

## Significant Policy Moments: Queensland 2003-2015

Last updated: 26 January 2016

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### 2003

- *Juvenile Justice Act 1992 amendments*

Majority of amendments took effect on 1 July 2003. Included a charter of juvenile justice principles, a new intensive supervision order, renaming of certain orders, amended right of election processes, included permission to name offenders in certain circumstances, empowered courts to revoke certain orders (previously an administrative decision), changed some policing processes to make them consistent with adult processes and clarified arrangements for offenders with both adult and juvenile orders.

- *Youth Justice Regulations 2003*

Includes provisions regarding young people's admission to detention, the management of behaviour within detention centres, the use of restraints and separation, searches, contact with people outside detention, health and medical services, and the management of young people's property.

- *Youth Justice Conferencing program is expanded*

Expanded to North Queensland, Far North Queensland, Central Queensland and three other areas across the state. Legislative amendments remove the requirement for a victim's consent in order for police and courts to refer offenders to a conference. Proposed two new services be established in 2004-05.

- *Brisbane Youth Murri Court established*

- *Youth Justice Services expanded*

State-wide expansion from 5 to 14 services, providing supervisory, rehabilitative and re-integrative services to young offenders on community-based youth justice orders and upon leaving detention.

### 2004

- *Departmental changes*

On 12 February 2004 the Families Department (including the Child Protection Branch) was abolished. Its functions were transferred to two newly-created departments: Communities and Child Safety. Responsibility for juvenile justice was transferred to the new Department of Communities.

- *Inside Out Report: Review of women and girls access to legal services in custody – Legal Aid Queensland, Women's Legal Service, Prison Access Project.*

The review was motivated in part by rising numbers of women in custody (almost tripling in number from 1995-2000). Includes data collected from Brisbane Youth Detention Centre.

- *Incorrections Report, QUT*

Queensland University of Technology report into prison release practice and policy, largely discredited by Government. Recommended increasing the age of criminal responsibility to 18 under the *Juvenile Justice Act 1992*.

- *Crime and Misconduct Commission Report Protecting Children: an Inquiry into Abuse of Children in Foster Care*

Recommended an expansion of Youth Justice Services across the State.

- *Coordinated Response to Young People at Risk (CRYPAR) pilot in the North Brisbane Police District*

Early intervention program implemented by police that targets young people between the ages of 12-25 years who are 'at risk' of further involvement in the criminal justice system.

- *Education Program in Youth Detention Centres*

Provided for a vocational education and training program in youth detention centres for 50 weeks per year as committed through a Memorandum of Understanding (MOU) between the Departments of Families, Education Queensland and Employment and Training.

- *Strategic review of Youth Justice Conferencing Program*

Aimed to develop and implement a revised business model.

- *U-Turn program established*

Commenced in 2004 to reduce the rate of repeat offending for young car theft offenders. In 2005 the program provided eight 10-week courses – over 80% of graduates were linked to employment or further training.

## 2005

- *Youth Justice Conferencing Review*

Revised structure included expansion into regional and remote communities, increase in service delivery offices. Introduces a trial of Conferencing Support Officers (Indigenous) to engage Aboriginal and Torres Strait Islander peoples.

- *Cleveland Youth Detention Centre expanded*

Expanded to a 48-bed capacity (from 24 beds). Accommodates young males from north of Rockhampton.

- *Review of Murri Courts (including Youth Murri Courts)*

Five established Murri Courts were reviewed and a report presented to the Government with recommendations for supporting the program. Funding was approved for the five courts from 2006-09 to implement most of these recommendations. Consideration of legislation was deferred until an evaluation of the Murri Courts has been completed.

