

Submission in response to the Reforming
Tasmania's Youth Justice System
Discussion Paper



February 2022

About Us

The Youth Network of Tasmania (YNOT) is the peak body for young people aged 12-25 years and the non government youth sector in Tasmania. YNOT works to ensure policies affecting young people in Tasmania are relevant, equitable and effective and that young people have a voice on issues that matter to them.

Our Vision

A Tasmania where all young people are valued and can achieve anything.

Our Purpose

To drive positive change with young people and the youth sector in Tasmania.

For further information

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Introduction

The Youth Network of Tasmania (YNOT) welcomes the opportunity to respond to the Department of Communities Tasmania Discussion Paper, 'Reforming Tasmania's Youth Justice System.'

YNOT is the peak body for young people aged 12-25 years and the non-government youth sector in Tasmania. YNOT works to ensure policies affecting young people in Tasmania are relevant, equitable and effective and that young people have a voice on issues that matter to them. Our purpose is to drive positive change with young people and the youth sector in Tasmania.

Our response to the Discussion Paper has been informed by YNOT members and key stakeholders. The views of young people reflected in our response are based on previous YNOT consultations related to the topic. The issues covered in the Discussion Paper are incredibly complex. The timing of its release and short consultation timeframe has restricted our ability to undertake meaningful consultation. A longer, more considered consultation approach would have been favourable.

The process of developing the Blueprint will be crucial to its success and needs to be well-planned and adequately resourced. The primary focus of our submission is on the need to actively engage young people in the design and implementation of the proposed youth justice reforms. This applies to those with lived experience of the system as well as those whose life experiences are on a more positive trajectory.

...children and young people around Tasmania have insightful and often sophisticated thoughts, ideas and suggestions for improvement on a broad range of topics that affect them and their communities... Too often, children and young people are not considered as key stakeholders when decisions are being made that affect their lives. We all need to pay more attention to what children have to say.¹

Reshaping the youth justice service continuum: Key principles

YNOT supports the key principles articulated for the proposed Blueprint particularly the focus on addressing the underlying causes of offending, taking a whole of government and community approach, promoting Aboriginal self-determination, intervening early, and grounding developments in a strong evidence base. We endorse trauma informed practice when working therapeutically with all young people - those involved in the youth justice system and those who are not.

A whole-of-government approach

We fully support alignment of the Blueprint with the Child and Youth Wellbeing Strategy and a shift towards a public health approach. The redesign of youth justice is a vital opportunity to address the underlying causes driving young people's involvement in crime. These underlying causes are common across different government areas working with young people and we would like to see greater alignment of relevant government reform processes – for example, those dealing with child and adolescent mental health services, youth homelessness and employment services. A cross-government systemic response could be articulated as a principle underlying the Blueprint.

Detention of young people as a last resort

In accordance with the *UN Convention on the Rights of the Child*, YNOT believes the detaining of young people in the criminal justice system should be a measure of last resort in our contemporary world and this should be clearly articulated as a fundamental principle underpinning the Blueprint. While we will likely always need a criminal justice response to offending behaviour, the extensive research on the links between early trauma and incarceration supports the shift in focus towards

prevention, early intervention, and diversion proposed in the Discussion Paper. The closure of the Ashley Youth Detention Centre provides an opportunity for Tasmania to lead the way in developing a new evidence-based approach towards youth justice.

Engagement of young people in designing the Blueprint

YNOT considers that Principle 3 relating the rights and best interests of children and their families to have their voices heard should be strengthened to clearly articulate a commitment to young people's active and meaningful participation in co-designing new systems at every stage of development. We believe that the ideas of young people, their families, and those that work with young people, should be at the forefront of redesigning the service system.

[Young people] want to be included early in planning and decision making, not as an afterthought, and they want their diversity of views and ideas considered. And they want to see action taken to implement their ideas.²

YNOT understands that, as part of the reform process, consultation has occurred with a small number of young people who have experience of the youth justice system. We welcome this initiative. These young people will have valuable insights on strategies that might lead to long term change for other young people. Consultation also needs to occur more broadly with young people who do not have experience of the youth justice system, particularly when developing and planning prevention and early intervention strategies. Young people we have spoken with said that they would like to see more effort made to consider the views of people with diverse backgrounds in planning services.³

The high incidence of Aboriginal young people under youth justice supervision in Tasmania is evident in AIHW data.⁴ The early involvement of Aboriginal organisations in the design of systems affecting their communities will be essential to the successful implementation of the Blueprint. This needs to be done in a way that recognises the diversity of Aboriginal communities and the need for varying engagement strategies. Again, we recommend the involvement of young Aboriginal people in co-designing systems.

