essential to rebuild confidence and direct investment toward interventions that demonstrably improve community safety.**

If we are to believe the media, there is a prevailing ‘youth crime crisis’ in Queensland - however on any given day less than half of one per cent of Queensland children are involved in the youth justice system and the rate of youth offending in Queensland has been steadily decreasing since 2008. Furthermore, the majority of young people who have contact with the youth justice system do not reoffend after the first contact.

A particular problem within youth justice policy making is the constant need to balance the response to meet the divergent needs of young people, crime victims, the community and the media.

The Commission has a legislative function to provide advice to government on the laws, policies and practices that apply to children and families. Each year we are required to report on Queensland’s success in meeting State and National goals. In our 2021–22 annual performance report<sup>21</sup>, we outlined clear statistical evidence that:

1. The rate of youth offending in Queensland has been steadily decreasing since 2008.
2. There has been an increase in the use of diversionary practices in Queensland.
3. Over the past 5 years, there has been a decrease in the number, and the rate of children and young people subject to: community-based supervision and custody, including unsentenced custody.
4. Queensland has the second highest rate of youth justice supervision, and the highest number of young people detained.
5. The disproportionate representation of Aboriginal and Torres Strait Islander children and young people in the Queensland youth justice system is ongoing.
6. Queensland has one of the highest rates of unsentenced detention for children.
7. Disproportionate representation is highest for younger Aboriginal and Torres Strait Islander defendants.
8. Aboriginal and Torres Strait Islander children are less likely to be diverted from the youth justice system.

<sup>21</sup> Queensland Family and Child Commission (2022). *Annual report on the performance of the child protection system*. [Queensland Family and Child Commission :: Annual Report 2021-22](#)

The statistical evidence for each of the above 8 points are contained in the Commission's annual report which was tabled in Parliament.

There is no doubt that youth crime is having an impact on the community, and there is legitimate fear. Tragic high-profile cases combined with the increasing availability of home-security footage and the ease of sharing on social media platforms have created an environment where social understanding of the prevalence of youth crime does not appear to match the evidence.

Evidence prepared by the Commission through its 2023 Review of Watch houses<sup>22</sup> shows that:

1. Arrests of a small group of young people have increased.
2. Arrests for certain offences have increased and some young offenders are more likely to be detained than previously.
3. Court bail refusals have increased, and bail granted has decreased.
4. Young offenders are being remanded in custody more frequently.
5. Custody is ineffective in responding to a cycle of reoffending and rearrest.

The picture that emerges from the evidence is that: overall Queensland young people are not engaging in crime; for those that commit crime the majority are not returning to the attention of the justice system; for those that are committing serious crime the current response is not working, leading to them committing more crime, at higher frequency. The nuance of this messaging is not translating to community understanding, and consequently the narrative and policy for youth justice are not aligned to evidence.

Responding to youth crime has been a major public policy challenge for most Australian States. Initiatives for responding to youth offending must be proportionate, purposeful, rehabilitative and reintegrative and investment should be outcome-oriented and produce measurable impact. Unfortunately, youth justice policy is often driven by the perceived need to respond to public sentiment. Unlike other portfolios, a tragic case in youth justice is likely to lead to rapid legislation change and this appears to be a more likely outcome than it is in health, child safety, or domestic and family violence.

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<sup>22</sup> Queensland family and child Commission (2023). *Who's Responsible: Understanding why young people are being held longer in Queensland watchhouses*. [Microsoft Word - FINAL - Watchhouse Review - Who s Responsible - November 2023 FINAL for RELEASE](https://qfcc.qld.gov.au/microsoft-word-final-watchhouse-review-who-s-responsible-november-2023-final-for-release) ([qfcc.qld.gov.au](https://qfcc.qld.gov.au))

## Successful results come from relationship-based, community-based programs that work holistically with young people

### Summary

1. **Evidence shows the most effective youth justice programs are relationship-based, holistic, and delivered in community—not punitive or transactional.**
2. **Sustainable behaviour change requires addressing the young person's whole environment: family stability, housing, education, employment, and supportive adult relationships.**
3. **Successful programs provide long-term, individualised support—including through-care—and use restorative and therapeutic approaches rather than punishment as the primary tool.**
4. **Community-based interventions achieve better outcomes at a fraction of the cost of detention, yet remain under-explained and under-valued in public and political narratives.**

The community has a poor understanding, and governments generally do a poor job of explaining what occurs in community youth justice services. Youth justice programs play a pivotal role in shaping the future of young individuals who have come into contact with the legal system. Successful programs are characterised by their ability to rehabilitate, prevent reoffending, and foster positive personal development.