- *Partnerships Queensland: Future directions framework for Aboriginal and Torres Strait Islander Policy 2005-2010*

A framework which sought to integrate and consolidate all (then) current Aboriginal and Torres Strait Islander policies. In this sense, PQ does not replace existing Queensland Government policies; rather, it aligns them under a common set of goals and mechanisms for change. With respect to the goal of 'safe places', relevant initiatives include youth conferencing, an expansion of the Drug Court to North Queensland, the Indigenous JP magistrate courts and the Murri Court. Further, the PQ Performance Framework headline indicators include contact with juvenile and adult justice systems (diversions, court appearances, court outcomes and detentions) and progression from the juvenile system to the adult system; re-

offending; and deaths in custody. In 2006, the *Partnerships Queensland Progress Report* was released, indicating progress in relation to each of the key goals of PQ. In terms of progress for 'safe places', relevant initiatives emphasised included continued operation of the Murri Court, Indigenous JP programs, enhanced youth justice conferencing and community-based services, and further support for CJGs.

- *Cunneen, C, Evaluation of the Queensland Aboriginal and Torres Strait Islander Justice Agreement (2005) (Institute of Criminology, University of Sydney)*

This was the first independent evaluation of the Justice Agreement. In the evaluation, statistical information was provided in relation to rates of Indigenous contact with the justice system during the period (to date) of the Justice Agreement. In terms of the Justice Agreement measures of success, there has been a reduction in Indigenous young people sentenced to detention between 2000-01 and 2003-04. However, this was overshadowed by the growing remand population. The most significant impact on Indigenous detention rates was to be achieved through programs and policies aimed at reducing the remand population.

## 2006

- *Report on the review of the Murri Court. Parker N & Pathé M, Queensland Department of Justice and Attorney-General: Brisbane.*

In September 2005 an internal review of the Murri Court was commissioned to assess the court's effectiveness and whether its operations can be improved with a view to making it a recognised and permanent fixture of Queensland's Magistrates Court and Childrens Court system. Describes the features of the Murri Court, and presents an analysis of current objectives. The review found that additional resources would support the Murri Court by improving operations and alleviating stresses on the court system and stakeholders, which has resulted in additional funding from the Queensland Government. Lists 18 recommendations and update on current locations.

- *Department of Communities Progress Report to CMC - Reforming the Queensland child protection system*

Notes intersection of child protection system with youth justice and the need for a holistic response and collaboration, especially in relation to child protection orders, protection orders, juvenile justice orders, bail programs and youth justice conferencing services.

<http://www.communities.qld.gov.au/childsafety/about-us/publications/blueprint-for-implementing-the-cmc-report-recommendations/progress-in-reforming-the-queensland-child-protection-system>

- *Department of Communities Aboriginal and Torres Strait Islander Youth Justice Strategy 2006-2009*

Deliverables included enhancing use of existing diversionary justice options, enhancing cultural suitability of programs, strengthening family engagement and enhancing bail support service system.

- *Anti Discrimination Commission of Queensland Report: Women in Prison Report*

Explored many areas of discrimination and stressed that the best interest of children are not being addressed in sentencing or policy decisions. Recommended the Government immediately legislate to increase the age of criminal responsibility to 18

years; recommended the Government immediately cease placing 17 year old offenders in adult prisons and female 17 year old offenders in protection units in adult prisons. [http://www.adcq.qld.gov.au/pubs/WIP\\_report.pdf](http://www.adcq.qld.gov.au/pubs/WIP_report.pdf) The Department in responding to the ADCQ report did not accept many of the findings and recommendations (Government report in response no longer online).

- *Youth justice services expanded*

Addition of 8 sites in 2005-06; and 11 sites in 2006-07 bringing total number of service sites to 32.

- *Expansion of youth justice conferencing*

In December 2006 the Department of Communities endorsed new policy and procedures to guide delivery of youth justice conferences for offences of a sexual nature.

- *Evaluation of the Queensland Aboriginal and Torres Strait Islander Justice Agreement: Queensland Government Response (November 2006)*

Whilst Queenslanders had relatively low Indigenous youth and non-Indigenous youth rates of detention, the level of overrepresentation of Indigenous youth was found to be slightly higher than when the Justice Agreement was signed. Policies addressing remand populations were thought to probably be most effective in addressing this issue. The DOC was developing a remand strategy for juvenile offenders. This was to comprise four key elements, including the development of an effective assessment tool across the criminal justice system to assess bail risk and to determine bail options; identify funds for offenders with high needs; investigate the expansion of youth bail accommodation support services; and identify possible family support funds for high risk and high need young people and families.

