

Putting Queensland Kids First: Consultation Draft

Submission to Department of the Premier and Cabinet

21 February 2024

# Table of contents

[Introduction 2](#_Toc159426519)

[About the Commission 2](#_Toc159426520)

[Summary of submission 3](#_Toc159426521)

[Vision, scope, and relationship with other policies 4](#_Toc159426522)

[Vision and purpose 4](#_Toc159426523)

[Scope of the Plan and relationship with other government activity 6](#_Toc159426524)

[Addressing law, policies, and practices that heighten risk 7](#_Toc159426525)

[Consultation Question 1: Core principles 8](#_Toc159426526)

[Human rights as key 8](#_Toc159426527)

[Articulation of principles 9](#_Toc159426528)

[Consultation Question 2: Key protective factors 13](#_Toc159426529)

[High quality and culturally safe early childhood education 13](#_Toc159426530)

[Access to and staying in education or training 14](#_Toc159426531)

[Strong cultural practices and a positive sense of cultural identity 14](#_Toc159426532)

[Consultation Question 3: Other priorities 15](#_Toc159426533)

[Supporting families and strengthening communities 15](#_Toc159426534)

[Maintaining engagement in education and training 15](#_Toc159426535)

[Addressing racism in schools 17](#_Toc159426536)

[The role of schools in supporting strong cultural practices and pride in culture 17](#_Toc159426537)

[Responding therapeutically to challenging behaviours 18](#_Toc159426538)

[Consultation Question 4: Connection to culture and community 20](#_Toc159426539)

[Consultation Question 5: Working together 22](#_Toc159426540)

[Implementation roadmap 23](#_Toc159426541)

[Outcomes and indicators 23](#_Toc159426542)

[Measuring and transparently reporting on progress 24](#_Toc159426543)

[Designation of responsibility 24](#_Toc159426544)

# Introduction

1. In January 2024 the Queensland Government published *Putting Queensland Kids First Consultation Draft* (**the Plan**), which outlines

a vision that focuses on strengthening protective factors around children, young people and families to prevent adverse experiences through early interventions and prevention — starting early in life and targeting key transition points.

1. This submission responds to a call for ideas and reflections on the Plan. The Commission strongly supports the development of a whole-of-government strategy to strengthen protective factors for children, young people, and families in Queensland, and thanks the Government for the opportunity to provide its input.

# About the Commission

1. The Queensland Human Rights Commission (**Commission**) is an independent statutory authority with functions under the *Anti-Discrimination Act 1991* and the *Human Rights Act 2019* (**Human Rights Act**), which include:

* dealing with complaints of discrimination, sexual harassment, vilification, reprisal (under the *Public Interest Disclosure Act 2010*), and contraventions of the Human Rights Act
* reviewing public entities’ policies, programs, procedures, practices and services in relation to their compatibility with human rights
* promoting an understanding, acceptance, and public discussion of human rights and the Human Rights Act in Queensland
* providing education about human rights and the Human Rights Act.

1. In carrying out these functions, the Commission gives detailed consideration to human rights issues arising in the youth justice system for offenders, victims, and the community.[[1]](#footnote-2)
2. The Commission has consistently put forward the view that the best outcomes for young people and the community will be achieved by identifying risk factors that lead to youth crime and addressing them through early intervention. Accordingly, the Commission has prioritised work that relates to:

* access to education, especially the high levels of school disciplinary absences in Queensland in which children with disability, First Nations children, and children in out-of-home care are over-represented
* structural discrimination in service provision including health services, education, and law enforcement
* family support and the child safety system
* raising the age of criminal responsibility
* truth and treaty and accountability for Closing the Gap targets.

# Summary of submission

1. In this submission, the Commission addresses each of the consultation questions and comments on aspects of the draft Plan.

In summary, the Commission recommends that the Plan should:

* develop a clear vision co-designed with children, young people and their families
* more clearly express the Plan’s purpose, scope, and relationship to legislation, policies, and practices in related areas (including youth justice)
* establish mechanisms to ensure existing and future legislation, policies, and practices do not frustrate the objectives of the Plan
* centre the role of human rights in underpinning responsibilities to children and families, and in providing minimum standards to be achieved
* reword and expand the guiding principles to better reflect the Plan’s vision and purpose
* widen the scope of identified priorities to include maintaining engagement in schooling, addressing racism in schools, investing in schools to support strong cultural practices and a positive sense of cultural identity, and responding therapeutically to challenging behaviours
* require the development of an implementation roadmap of immediate, medium-term, and long-term activities with clearly assigned responsibilities and timelines
* establish outcomes and key indicators against which progress is measured
* require publication of data on implementation in a coordinated and easily accessible format.