The evidence is well established that behaviour change is more successful when individuals are nudged, rather than punished. Ayres, Grabosky and Braithwaite state that a strategy “based upon punishment as the first choice is unaffordable, unworkable, and counterproductive” they argue that “the trick of successful regulation is to establish a synergy between punishment and persuasion”.<sup>23</sup> A regulatory model that engages young people in a process of reflection and learning, that teaches responsibility and accountability is necessary.

The research tells us that successful community youth justice programs share common threads: they are rooted in evidence, are relationship-based, individualised to meet specific needs, focus on the young persons living arrangements and family circumstances, and encompass a comprehensive approach that extends beyond punitive and transactional measures.

The strength of all youth justice interventions depends on the ability of the adult workers to build relationships and rapport with young people and for these relationships to be enduring and extend beyond the bounds of detention centres and supervised orders to assist successful reintegration. To be successful real change must occur in the life circumstances of young people. If there is no material change in family, housing, schooling, employment at the end of a youth justice program it is unlikely to achieve sustained change. The most successful programs I have seen include long post-program case management (though-care) including employment and schooling support.

By investing in and implementing such evidence-based programs, society can pave the way for the rehabilitation, prevention, and positive development of youth involved in the justice system. The success of youth justice programs is intricately linked to evidence-based practices that address the complex needs of young individuals. Rehabilitation-centric programs like Functional Family Therapy and Multisystemic Therapy have demonstrated significant reductions in recidivism by focusing on familial and

<sup>23</sup> Ayres, I., and J. Braithwaite. 1992. *Responsive regulation*. New York: Oxford University Press.

environmental factors.<sup>24</sup> Prevention-oriented programs, such as Positive Youth Development and School-Based Prevention, contribute to keeping youth out of the justice system altogether. Holistic approaches like wraparound services and restorative justice address the multifaceted nature of juvenile delinquency, emphasising individualised support and accountability. Ultimately our community youth justice system needs to ensure that:

1. those who work and engage with children are equipped to identify behaviours that can escalate to become harmful or offending
2. clear referral pathways exist for children to receive dedicated services focused on addressing the causes of their behaviour
3. case managers and service providers make active efforts to address a child's individual needs, helping them and their family make sustainable changes for long-term positive outcomes where children have behaved in harmful or unsafe ways, decisions can be made by a panel of diverse professional and community members with expertise in child and adolescent development, psychology, children's rights, and service provision
4. responses are provided within a statutory framework which clearly outlines the responsibilities of service providers, families, and carers to make sure children receive the support that addresses their needs.

The added benefit of community-based youth justice is not only that it is more successful in changing young people's behaviour, but it is also far cheaper than detention.

Last year the cost per child for detention services was \$2,086.32, 10 times more than the cost of a community-based intervention at \$244.53 per child.

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<sup>24</sup> Functional Family Therapy focuses on improving family dynamics by addressing communication breakdowns and dysfunctional patterns. It has shown success in reducing criminal behaviour by enhancing family relationships, thereby providing a supportive environment for the youth. A meta-analysis published in the "Journal of the American Academy of Child & Adolescent Psychiatry" (Sexton et al., 2016) found that FFT significantly reduced recidivism rates among juvenile offenders. Multisystemic Therapy is a family- and community-based intervention that addresses various aspects of a young person's life. It has been successful in reducing recidivism by targeting the underlying factors contributing to delinquency, such as family dynamics and peer relationships. Studies published in the "Journal of Consulting and Clinical Psychology" (Henggeler et al., 1998) reported a significant decrease in criminal behaviour among youth who underwent MST.



# Child Death Review Board Annual Report 2022-23: Reappraising the response to youth crime and the purpose of youth justice

## Summary

1. Case reviews reveal that children entering youth justice share predictable patterns of trauma, disadvantage, disability, and system failures—conditions detention does not and cannot address.
2. Early intervention opportunities were repeatedly missed, with families left unsupported and children's escalating needs met with punitive responses rather than timely, therapeutic or culturally informed support.
3. Detention exacerbated harm: prolonged separations, inconsistent staffing, bullying, and transactional case management failed to improve wellbeing or community safety, despite significant time spent in custody.
4. The Board identifies urgent system reforms—early intervention, trauma-informed and relational models of care, strengthened workforce capability, and reintegration support—as essential to prevent further harm and reduce reoffending.