## 2007

- *Department of Communities review of the Juvenile Justice Act 1992*

Consultation focused on the appropriateness of existing sentencing options, whether greater range of accountability options is required, the causes and options to address high levels of remand, appropriateness of existing options for young Indigenous offenders, improving transition from detention into the community and conferencing provisions. Respondents mainly focused on increasing resources for youth justice programs or other support services, with legislative changes being a lesser feature.

- *The Youth Justice Services Practice Manual and Youth Justice Conferencing Practice Manual released*

'How to' guide covering theoretical foundations, case management, working with Child Safety services, police processes, youth justice conferencing, bail, sentencing and probation. The Conferencing program was expanded to include 12 Indigenous Conferencing Support officers and 5 Senior Indigenous Conferencing Officers.

- *Introduction of Indigenous Service Support Officers in youth justice service centres*

Introduced 2007, expanded 2008-09 in locations where there are high numbers of Aboriginal and Torres Strait Islander young people under supervision. Key role in facilitating communication between youth justice staff and Indigenous communities. ISSOs contribute to case planning, and have a consultative role with families and elders, community agencies and government departments.

- *Young Offender Community Response Service*

Pilot program in Cairns. Specific focus on delivering culturally competent services for Aboriginal and Torres Strait Islander young people and their families.

- *Youth Justice Intervention framework*

Promoted development of cultural identity and support for Indigenous young people in the justice service system. Also provided financial support for respected Indigenous community representatives involved in conferencing processes.

- *Safe Youth-Safe Communities initiative*

Focused on addressing the risks and needs of young people involved in violent behaviour or who are assessed as having an increased likelihood of being involved in violent behaviour in the Inala, Logan and Ipswich areas.

- *Crime and Misconduct Commission Review of implementation of recommendations from CMC's Protecting Children Report*

In January 2006, the Queensland Government released a report showing that 89 of 0110 recommendations for reforming the state's child protection system had been implemented, and significant progress had been made on implementing the remaining 21. This CMC review indicated that while progress had been commendable, more work still needed to be done to keep pace with community expectations of how Queensland's child protection system should operate.

<http://www.cmc.qld.gov.au/topics/misconduct/investigating-misconduct/public-hearings/cmc-public-hearings/2003-04-foster-care-in-queensland-1/2003-04-foster-care-in-queensland>

- *Crime and Misconduct Commission inquiry Restoring order: crime prevention, policing and local justice in Queensland's Indigenous communities.*

Following death of Cameron Doomadgee (Mulrunji) in the police watch-house on Palm Island in November 2004 and the rioting against police that occurred in January 2007 in Aurukun.

## 2008

- *Arukun Child Sexual Assault case*

Widely publicised case relating to 'soft' sentencing on Aboriginal communities for sexual offences against children - led to Crime and Misconduct Commission inquiry released in 2009.

- *Implementation of Bail Support Service in Far North Queensland*

Identified as a critical need in region where 87.89% of young people held in watch houses in 2007 identified as being Aboriginal and/or Torres Strait Islander.

- *Understanding Remand in the Juvenile Justice System in Queensland*, report by Mazerolle, P & Sanderson, J, Griffith University and Queensland Department of Communities.

Explored key dimensions of juvenile remand population, how remanded youth compare with bailed youth, the factors and processes that shape the remand population and how the juvenile remand situation in Queensland compares with other jurisdictions. Made 15 recommendations to Department of Communities for change to juvenile remand system.

- *Cleveland Youth Detention Centre expansion*

Approved expansion and addition of 48 permanent beds. Scheduled for completion mid 2012.

## 2009

- *Department of Communities evaluation of the Mater Family and Youth Counseling Service (MF&YCS) in Brisbane*

MF&YCS achieved positive outcomes; multi-dimensional service delivery model found to be consistent with best practice criteria for program development and service delivery to young people who have sexually offended as well as the young people harmed and their families, within a diversionary restorative justice framework.