The Commission also recommends that the Queensland Government:

* appoint a Minister for Children and Families with a standalone department that has sufficient authority to coordinate strategies across multiple portfolios. The Minister should be responsible for ensuring alignment of policies and accountability for the Plan’s outcomes.

1. Queensland would not be the first jurisdiction to implement a whole-of-government strategy for improving outcomes for children and young people. In this submission we draw on the experience of implementing strategies developed overseas and in other Australian states and territories.

# Vision, scope, and relationship with other policies

### Vision and purpose

1. The stated objective of the Plan is ‘to strengthen protective factors around children, young people and families through targeted investment in prevention and early interventions’.[[2]](#footnote-3) The investment priorities go on to specify ‘our priorities ensure all children and young people have the best possible start in life, remain connected to education and achieve healthy outcomes with a focus on those at risk of entering the youth justice system’.[[3]](#footnote-4)
2. In the Commission’s view, the Plan should better articulate its purpose and vision, which can then be underpinned by principles, priority areas, and measurable outcomes.
3. New Zealand’s *Child and Youth Wellbeing Strategy* (**New Zealand Child and Youth Strategy**) has as its vision ‘Making New Zealand the best place in the world for children and young people’,[[4]](#footnote-5) while its purpose is to:

* set out a framework to improve child and youth wellbeing that can be used by anyone
* drive government policy in a unified and holistic way
* outline the policies the Government intends to implement
* harness public support and community action
* increase political and public sector accountability for improving wellbeing
* improve wellbeing outcomes for Māori children and young people.[[5]](#footnote-6)

1. The United Nations strategy *Youth 2030: Working with and for Young People* sets out as its vision:

A world in which the human rights of every young person are realized; that ensures every young person is empowered to achieve their full potential; and that recognizes young people’s agency, resilience and their positive contributions as agents of change.[[6]](#footnote-7)

1. Other child and youth strategies in Australia include the following as their vision:

* *Safe and Supported: The* *National Framework for Protecting Australia’s Children 2021–2031*: ‘Children and young people in Australia reach their full potential by growing up safe and supported, free from harm and neglect’.[[7]](#footnote-8)
* Tasmanian *Child and Youth Wellbeing Strategy*: ‘Children and Young People in Tasmania have what they need to grow and thrive’.[[8]](#footnote-9)
* Northern Territory *Youth Strategy 2023–2033*: ‘A Northern Territory where young people lead enjoyable lives, are empowered to achieve their full potential, are socially connected, and positive participants in their community'.[[9]](#footnote-10)
* South Australian *Safe and Well: Supporting families, protecting children*: ‘South Australia is a state where vulnerable families with children are supported, and where children are safe, valued and look forward to a bright future’.[[10]](#footnote-11)

1. The Queensland Plan’s vision and purpose needs to be stated up front. Drawing on concepts in the Plan, its vision could be: ‘Giving all children and young people in Queensland the best opportunity to live fulfilling, connected, and happy lives’. However, the vision of the Plan must be subject to broad consultation and explicitly co-designed with children, young people, and families. The principles will then provide a framework to achieve the vision (including through prevention and early intervention) and the priorities will ensure significant investment is directed to children and young people facing heightened risk of engagement, or re-engagement, with the child protection and youth justice systems.

**Recommendation:** A clear vision for the Plan should be co-designed with children, young people, and families and given high visibility.