During 2022-23, the Queensland Child Death Review Board examined the deaths of six young people known to both the child protection and youth justice systems. Among these were two boys, one identifying as Aboriginal and the other as Aboriginal and Torres Strait Islander, whose experiences prompted an in-depth exploration of the youth justice system. Both boys had extensive contact with Youth Justice, including time in detention. Their stories highlight the complex and challenging circumstances faced by many young people in the Queensland youth justice system.

The two boys shared a range of early-life adversities, including in-utero exposure to violence, alcohol, and substances, along with chronic child abuse and neglect. Both experienced unstable living conditions, including time in care and separation from family. They faced educational disengagement, undiagnosed cognitive and language impairments, mental health issues, and substance use, which were compounded by associations with antisocial peer groups. Their repeated interactions with police and eventual involvement in criminal offending led to periods in detention, a system that ultimately failed to address the root causes of their behaviours.

Both boys had similar family backgrounds, being the second children of young mothers and raised by extended family due to their mothers' inability to provide care. The absence of their fathers, coupled with family instability and a lack of consistent support for their caregivers, further complicated their lives. Despite the involvement of Child Safety, there was no ongoing intervention to address their needs, leaving their extended families struggling to manage their complex behaviours. These unresolved issues, combined with their unstable childhoods, drove them to seek belonging in peer groups that negatively influenced their behaviour, leading to their entry into the youth justice system.

Despite early signs of distress and challenging behaviours, including criminal offending and substance abuse, the system appeared ineffective in improving their wellbeing. Instead, their time in detention seemed to exacerbate their trauma, furthering their sense of hopelessness and disconnection.

In its 2021-22 Annual Report, the Board highlighted a cohort of children and young people (aged 12-17) with complex needs, exhibiting behaviours such as substance use, violence, criminal offending, and suicidal ideation or attempts. Common features in their life trajectories included disengagement from education, illicit substance use, frequent contact with Queensland Police and Youth Justice, and unstable housing, often living away from family. Many had significant child protection involvement from an early age due to family issues like domestic violence, parental substance abuse, and neglect. While several had suspected or diagnosed intellectual disabilities and mental health issues, there were notable gaps in assessments and services when these behaviours first emerged in early childhood.



In Queensland, youth justice services and detention centres operate under the Youth Justice Act 1992, which aims to rehabilitate and reintegrate young offenders while reducing criminal behaviour and improving community safety. However, Queensland leads the nation in the number of children in custody, with its youth representing 21.7% of the national population of 10-17-year-olds but 66.1% of those under youth justice supervision. In 2022, an average of 267 young people were in youth custody each day, with 256 in detention centres and 227 on unsentenced detention. Queensland had the second highest rate of youth in custody and under community-based supervision in 2021-22, and its youth spent the most nights in custody, accounting for over a third of the national total.

In 2021-22, 60% of young people completing unsentenced custody in Queensland spent 30 or more nights in detention, with First Nations youth (62%) overrepresented compared to non-Indigenous youth (56%). First Nations children made up 64% of those under youth justice supervision and 66% of those in detention, despite being only 7% of the general population. Indigenous youth aged 10-17 were 21 times more likely to be under youth justice supervision and 23 times more likely to be in detention than non-Indigenous youth. The Board identified key themes to improve youth justice outcomes, focusing on enhancing young people's social and emotional well-being, addressing poor educational engagement, assessing the impacts of the current detention model, and reducing the over-representation of First Nations children in the system.

The *Working Together Changing the Story: Youth Justice Strategy 2019-2023* emphasises the cost-effectiveness of prevention programs that address parenting, community support, family risks, mental health, disability, and educational challenges. The Board's case reviews highlight the tragic consequences when prevention and early intervention are not prioritised for at-risk children. The strategy, based on the "four pillars" from Bob Atkinson's 2018 report—intervene early, keep children out of court, keep children out of custody, and reduce re-offending—aims to address these gaps. The two boys highlighted in the Annual Report Chapter experienced significant disadvantage and trauma from early childhood yet received inadequate early intervention. Missed opportunities for intervention included screening for Foetal Alcohol Spectrum Disorder (FASD), trauma-informed support for informal family care, early identification of speech and language disorders, and targeted mental health support. These gaps in early intervention left their families to navigate challenges alone until behaviours escalated, resulting in punitive responses rather than proactive support.