- *Youth Justice Conferencing – Restorative Justice Practice Manual released*  
Updated version of 'Youth Justice Conferencing Queensland: Restorative Justice in Practice' which underwent a content review in 2009.

- *Crime and Misconduct Commission Report on Interactions between police and young people*

Three research studies on relations between police and young people, including analysis of complaints against police by young people and results from a school-based-program to reduce risk-taking behaviour.

<http://www.cmc.qld.gov.au/research-and-publications/research-and-publications-1/research-and-publications/browse-by-topic-1/children-and-young-people>

## 2010

- *Juvenile Justice and Other Acts Amendment Act 2009*

Commenced 29 March 2010. Required court to ensure people can be properly supervised when imposing a curfew as a special condition of community based orders; widened court powers in relation to naming juvenile offenders; increased the minimum mandatory detention period for young people convicted of multiple murders from 15 years to 20 years' imprisonment; gave police stronger powers to arrest and take to court young people who: - do not comply with conferencing requirements - contravene an agreement - fail to attend a drug assessment and education session; required courts to consider setting a date for the transfer of offenders from youth detention to adult prison when sentencing young offenders to be detained beyond the age of 18; addressed remand levels by: - requiring courts to consider the likely sentence when making bail decisions - clarifying that, if a young person is remanded in detention because of a threat of harm to their safety, the threat must arise from the circumstances of the alleged offence (such as threat of retribution from a victim or a co-accused); changed name of the *Juvenile Justice Act 1992* to the *Youth Justice Act 1992*.

- *Evaluation of the Queensland Murri Court: Final report* by Morgan, A & Louis, E, AIC Reports, technical and background paper 39.

Detailed assessment of the operation of adult and youth Murri Courts at 5 evaluation sites. Murri Court shown to be meeting objectives and contributing towards reducing over-representation. Indicates trend towards expanded intervention model; Youth Murri Court being utilized as an early intervention court. Offer greater levels of support post-sentence than in Children's Court although this varies between courts. Juveniles at risk of receiving custodial sentences required fewer court appearance events to finalise matters than in Children's Court. Juveniles were found to experience problems with alcohol and other drug use, family instability and low levels

of school attendance. Highlights concerns re lack of Court resources and rehabilitative and support services.

- *Inquiry into the high levels of involvement of Indigenous juveniles and young adults in the criminal justice system*, House of Representatives, Standing Committee on Aboriginal and Torres Strait Islander Affairs

Queensland Government submission notes high levels of over-representation, indicates causal relationship between child maltreatment and juvenile offending and almost guaranteed probability of young Indigenous people with multiple risk factors progressing into the adult system. Responds to terms of reference outlining current policy.

- *Cross agency analysis of 17 year olds in the adult criminal justice system*

Considered what would be required to treat 17 year olds as juveniles, including enhancing the capacity of police, courts and Youth Justice Service. Government's consideration was postponed due to changed priorities following the State's natural disasters.

- *Children's Community Visitor Program extended to 17 year olds in adult correctional facilities*

Collaboration of the Department of Communities, the Commission for Children Young People and Child Guardian and the Department of Community Safety – Queensland Corrective Services.

- *Remand Reduction Project*

Partnership between Legal Aid Queensland and the Department of Communities. Intention was to address high remand numbers in order to increase capacity to accommodate 17 year olds in youth detention centres. Explored bail options for young people, embedded regional remand reduction activities, overall revision of bail policy and procedures.

- *Treatment for children and youth at risk for long-term antisocial outcomes in hard to reach families, QUT*

Department of Communities commissioned research to inform youth justice policy. Funded in 2010 for one year, funding continued. Ongoing monitoring of families showing substantial treatment outcomes.

- *Supervised Community Accommodation Service pilot*

Began as pilot in 2010, continued funding of \$3.035 million over 3 years provided through the National Partnership Agreement on Homelessness to provide 24/7 supervised accommodation in Townsville for men aged 16-18 exiting Cleveland Youth Detention Centre at risk of homelessness. Accommodation and high-level casework.