### Scope of the Plan and relationship with other government activity

1. The issues raised in the Plan cross multiple areas of government activity, including existing early intervention and prevention initiatives in health, education, housing, youth justice, child safety, and policing.[[11]](#footnote-12) The Plan sets out protective factors (at pages 12 to 13), covering health, social care, education, employment, support for families, support for cultural rights, youth justice policies, and housing. Risk factors identified span a similar number of policy areas.
2. The Plan is concerned with a wide range of portfolios and significant government investment across infancy, childhood, and adolescence, as well as support for families and connection to culture. The final Plan should address how implementation of the Plan by various portfolios will be coordinated. The Commission recommends that this be by an appointed Minister for Children and Families with a standalone department, or alternatively, by the Department of Premier and Cabinet. These options are discussed in more detail in **Consultation Question 5: Working together** below.
3. As the Plan notes, its goals should also align with and contribute to **Closing the Gap** targets and obligations. Adopting the Productivity Commission’s recent recommendation to update Cabinet and Budget processes to ensure alignment with priority Closing the Gap reforms is crucial in this respect.[[12]](#footnote-13)
4. The **relationship between the Plan and youth justice strategy** should also be made explicit and clarify whether ‘prevention and early intervention’ is intended to encompass some, or all, of the following:

* identifying root causes of children’s involvement in youth justice systems (intervening early)
* interventions that reduce pathways into the youth justice system, such as police-diversion, decriminalising certain behaviours and raising the age of responsibility (keeping children out of court)
* supports once a young person has been charged with an offence to minimise harm to the young person, and reduce risk of recidivism (keeping children out of custody and reducing reoffending).

1. This categorisation reflects the ‘Four Pillars’ recommended by former Police Commissioner Bob Atkinson to underpin Queensland’s youth justice strategy,[[13]](#footnote-14) and is implemented through the Queensland Government’s *Youth Justice Strategy 2019-2023*. The ‘pillars’ overlap and should complement each other. If aspects of these pillars are not intended to be included in this Plan, there must be clear alignment between the Plan and other strategies to achieve these.
2. Given its broad scope, it is also necessary to develop priority areas for **screening those with risk factors** and **identifying critical points where heightened risk arises or manifests** so that targeted, intensive resources can be directed to those areas and individuals under the Plan at the earliest possible stage. This is addressed further in our response to **Consultation Question 3: Other priorities**.

**Recommendation:** The Plan should

1. clearly identify the portfolio areas it relates to
2. set out how implementation by different portfolios will be coordinated
3. align with and contribute to Closing the Gap targets and obligations
4. set out the relationship between the Plan and the Government’s Youth Justice Strategy
5. require development of mechanisms to identify those most at risk across priority areas, and critical points for intervention and intensive support.

### Addressing law, policies, and practices that heighten risk

1. In addition, it is critically important to ensure that legislation, policy and practice by Government agencies does not work against the objectives of the Plan and increase risks and harm to children. This would include, for example, institutional racism and unconscious bias within service delivery, use of suspensions and exclusions within schools, and child safety practices that prioritise removal over prevention and early intervention.
2. The Commission has also repeatedly raised concerns regarding youth justice laws that counteract the vision of the Plan, by holding children criminally responsible significantly earlier than justified,[[14]](#footnote-15) and specifically overriding children’s human rights to detain them for prolonged periods in police watchhouses. As a short-term facility, watch houses do not provide longer-term basic needs of young people, such as fresh air, natural light, a balanced diet, exercise, appropriate hygiene resources, privacy, family contact, and social interaction. Detention disconnects a young person from protective factors they may have in the community without any of the rehabilitative or other programs available in youth detention centres.
3. The prolonged detention of young people in watch houses must be stopped as a matter of urgency and priority. In light of current overcrowding in Youth Detention centres, in the short-term the Government should convene a summit of key government agencies and stakeholders to find solutions to otherwise accommodate or divert children and young people awaiting transfer to Youth Detention facilities. As an immediate stopgap measure, if watchhouses are still being used to house children longer than overnight, procedures must be put into place to facilitate day entry to Youth Detention centres where these are accessible. This would at least allow children and young people to access health services, education and recreational facilities, mitigating to some extent the significant harms to both children and community safety caused by prolonged detention in the watchhouse.

**Recommendation:** The Plan should require

1. mapping of how current laws, government policies, and public entity practices may contribute to risk factors identified in the Plan or frustrate its vision
2. measures to address the identified issues
3. that future cabinet and budget submissions on matters impacting children and young people in priority areas identified in the Plan explicitly address how the proposed policies align with the Plan’s objectives.

**Recommendation:** Parliament should immediately

1. raise the age of criminal responsibility to 14 years
2. repeal provisions overriding the Human Rights Act to authorise prolonged detention of children in watch houses.