The lack of early engagement with families, timely diagnosis, and intervention hinders the system's ability to support children effectively and help them reach their potential. Research since the early 2000s has highlighted how social determinants of health (SDH) contribute to disparities in health outcomes, indicating that individuals from disadvantaged backgrounds face poorer health and justice outcomes. In Australia, most people in custody come from highly disadvantaged environments, with 10-17-year-olds in the lowest socioeconomic areas being five times more likely to be under youth justice supervision than those in higher socioeconomic areas. A 2022 Youth Justice Census of 1,605 young offenders revealed alarming statistics: 45% were disengaged from education or employment, 53% experienced domestic violence, 30% lived in unstable housing, and 27% had a parent who had been incarcerated. Additionally, 19% had active child protection orders, 27% had diagnosed or suspected disabilities, and 33% had mental health or behavioural disorders. These findings suggest a predictable pattern among young people entering the youth justice system, indicating that holistic family support services may be a more effective crime prevention strategy than traditional "tough on crime" measures.

To effectively address youth crime and alter offending behaviours, it is essential to understand the root causes and motivations in the lives of young people and tailor our responses accordingly. The Board observed that the individualised and risk-focused models currently employed in the youth justice system are often narrow, siloed, and fail to capture the complexity of social and emotional wellbeing for children, young people, and their families. This transactional approach leads to superficial interactions, primarily

addressing episodes of offending and court matters, rather than fostering the long-term, relational engagement that evidence shows is more effective.

The cases of two young individuals illustrated the system's focus on risks and deficits, revealing a lack of accountability in addressing the underlying issues in their lives. As the Board sought to understand the factors contributing to these boys' deaths, it noted the varying theories and frameworks applied within different service systems, which further complicates the pursuit of comprehensive solutions.

Focusing solely on individual risk factors and illness models can lead to an oversimplified understanding of complex issues like suicide and overdose deaths, which are often viewed through a healthcare lens. While acknowledging the importance of timely access to drug detoxification and mental health services, such perspectives can misinterpret the underlying causes of these tragedies by attributing them primarily to "drug abuse" or "mental illness." This narrow approach overlooks the broader social, political, and cultural contexts that significantly shape the lives of the individuals involved, ultimately failing to capture the full complexity of their experiences and the systemic factors contributing to their deaths.

In its response the government acknowledged the need for the youth justice system to provide comprehensive health and rehabilitation services, education, vocational skills, and support for young people transitioning back to their communities and into adulthood. However, the experiences of two boys in detention starkly contrast with this ideal, as they collectively spent 600 days in custody with limited success in achieving positive life outcomes or enhancing community safety. Both boys faced repeated admissions to Cleveland Youth Detention Centre and West Moreton Detention Centre, during which they received some health and educational services that were lacking outside detention. However, these efforts were undermined by inconsistent staffing, frequent separations, and an overall culture within the facilities that did not promote lasting behavioural change.

The boys' records largely reflected transactional interactions with the system, lacking any long-term planning for their reintegration into the community. Additionally, one boy experienced bullying and victimisation during his time in detention, leading to feelings of unsafety and attempts to isolate himself. Their time in detention was further complicated by prolonged periods of separation, which contravenes international human rights standards prohibiting solitary confinement for children and young people.

Children and young people involved in child protection and youth justice systems often face marginalisation and recriminalisation by the very systems intended to protect them, resulting in poorer outcomes and increasing community frustration with repeat offending. In detention, young people experience confinement and extended separations due to staffing shortages, limiting their access to human connection, education, and rehabilitative programs, which in turn escalates problematic behaviour. The Board's findings indicate several critical areas for improvement:

1. a need for clearer early-intervention support services to prevent escalation into the youth justice system, necessitating collaboration across education, health, housing, child safety, and justice sectors
2. an improved detention model of care that addresses trauma and the root causes of offending, while recognising how current internal processes can exacerbate negative behaviours
3. enhanced workforce design in youth justice to improve staff skills and retention, and
4. better support structures for young people exiting detention, particularly those with limited family and community connections.

The Board emphasises that its cross-agency analysis revealed significant missed opportunities to prevent youth offending, suggesting that similar reviews could provide valuable insights for systemic change. The Department of Youth Justice has committed to publishing comprehensive information on its operational model and practices, as part of an ongoing reform agenda aimed at improving the functioning of Queensland's youth detention centres. Sanctions and consequences handed down to

young people – including the use of detention - must have meaningful learning context relevant to their circumstances.

To promote meaningful behaviour change and divert young people from engaging in criminal behaviour, responses by the youth justice system must incorporate a holistic model which utilises both the strengths and developmental needs of children and young people.