- *Commissioner for Children and Young People and Child Guardian Policy paper: Removing 17 year olds from Queensland's adult prisons and including them in the youth justice system*

## 2011

- *Development of Youth Detention Inspectorates Expectations for Youth Detention Centres and revision of Queensland Youth Detention Centre Inspection Charter and Framework*

The Expectations establish a benchmark for development of detention centres' procedures, policies and rules. Based on legislation, recommendations of judicial inquiries, international law and standards. Not publically available. Charter sets out role and purpose of inspections; Framework identifies stakeholders, methodology and process of inspections.

- *Understanding and responding to female juvenile offending in Queensland, QUT*

Department of Communities commissioned research driven by the rise in violent offending among young women in the past 3 decades. Identifies need to individualise and contextualise programs and responses to specific risks and needs of young women.

- *Evaluation of Youth Offender Support Services (Youth Opportunity Program) in Cairns*

Showed evidence of success with clients and positive impact on likelihood of re-offending within 12 months. Funding approved for another 2 years.

- *Commissioner for Children and Young People and Child Guardian report: Views of Young People in Detention Centres, Queensland 2011.*

Key part of the Commission's monitoring youth detention centres. Areas of concern include: claims of derogatory language being used by some youth workers and the large proportion of young people who report being subject to separation and restraint during their stay in detention. Highlights need to enhance the quality of care provided to young people in detention in areas like complaints and advocacy mechanisms, health screening, maintaining family contact, and transition planning and aftercare. (NB: Reports also completed in 2008 and 2009).

- *Diverting Young Indigenous People from the Queensland Youth Justice System: The use and impact of police diversionary practices and alternatives for reducing Indigenous over-representation, by Little, S, Allard, T, Chrzanowski, A & Stewart, A, Griffith University*

Project conducted by Justice Modelling @ Griffith (JMAG) as part of the Indigenous Criminal Justice Research Agenda (ICJRA) for Queensland Government. Highlights need to ensure equitable access for Indigenous youth to cautioning on their first contact with the system and conferencing on second and subsequent contacts; need for programs aimed at addressing offender risks/needs to reduce offending; found effectiveness of police referred conferencing in comparison to court appeared questionable. Identified need for further research into impact of diversionary programs on offending by Indigenous youth.

- *Exploring Indigenous and non-Indigenous Sentencing in Queensland: Report by Bond, C, Jeffries, S & Loban, H (QUT and JCU)*

For the Indigenous Criminal Justice Research Agenda, Department of the Premier and Cabinet. Includes an examination of Indigenous youth sentenced in the higher courts.

- *Draft Aboriginal and Torres Strait Islander Justice Strategy 2011-2014*

Aims to reduce the statistical over-representation of Indigenous people in the criminal justice system. The four areas of focus are: restoring social and cultural norms and community safety, particularly to reduce alcohol and substance misuse; addressing the causes of crime through crime prevention and early intervention for children, young people and families; reducing offending through employment, education and training opportunities; and ensuring culturally appropriate and responsive administration of justice for Aboriginal and Torres Strait Islander people. Certain



target areas for particular action are identified and several case studies are used to illustrate existing and proposed strategies and programs. Includes commitment to ensure that 100 high risk Indigenous young people, including those who have had contact with the Youth Justice System, will be transitioned into employment after receiving a qualification, mentoring and assisting in building the recreational Active Trail between Kingaroy and Theebine.

## 2012

### - *Departmental changes*

In April 2012, youth justice became the responsibility of the Department of Justice and Attorney-General.

### - *Decision to cease court referred Youth Justice conferences*

Announced 11 September 2012, to take effect in 2013. Includes both type of court referrals, 'indefinite' and 'conference before-sentence.' This is expected to save more than \$11.2m over two financial years. Retaining police referrals is intended to increase focus on early intervention and diversion.