# Consultation Question 1: Core principles

*What are the core principles you think should inform our early intervention and prevention approach to support children, young people and families?*

### Human rights as key

1. The Commission is broadly supportive of the core principles set out in the Plan. However, it is important that **the Plan is more explicitly grounded in children’s and young people’s human rights**. Placing the rights of children and their families at the centre of decision making provides both justification for the objectives and approach, and a framework for decision-making and accountability. It also provides grounding for the other core principles identified at page 11 of the Plan. Too often in Queensland children’s basic human rights have been violated for political expediency: the Plan needs a solid grounding in human rights to ensure that it can achieve its long-term goals.
2. Human rights law recognises the importance of children remaining with their families and the rights of children to be safe, to access health services and support for disabilities, to enjoy a stable living environment, and to education. All of these have been identified as protective factors for positive life trajectories and against contact with the youth justice system.
3. The Plan’s objectives align with public entities’ existing obligations under the Human Rights Act — it is therefore aimed at meeting obligations that the Government already has under law. Under the Human Rights Act, public entities must act compatibly with, and give proper consideration to, human rights, including recognition and equality before the law (s 15), right to life (s 16), freedom from torture, and cruel, inhuman, and degrading treatment (s 17), privacy and reputation (s 25), the protection of families and children (s 26), cultural rights (ss 27 and 28), rights of children in the criminal process (s 33), right to access education (s 36), and right to access health services (s 37).
4. The United Nations *Convention of the Rights of the Child*, which may be used to interpret the rights of children under the Queensland Human Rights Act[[15]](#footnote-16):

* requires that, in all actions concerning children, the best interests of the child are a primary consideration (Art 3)
* requires States to ensure, to the maximum extent possible, the survival and development of the child (Art 6(2))
* recognises the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development (Art 27(1))
* confirms the responsibility of parents for the upbringing of children (Art 18 and 27)
* requires States to provide assistance to parents or other caregivers necessary to carry out their responsibilities to their children (Art 27)
* recognises the right of children with a mental or physical disability to special assistance to enable them to enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community (Article 23)
* recognises the right of every child to education, and requires states to take measures to encourage regular attendance at schools and the reduction of drop-out rates (Art 28)
* provides States shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment (Art 39)
* recognises the right of every child in the youth justice system to be treated in a manner consistent with the promotion of the child’s sense of dignity and worth, and which takes into account the desirability of promoting the child’s reintegration and assuming a constructive role in society (Art 40(1)).