## Youth detention centres must be redesigned to be places of rehabilitation

### Summary

- 1. Detention in its current form is ineffective and costly: built for containment rather than rehabilitation, it fails to address the drivers of offending and contributes to long-term harm and high recidivism.**
- 2. A purposeful, evidence-based detention model must be founded on clear design principles—therapeutic care, cultural connection, relational security, multidisciplinary staffing, measurable standards, and seamless through-care.**
- 3. Criminalising children too young causes lifelong damage; raising the minimum age of criminal responsibility enables developmentally appropriate, trauma-informed and culturally led interventions that are more effective and far less costly.**
- 4. The overwhelming use of remand and early criminalisation—especially of Aboriginal and Torres Strait Islander children—demonstrates a system misaligned with evidence and highlights the urgent need for community-based, preventative responses.**

Detention is the most intensive and intrusive response available within the youth justice system. Removing a child's liberty for a period of time is, in itself, a significant punishment. What determines whether detention protects the community is how that time is designed and used. When detention environments are not purposefully structured for rehabilitation, they become the least effective and most expensive mechanism for responding to youth crime.

Across Australia—and particularly in Queensland—youth detention centres have not been designed or operated in ways that address the underlying causes of offending. Persistent workforce shortages, reactive operating models, and infrastructure built around containment rather than development mean that children do not receive the therapeutic, educational, cultural and relational supports that research shows are required to shift behaviour. These systemic shortcomings are compounded by the fact that most Queensland children are held on remand or in very short, sentenced periods, giving limited opportunity for meaningful intervention within the current model.

The outcomes speak for themselves. On an average night in 2020–21, Queensland detained more children than any other jurisdiction, and 64 per cent were Aboriginal and/or Torres Strait Islander children. Recidivism rates remain among the highest in the country. Research—including Royal Commissions, state inquiries, and longitudinal studies—consistently demonstrates that time in poorly designed custodial environments increases the likelihood of reoffending and contributes to long-term harm. Young people who have been in detention face poorer educational, housing, employment and health outcomes, and greater risk of ongoing criminal justice involvement.

Detention should only be used when a child poses an immediate and serious risk to themselves or the community. In those circumstances, the safe place they are taken must be capable of delivering intensive, developmentally appropriate, therapeutic support, not simply secure containment. A prison

environment—particularly one that relies on isolation, rigid control, and unstable workforce capacity—cannot provide this.

Other Australian jurisdictions have begun to implement clearer, evidence-informed operating models for detention, anchored in human rights obligations and child development principles. Queensland does not yet have a single, articulated model that explains how its infrastructure, workforce, programs, culture, and partnerships operate together to achieve rehabilitation. In the absence of such a model, practice becomes inconsistent, reactive, and dependent on the discretion of individual officers rather than on system design.

For a detention system to deliver behaviour change and community safety, it must be built on explicit and measurable design principles. These principles provide clarity of purpose, guide resource allocation, and ensure accountability for outcomes.

A purposeful model of youth detention should include:

1. A clear, legislated youth justice philosophy that positions detention as a last resort and defines rehabilitation—not containment—as the primary objective, guiding infrastructure, staffing, programs and operations.
2. Integration within a continuum of youth justice responses, ensuring that detention aligns with family-focused interventions, through-care, and post-release supports. Service relationships must continue across the custody boundary, not cease or transfer at the gate.
3. Transparent, measurable service standards for daily routines, access to education, family engagement, cultural connection, therapeutic care, and time out of cell—supported by public reporting and an evaluation framework.
4. A workforce model designed for rehabilitation, with explicit capability requirements, multidisciplinary staffing, and selection based not only on technical skill but on demonstrated relational, cultural and developmental competence.
5. Strong partnerships with community, culture and service systems, enabling children to maintain or rebuild the relationships and supports that are essential for long-term behaviour change.
6. A modern approach to security, balancing relational and procedural security with positive behaviour support, and ensuring that physical infrastructure promotes safety, dignity, learning and connection rather than confinement.
7. Commitment to cultural and community connection, recognising that identity, belonging and cultural authority are protective factors and critical components of a young person's rehabilitation.
8. Alignment of practice with outcomes, ensuring that design principles translate into measurable actions that directly influence a young person's trajectory back to family, school, culture and community.

Without these design features, detention will continue to be an intervention that delivers poor outcomes at extraordinary financial cost. With them, detention can become a structured, time-limited opportunity to stabilise children, address the drivers of their behaviour, and support meaningful change—aligning with Australia's obligations under domestic and international human rights frameworks and strengthening community safety.

It is additionally well established that introducing children to the criminal justice system at an early age contributes to long term social, psychological and behavioural harm, exposing those children to isolated, restrictive and institutionalised environments, as well as psychological trauma, undermining the opportunity for rehabilitation and reintegration to their community.<sup>25</sup> The evidence is consistently clear, that children who experience criminalisation are more likely to disengage from education, are more likely

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<sup>25</sup> The Australian Institute of Criminology (January 2024), [Children aged 10 to 13 in the justice system: Characteristics, alleged offending and legal outcomes](#).

to reoffend and experience lifelong involvement with the adult justice system. This evidence is particularly compelling in consideration of the overrepresentation of Aboriginal and Torres Strait Islander children within the youth justice cohort, despite making a small proportion of Australia's youth population.