While Tasmanian data is not sufficiently detailed, research elsewhere indicates that young people who are from culturally and linguistically diverse backgrounds and who identify as LGBTIQ+ are highly vulnerable in the youth justice system. Effort should be made to ensure these young people have a say in proposed reforms.

Connecting with young people who may be socially isolated is difficult, but not impossible. There is a great deal of information and experience to tap into on ways to meaningfully engage young people, as demonstrated in the ongoing work of YNOT, the Premier's Youth Advisory Council, the Commissioner for Children and Young People, and other Tasmanian organisations representing the interests of young people. Many community organisations have ongoing connection with young people and their families across the continuum of care. Effective, equitable partnerships need to be established with these organisations so reforms can build on the cumulative wisdom of community workers.

Prevention and early intervention

In our response to the Child & Youth Wellbeing Strategy Discussion Paper in January 2021, YNOT indicated our support for the Tasmania's Child and Youth Wellbeing Strategy.⁵ We highlighted the need for young people to live in safe and supportive environments both within families and in their communities as the best form of prevention.

In addition to enhancing the wellbeing of young people, investment in prevention and early intervention will have significant long-term cost-savings for government. Young people who grow up safe and supported are much less likely to engage in offending behaviours. The links between offending behaviours and involvement with the child safety system, out of home care, homelessness, mental health issues, drug and alcohol misuse, intergenerational trauma, family violence, educational disengagement, and intergenerational disadvantage are acknowledged in the Discussion Paper.

The range of services available to young people is currently inadequate. Existing services are over-stretched and often have either closed books or lengthy waiting lists. Young people we have spoken with have frequently told us how difficult it is for them to access services, particularly outside metropolitan areas. Many young people face additional access barriers due to unstable housing, low health literacy, and lack of self-efficacy, with consequent impacts on their physical and mental health.

Young people have told us there is not enough for them to do in their communities. They would like access to safe, inviting spaces free from alcohol and other drugs, where they can hang out with other young people after school and on weekends. Young people want to see youth hubs and more drop-in youth centres in the community.

The 'youth hub' concept expressed by young people is similar to the 'one stop service centre' proposed in the Discussion Paper. From our discussions with young people, it is evident that both recreational activities and multidisciplinary therapeutic services are needed. The availability of services in the one location would address barriers to service accessibility for many young people, particularly transport disadvantage. We stress the necessity for these facilities to be co-designed with young people to ensure they are appropriate to their diverse needs.

While the hubs would benefit all young people and be non-stigmatising, they would particularly assist more vulnerable members of our community.

'We need safe spaces to go to when we aren't feeling safe at home or in the community... with services and someone to talk to.' (TYF 2020 participant)

Young people we have spoken with have also told us they want opportunities to be more involved in their communities. They would like to see more activities and events on offer for children and young people such as arts and crafts, interest clubs, internet cafes and local entertainment to prevent boredom and to form connections with other young people in their community. They are keen to be involved in organising local activities but need some resources and support to do so.

The need to ensure young people have access to the fundamental materials for survival such as housing, food, transport, clothing, and a basic income is highlighted in the Discussion Paper. The inability for young people to access services and programs to address their needs is more likely to have an adverse impact on the safety and wellbeing of young Tasmanians and the communities in which they live.

Early intervention services need to be accessible for all young people, particularly those living in rural and remote communities. Services need to be appropriately resourced and staffed by people with the capacity and expertise to work therapeutically with traumatised and disadvantaged young people. YNOT calls for resources to be allocated to establish a skilled rural workforce.

Diversion and targeted interventions

YNOT endorses the focus of the Discussion Paper on early intervention and coordinated, multi-disciplinary responses centred around the needs of children and their families. Too often, children and young people bounce around in the system without receiving the support they need. For a multi-disciplinary response to work effectively, it is essential that community-based organisations are treated as equal partners within a team.