<http://www.parliament.qld.gov.au/Documents/TableOffice/TabledPapers/2012/5412T1729.pdf>

### - *Just Futures Strategy 2012-2015*

Aims to improve safety in Queensland's Indigenous communities and to reduce the over-representation of Aboriginal and Torres Strait Islander people as victims and offenders and in Queensland's youth detention and correctional centres. Commits to 48 action strategies including improved transition from youth detention, enhanced supervision of young offenders and reducing the duration of demand.

### - *Closure of Murri Court, Special Circumstances Court and Drug Court*

The decision to abolish the Murri, Special Circumstances and Drug courts first announced in July 2012 was based on expected savings of \$35 million over four years. (Note: Both the Drug Court and Special Circumstances Court were only available to adult offenders. The Murri Court program included Youth Murri Courts for offenders under 17 years). The decision was further justified on the basis of apparent lack of results or proved impact on reducing imprisonment or recidivism. This is inconsistent with evaluations of these programs including findings in the Magistrate's Court annual reports and AIC Reviews of the Murri Court.

### - *Commissioner for Children and Young People and Child Guardian report: Child Guardian Investigation Report – Investigation into the use of force in Queensland youth detention centres*

Identifies concerns about the use of force by officers of the former Department of Communities in Brisbane Youth Detention Centre and Cleveland Youth Detention Centre. Review was undertaken following 6 instances where young people suffered significant injuries as a result of force. Reviewed and made 12 recommendations regarding mechanisms in place to guide officer's use of force and restraint; practice of officers; and outcomes experienced by young people resulting from officer's use of force.

## 2013

### - *Introduction of sentenced boot camps*

31 January 2013 two different models began operating – early intervention youth boot camp at Gold Coast, and a sentenced youth boot camp in Cairns. This was expanded on 24 March 2013 to three further locations – early intervention camps in Rockhampton and the Fraser Coast, and a sentenced camp in Townsville. Intended to be operational in September 2013 for a two year trial. The Youth Justice Act 1992 and Regulations were amended to support implementation (Youth Justice (Boot Camp Orders) and Other Legislation Amendment Act 2012 no. 41) – boot camp orders only available to young offenders aged 13+, who consent to participate and usually live in the trial location.

- *DJAG Safer Streets Crime Action Plan*

Aims to explore expansion of the boot camp program across Queensland; a review of the Youth Justice Act 1992; effective sentencing options; early intervention and diversion; how to respond to causes of crime; managing demand for youth justice services; improving youth detention services; effective non-government investment. Following public consultation, the government will deliver a Blueprint for the Future of Youth Justice.

The review of the Youth Justice Act proposes abolishing the principle that detention should only be used as a last resort. Other proposed amendments in the discussion paper include naming repeat offenders and allowing for adult courts to access details of individual's criminal histories from when they were young people. The National Child's Commissioner and Federal Attorney General have expressed concerns in regards to human rights and Australia's obligation to uphold CROC.

<http://www.justice.qld.gov.au/youth-justice/blueprint-for-the-future-of-youth-justice>

<http://www.theaustralian.com.au/national-affairs/state-politics/kid-crime-plans-breach-un/story-e6frgczx-1226622021433>

## 2014

- *Youth Justice and Other Legislation Amendment Act*

The amendments include:

- Allowing publication of identifying information about repeat offenders
- Opening the children's court for repeat young offenders – so that media and the public can attend
- A new extra offence that young people will receive if they are found guilty of a further offence while being on bail
- A mandatory boot camp order for young offenders who commit 3 or more motor vehicle offences within 12 months in the Townsville area
- Making juvenile criminal histories available to adult courts for sentencing purposes.
- The transfer of young offenders to adult prison when they turn 17 – if they have more than 6 months left of actual detention to serve
- Removal of sentence reviews
- Removal of the principle of detention as a last resort

**2015***- Youth Boot Camps close in September*

The Final Report for the Evaluation of Queensland Youth Boot Camps (KPMG 2015) found that the trial of boot camps cost \$16.7 million over 3 years, despite failing to contribute to a decrease in rates of reoffending when compared with other forms of youth detention. Following the release of the report, it was announced that the Queensland Government will not be renewing existing contracts when they expire.