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Youth detention, in addition to any future escalation of adult detention comes at a significantly greater financial and social cost to that of the community than community based early intervention and diversionary programs. During the 2023 – 2024 reporting period in Queensland, it is estimated the average estimated cost per young person supervised in the community is \$412.03, this is compared to daily costs to detain a young person within the youth justice detention setting, approximately \$1,500. A combination of other comprehensive holistic strategies, even delivered intensively, will be significantly more cost effective.<sup>27</sup>

The Queensland Ombudsman and Inspector of Detention Services published the *Cleveland Youth Detention Centre inspection report: Focus on separation due to staff shortages* on 27 August 2024, which specifically details the impacts of operational pressures on delivering appropriate services to young people detained at the centre, and the need for workforce and infrastructure review to improve operations at the centre.<sup>28</sup> The report highlights the impacts on young people who are subject to lengthy and frequent periods of separation, particularly in response to staff shortages when there are too few operational staff to maintain the safe supervision ratio.

The Inspection report did state that the rate and duration of separations decreased throughout late-2023 however this experience is not isolated to the Cleveland Youth Detention Centre, and the Commission is aware that young people detained in other centres across the state have been subjected to regular separations to respond to operational strain. The Inspection Report highlights the human rights concerns inherent in the use of separation.

During a separation, children are locked alone in their room. They can communicate with staff through their door or via intercom. This practice impacts the ability for children to have meaningful human contact whilst in custody, and impacts their ability to engage in prosocial activities, engage with culture, attend specific intervention, and attend education and school whilst in a detention centre. The Inspection Report highlighted the concerns raised by psychologists at the centre that their work is predominantly reactive and responding to dynamic high-risk need, rather than progressive proactive intervention to address criminogenic needs and prepare for transition to the community.

The Commission report, *Exiting youth detention: Preventing crime by improving post-release support*, highlighted the criticality of the transition period from detention centre to community and the need for intentional planning to establish sustainably support networks to continue restorative rehabilitation post-custody.<sup>29</sup>

This work highlighted that:

- ☐ Operational strain and chronic workforce shortages are driving frequent, prolonged separations in detention—conditions that undermine rehabilitation and breach basic human rights.

<sup>26</sup> The Queensland Family and Child Commission, n 15.

<sup>27</sup> The Queensland Family and Child Commission, 15; Department of Youth Justice and Victim Support (September 2025), [Annual Report 2024-25](#).

<sup>28</sup> Queensland Ombudsman (2024). *Cleveland Youth Detention Centre inspection report: Focus on separation due to staff shortages*. [Cleveland Youth Detention Centre inspection report: Focus on separation due to staff shortages \(ombudsman.qld.gov.au\)](#)

<sup>29</sup> Queensland Family and Child Commission (2023). *Exiting youth detention: Preventing crime by improving post-release support*. [Microsoft Word - Exiting detention report 24 May 2024 \(Designed 7 June\) \(qfcc.qld.gov.au\)](#)



- Separation severely restricts children's access to meaningful human contact, cultural connection, education, and therapeutic programs, leading to worsening behaviour and poorer long-term outcomes.
- Psychologists and caseworkers report that detention centres are operating reactively, with limited capacity for proactive, rehabilitative intervention or structured transition planning.
- Independent oversight bodies call for legislative reform to limit the use of separation and mandate humane standards—reinforcing the urgent need for a redesigned, rehabilitation-focused detention model.

The Inspection Report makes a number of recommendations including to amend the Youth Justice Act 1992 *“to include mandatory prerequisites for the use of separation, and requirements for the human treatment of children in separation”*. The Commission recognises the work of the Inspector of Detention Services and the Queensland Ombudsman in the review of the Cleveland Youth Detention Centre and shares the concerns raised in the report such as the reduced capacity for children to have meaningful human contact when in separation mode, and the need for proactive case management and rehabilitative support to plan for their return to the community.