A multi-disciplinary approach presumes a full range of services are available. It is evident that there are major gaps in the provision of services for young people – for example, adolescent mental health, alcohol and drug rehabilitation, and housing options. Steps need to be taken to address these gaps and ensure services are available as and when needed.

YNOT would like to see commitment within the proposed Blueprint to ongoing investment in community sector programs that help young people transition to life outside of the justice system. YNOT members have told us that there has been a loss of diversionary and restorative programs in the community sector due to lack of sustained funding. Community service providers work closely with young people involved in youth justice and have great insights into their lives, but their voices are often not heard when decisions are made. Youth workers frequently support young people who have been through the youth justice system to gain housing and employment and transition back into regular life. We highlight the need for sustainable funding for the broader youth sector, and for training of community workers in trauma-informed and restorative practice to be adequately resourced so they can work effectively with all young people, including those in the youth justice system.

Greater investment in targeted interventions and diversion, is more likely to result in less demands on the criminal justice system, with a consequent redistribution of resources among government portfolios.

Raising the age of criminal responsibility

YNOT submitted our views on this issue to the ‘Age of Criminal Responsibility Working Group Review’ in February 2020.⁶ We also submitted a joint statement together with Civil Liberties Tasmania, Tasmanian Council of Social Service, Civil Liberties Tasmania, Legal Aid Tasmania, Amnesty International, and the Law Society of Tasmania (unpublished) calling on the Tasmanian Government and Tasmanian Parliament to act to raise the minimum age of criminal responsibility to at least 14 years of age.

Our position, that the minimum age of criminal responsibility be raised to at least 14 years for all circumstances and without exception, was informed by contemporary research, as well as YNOT members and key stakeholders. Raising the age of criminal responsibility would bring Australia in line with recommendations of the UN Convention on the Rights of the Child, and contemporary practice around the world. It would also pave the way for strengthening prevention, early intervention and diversionary programs and therapeutic approaches that address the underlying causes of antisocial and offending behaviour.

Summary

YNOT endorses the focus in the Discussion Paper on:

- greater investment in prevention and early intervention services for young people and addressing the underlying causes of offending;
- taking a whole of government and community approach;
- promoting Aboriginal self-determination;
- adopting a therapeutic, restorative model of practice;
- grounding developments in a strong evidence base; and
- providing greater support and resourcing for a skilled therapeutic workforce.

We also support legislative amendments to the Youth Justice Act to ensure this legislation is contemporary, is in line with international best practice, and reflects changes to the youth justice system.

YNOT is committed to ensuring that the voices of young people on issues that affect them are heard, and in response to what young people are telling us, we particularly recommend that:

- there is greater effort made across government to align plans and strategies affecting young people;
- the ideas of young people, their families, and those that work with young people are at the forefront of redesigning the service system;
- the ideas of a diverse range of young people are sought, particularly when developing effective prevention and early intervention strategies;
- Aboriginal organisations and young Aboriginal people are involved early in the design of systems affecting their communities;
- effective, equitable partnerships are established with community organisations involved in multi-disciplinary teams;
- gaps in services available to young people (particularly mental health services, medical care, housing assistance, and access in rural and remote areas) are addressed;
- 'youth hubs' (or 'one stop service centres') are co-designed with young people and established in localities where they are sustainable;
- short term funding for youth services is addressed; and
- funding is provided to upskill the youth sector in trauma-informed practice.

References

¹ Commissioner for Children and Young People (Tas) 2020. Listening to Children and Young People in Tasmania 2019. Hobart 2020. p 31.

² YNOT (2020). Tasmanian Youth Forum 2020: Building a Better Tasmania for Young People Report.

³ YNOT and Mental Health Council of Tasmania (2021). Tasmanian Child and Youth Wellbeing Strategy Consultation Report.

⁴ Australian Institute of Health and Welfare 2020. Youth Justice in Tasmania 2018-19. Canberra: AIHW.

⁵ YNOT (2021). Submission to Tasmania's Child and Youth Wellbeing Strategy Discussion Paper.

⁶ YNOT (2020). Council of Attorneys-General – [Age of Criminal Responsibility Working Group Review](#).