### Articulation of principles

1. Flowing from this grounding in human rights, the Commission considers that certain core principles can be elaborated in a way that better resonates with the purpose of the Plan and human rights. Drawing heavily from the New Zealand Child and Youth Strategy,[[16]](#footnote-17) the Plan’s current principles could more clearly express that:
   1. **Children and young people have inherent dignity and are at the centre of everything we do.[[17]](#footnote-18)** Too often children and young people are dehumanised in public discourse, or their wellbeing is seen as having instrumental, rather than intrinsic value. This is connected to the existing draft principle that the approach should be **child and young person-centric** and informed by their voices and experiences, which the Commission fully supports.
   2. **The best outcomes come from providing support early in the life of the child or early in the life of the problem.**[[18]](#footnote-19) This is connected to the existing draft principle **prevention and early intervention**. The Commission strongly supports this focus, but, as discussed above, considers that the Plan and draft principle could more clearly articulate what the Plan is trying to prevent, and to which ends it is considered appropriate to intervene.[[19]](#footnote-20) A simpler focus in the principles on providing support at the earliest possible moment would be clearer, with the vision, purpose, and scope adequately explained up front.
   3. **Individuals, family, communities, and all of government all have responsibility for child wellbeing.**[[20]](#footnote-21) Achieving the vision of the plan requires support at all of these levels, and factors hindering progress at any of these levels should be identified and addressed. It also recognises that solutions are likely to come from families and communities, and the important role of community-led design and delivery (see further below).[[21]](#footnote-22)
   4. **Families hold primary responsibility for children’s health, wellbeing and development, and priority should be given to supporting children within their families and communities.**[[22]](#footnote-23) This is clear both as a matter ofinternational human rights law**,**[[23]](#footnote-24) and has been shown to lead to the best outcomes for children and young people.[[24]](#footnote-25)
   5. **The wellbeing of children and young people is interwoven with the wellbeing of their family and community.**[[25]](#footnote-26) As stated in the New Zealand strategy: ‘Children should be viewed in the context of their families…and other family groups and communities. This principle recognises that parents, caregivers, families, and whānau need to have the right kind of support at the right time in order to provide a nurturing environment for their children’.[[26]](#footnote-27)
   6. **Focus on the strengths and knowledge of community and empower parents, kin, and families.** The Commission strongly supports the **strengths-based** approach expressed in the existing principles. Again, this is entirely consistent with human rights, including the rights of children and families and cultural rights protected under the Human Rights Act.[[27]](#footnote-28) Consistent with a strengths-based approach, Government should support community-led design and delivery in implementing the Plan. This is recognised in the investment priorities later in the document,[[28]](#footnote-29) but would be helpfully referenced here in the guiding principles.
   7. **Reshaping the relationship between the state and Aboriginal and Torres Strait Islander peoples is crucial**, including through meeting obligations under the **National Agreement on Closing the Gap** and work towards **truth and treaty**.[[29]](#footnote-30) This recognises the devastating and ongoing impact that the violence and inter-generational trauma of colonisation has on the wellbeing and life trajectories of Aboriginal and Torres Strait Islander peoples and the fundamental changes consistent with the Declaration on the Rights of Indigenous Peoples required to address it.[[30]](#footnote-31)
   8. **All children and young people deserve to live a good life.**[[31]](#footnote-32) The Commission strongly supports the principle that the Plan should promote **cultural safety, equity, and inclusion**. The Plan recognises that there should be a mix of universal, targeted and intensive supports because to achieve equity some children and young people may need more support than others. Under this principle it is also important to recognise the need to identify and address structural discrimination in the way needs are identified, services are delivered, and other contact with public agencies is experienced.
   9. **Service delivery must be proactive, accessible, and integrated.** This means that systems are in place to recognise that a person is in need, and provide proactive, culturally safe and coordinated services to address that need (related to the current draft principle **Integrated ways of working to connect Queenslanders**). The Commission strongly supports a principle that prioritises ease of access to services for children, young people, and families. This must include services or focus points developing relationships of trust with children and their families, and measuring and dealing with racial and other forms of discrimination that are present within a system.
   10. **Achieving the Plan’s vision needs sustained, holistic and comprehensive approaches.** Effective measures to improve the wellbeing of children and young people require a long-term, multi-agency response to preventive measures, responses to individual risk factors, and broader structural factors including poverty and discrimination.
   11. **Actions must be evidence-informed, transparent, and agencies accountable.**[[32]](#footnote-33) The Commission agrees that an **evidence-informed** approach is crucial if the Plan is to succeed in achieving its objectives. Tied to comments below about implementation (see **Consultation Question 5**), the Commission also considers that transparency and accountability should be included in this principle, or expressed as standalone principles. At a minimum relevant agencies should be accountable for achieving established objectives in set timeframes, adhering to agreed monitoring and evaluation, reporting against defined indicators, and ensuring that activities are informed by evidence as it evolves. Creation of a single, publicly accessible website collating evidence, research and evaluation, accountability metrics relating to implementation of the Plan, and its impacts would assist in coordination, transparency and public scrutiny, and be consistent with the proactive disclosure approach required by the *Right to Information Act 2009* (Qld).

**Recommendation:** The Plan should

1. recognise as an overarching core principle that children, young people, and families have human rights that the government is required to respect, protect, and fulfil
2. consider rewording and enlarging other principles to reflect the issues identified above.

# Consultation Question 2: Key protective factors

*What are the key protective factors in keeping children and young people on positive trajectories, and how can we further boost these?*

1. The consultation draft plan provides a non-exhaustive list of risk factors and protective factors organised by child developmental stage, drawn from reports that consider risk factors and contact with the criminal justice system, intervention points for child and youth wellbeing, and the wellbeing outcomes framework for Aboriginal children and Torres Strait Islander children in Queensland.
2. The **general and universal protective factors identified at pages 12 to 13 of the Plan are sound and backed by evidence**. While some of the factors will be specific depending on the child’s stage of development, the Commission notes that despite the graphical representation, **many will extend beyond particular developmental stages, such as access to quality education, and universal health and social care**. The Commission strongly supports action to enhance all of these protective factors.