National minimum standards in youth detention are integral to ensuring a baseline of expectation of safety, accountability and transparency of services is achieved. Without clear nationally led expectations, practices will continue to vary in accordance with jurisdictional led policy, including whether the minimum international human rights are upheld in service delivery, and in the training and development standards for the service delivery workforce.<sup>30</sup>

Much of the inquiries across the past 10 years into youth justice have highlighted how crucial workforce training and development is in influencing outcomes for young people in youth justice settings, with quality of care greatly dependent on staff competency, trauma and culturally informed practice and system wide understanding of the individual age of child development.<sup>31</sup>

Consistency across the Australian youth justice sector in training and development of the workforce, will ensure minimum standards and continuous improvement in upskilling are applied, providing for a more skilled professional, and empathetic workforce. Such uniformity of standards of care would not be intended to replace state autonomy but would ensure national transparency in offering a minimum baseline for how children and young people are treated and supported within the youth justice sector, including any separation practices whilst detained, and which provides for strengthens based rehabilitative outcomes.

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<sup>30</sup> The Queensland Family and Child Commission (June 2025), [Statutory systems workforce survey Research Report; The Queensland Family and Child Commission](#); (August 2023), [The Queensland Child Rights Report](#).

<sup>31</sup> The Queensland Family and Child Commission, Principal Commissioner Luke Twyford, n 1.

## Building a system response

### Summary

1. **Fragmented governance across Commonwealth and state portfolios creates service gaps, duplication, and inconsistent access to early intervention, diversion, mental health care, and transition supports for young people.**
2. **Short-term, episodic justice responses cannot address the environmental and developmental drivers of youth offending; system reforms must focus on prevention, pro-social engagement, and coordinated cross-government action.**
3. **A national youth justice strategy is needed to ensure consistent, culturally informed, trauma-responsive supports—particularly in health, disability, education, housing and family services—regardless of jurisdiction or geography.**
4. **National minimum standards for youth detention and workforce capability are essential to ensure safety, uphold human rights, and deliver high-quality rehabilitative care across all Australian jurisdictions.**

In 2024, the Queensland Parliament dissolved the Youth Justice Reform Select Committee, prior to finalisation of the Inquiry. The Select Committee had been established to consider:

- a. the prevention of entry and diversion of youth offenders from the justice system with specific consideration of risk and protective factors that reduce crime
- b. effective ways to stop recidivism and protect the community from offending and the opportunity for community-controlled organisations with specific reference to the role of First Nations peoples to provide support solutions and services
- c. the efficacy of:
  - i. justice programs including on-country programs, education, health and housing services
  - ii. reducing people carrying weapons
  - iii. evidence-based early intervention and prevention programs
  - iv. reducing the numbers in custody on remand
  - v. alternatives to detention
  - vi. detention and other consequences of offending
  - vii. the most suitable infrastructure used for custody, detention or residential components necessary to reduce crime,
- d. systems and processes to provide immediate and ongoing support for victims of crime.

The Committee considered the challenges in responding to youth crime in Queensland, notably that the youth justice system interacts with other systems (including health, education, disability, housing, child safety, police and the courts) and that there remains a siloed approach to youth justice responses. The Committee made 60 recommendations in the Interim Report including that *“the Queensland Government commit to developing a long-term youth justice strategy that seeks to address the challenges identified in Queensland’s youth justice system, including siloes in service delivery and the accuracy and transparency of data”*.<sup>32</sup>

<sup>32</sup> Queensland Parliament (2024). *Inquiry into ongoing reforms to the youth justice system and support for victims of crime*. [5724T612-1B7E.pdf](https://www.parliament.qld.gov.au/5724T612-1B7E.pdf) ([parliament.qld.gov.au](https://www.parliament.qld.gov.au))



Short-term, transactional responses to offending episodes are ineffective in addressing the drivers of youth crime. A system response to youth justice requires intentional, progressive intervention to address not only the behavioural presentation of the young person, but the environment they occupy. It is unrealistic to expect that a young person will have the means and capacity to address the root causes for the offending behaviour during the period of their community-based supervision, or detention. Conversely, it is not appropriate for young people to be over-exposed to justice responses, with research documenting that young people with early and repeated exposure to the criminal justice system are far more likely to reoffend. There is need therefore for true systemisation in addressing youth crime from a prevention perspective – to address the environmental and social factors which place children at greater risk of antisocial and offending behaviours early and to invest in strengths-based diversion and redirection to engage children in pro-social activities, maintain engagement in school, and promote meaningful connection with their community.

In view of addressing the core drivers of offending behaviour and offering the young person the best opportunity for rehabilitation and better outcomes for them, their family and community, a coordinated national strategy is required to better manage system fragmentation and services overlap. In particular, there is much more needed national investment in community led early intervention diversionary services, and trauma and culturally informed mental health care services within the Commonwealth portfolios. This identified need is complimentary to additional state-based services, ensuring all young people, regardless of jurisdiction and geographic location, receive just, culturally informed, and age-appropriate youth justice responses and early intervention system supports.<sup>33</sup>

A core structural issue relating to the issue of access to transition services and ongoing therapeutic treatment, is also contributed to the fact that much of the services that a young person requires when coming into contact with youth justice whether it be diversionary, rehabilitative or transitional in nature, are regulated by Commonwealth, federally funded services such as Medicare, Centrelink, and disability support services through the National Disability Insurance Agency (NDIA). State governments in return provide public health services including mental health support services, education, child protection, and education services. This creates a multilayered governance structure, which is resulting in funding gaps, and service overlap, with unclear accountability, transparency and little consistent data reporting across the service sector, which would ultimately improve system response and evaluation led outcomes.<sup>34</sup>

State-based responsibility for community needs extend as far as providing access to education via multiple delivery channels to support various learning and developmental styles, through providing access to social housing to meet accommodation and shelter needs, and through delivery of health services. There remains need however to address the access-gap of Medicare-funded health services to support early identification of medical, intellectual, psychiatric and psychological needs, and the reliance on federally funded welfare to meet rising costs of living. Acknowledging the research of the Australian Child Maltreatment Study (2023)<sup>35</sup> detailing the long-term impacts of childhood harm, and the findings of the Australian Institute of Criminology as to the prevalence of Adverse Childhood Experiences (ACE) amongst young people subject to youth justice supervision<sup>36</sup>, there is clear evidence that young people who engage in offending behaviour require a coordinated cross-portfolio strategy which responds to:

- material basics, including financial stability, housing and safe shelter,

<sup>33</sup> The Queensland Family and Child Commission, Principal Commissioner Luke Twyford, n 1.

<sup>34</sup> The Queensland Family and Child Commission, Principal Commissioner Luke Twyford, n 1.

<sup>35</sup> Australian Child Maltreatment Study (2023). *The prevalence and impact of child maltreatment in Australia: Findings from the Australian Child Maltreatment Study: 2023 brief report*. [3846.1 ACMS A4Report V2.1 Digital 20230627-1.pdf](https://www.aic.gov.au/sites/default/files/2023-06/3846.1_ACMS_A4Report_V2.1_Digital_20230627-1.pdf)

<sup>36</sup> Australian Government – Australian Institute of Criminology (2022). *Trends and issues in crime and criminal justice: Adverse childhood experiences and trauma among young people in the youth justice system*. [https://www.aic.gov.au/sites/default/files/2022-06/ti651\\_adverse\\_childhood\\_experiences\\_and\\_trauma\\_among\\_young-people.pdf](https://www.aic.gov.au/sites/default/files/2022-06/ti651_adverse_childhood_experiences_and_trauma_among_young-people.pdf)

- trauma needs, as it relates to long-term psychiatric and psychological intervention, and
- belonging needs, through maintaining a positive and pro-social engagement with their community that promotes connection and a sense of value.

In the specific context of youth justice, we must teach and show young people how they form part of, and have responsibility to contribute to, a positive, vibrant, and safe community.

## Conclusion

A safe community is not built through fear, punishment or exclusion. It is built through shared responsibility, evidence-based action and a collective commitment to the wellbeing of children and young people.

**When communities genuinely value children and teenagers, particularly those who are struggling, they invest not only in safety today, but in the social, economic and civic strength of the future.**

**The evidence is unequivocal. Young people who are supported, treated with dignity, and given opportunities to heal, learn and belong are far less likely to cause harm to others.**

Conversely, systems that respond primarily through control, isolation and punishment entrench disadvantage, fuel reoffending and undermine community confidence. Community safety and child wellbeing are not competing objectives; they are inextricably linked and mutually reinforcing.

Australia's long-term success depends on our willingness to confront the drivers of harm and to design systems that recognise the developmental realities of childhood and adolescence. This requires leadership that resists reactive policymaking, invests in what works, and maintains a consistent focus on prevention, rehabilitation and accountability that is proportionate and effective. It also requires honesty with the community about what delivers lasting safety - and what does not.

**At its core, this is about hope. When children believe they have a future, when families and communities see pathways rather than dead ends, and when systems are aligned to support growth rather than simply manage risk, a powerful self-reinforcing cycle emerges. Children do better, communities become safer, and public confidence is strengthened.**

If Australia is to succeed as a fair, safe and prosperous nation, we must ensure that our youth justice responses reflect our values: that every young person matters, that accountability must be developmentally informed, and that community safety is best achieved by building the conditions in which all young people thrive.

Luke Twyford