### High quality and culturally safe early childhood education

1. The Commission recommends that **high quality and culturally safe early childhood education** (as opposed to early primary education) should be given explicit emphasis in the protective factors – both because it is established as a significant protective factor in relation to later poor life outcomes including involvement with the criminal justice system,[[33]](#footnote-34) and (relatedly) because it provides an early opportunity for identifying children who would benefit from more intensive, targeted support and for delivering that support to children and families at an early stage.[[34]](#footnote-35)

### Access to and staying in education or training

1. In addition, the 2018 Atkinson Report identified **access to and staying in education** **or training** more broadly as a crucial protective factor from engagement with the Youth Justice system.[[35]](#footnote-36) This is already recognised in the Plan, and is discussed further below under **Consultation Question 3: Other priorities**.

### Strong cultural practices and a positive sense of cultural identity

1. The Commission strongly supports the reference to **cultural connection** as a key protective factor across a child and young person’s life, and this reinforces the need to ensure that any intervention under the Plan prioritises supporting children and young people within their family and community (see above suggested principle). As part of this, **strong cultural practices** (such as ‘extended family, access to traditional land, revitalisation of traditional languages, learning dance and story, and understanding traditional roles and practices’)and **a positive sense of cultural identity** are important protective factors for children and young people.[[36]](#footnote-37) Among other things, they assist children to maintain their resilience, self-esteem, and sense of self, and are themselves a way of combating racism.[[37]](#footnote-38) Opportunities to promote this within educational environments are addressed under **Consultation Question 3: Other priorities**.

**Recommendation:** The Plan should

1. recognise high quality and culturally safe early childhood education as a key protective factor
2. identify strong cultural practices and a positive sense of cultural identity as protective factors tied to cultural connection.

# Consultation Question 3: Other priorities

*Are there any other priorities you think that Putting Queensland Kids First should consider?*

1. The Commission considers that the Investment Priorities identified at pages 14 to 19 of the Plan are appropriate and necessary, and will be enhanced by the overlay of reworded and expanded principles outlined above (response to **Consultation Question 1: Core principles**). This section makes comments on two of the identified priorities, and suggests inclusion of another.

### Supporting families and strengthening communities

1. In relation to the second priority, **supporting families and strengthening communities**, the Commission considers it crucial that this also directly address child safety policies, and the need to prioritise support of families rather than removal wherever possible. Where removal from families is exceptionally required, support of kinship carers and cultural connection is crucial (in light of suggested draft principle (d) identified under **Consultation Question 1** above).

### Maintaining engagement in education and training

1. **Supporting confident transitions to education and training** is crucial, but so is providing targeted and intensive support to ensure that students continue attending school and are not excluded from education. While ‘improving responses to complex behaviours and wellbeing needs’ is mentioned in relation to this priority area (at page 18), it is important that priority is explicitly given to:

* minimising disciplinary absences, and enrolment cancellation and refusal
* ensuring students who have disengaged with education, or who are at risk of disengaging, are provided with sustained, coordinated support.

1. In its small sample review of 30 child deaths in Queensland, the Queensland Family and Child Commission (**QFCC**) found that

for school aged children, failing to re-engage children in education exposes them to prolonged and increased risk. Put more simply –– absence from schooling is a clear identifier that there are risks in a child’s life.[[38]](#footnote-39)

1. As the report explains:

School presents more than just an education opportunity but also a place where children may access specialised services to support their wellbeing, find structure and stability and engage with age-appropriate peers to maintain social capital and feel connected to their community. There remains a need for shared responsibility and coordination between agencies that respond to children disengaging from education including Education, Child Safety, Youth Justice, and Police. Keeping children engaged in school provides a down-stream approach and can prevent escalation to tertiary services and increasing human and financial costs.[[39]](#footnote-40)

1. In his report into Youth Justice responses, Bob Atkinson noted that

the Pathways to Prevention project, operating over 10 years from 2002 to 2011 in a disadvantaged area of Queensland [identified] an absence of a positive attachment to school at age seven as the greatest predictor of later offending….

As well as education being key to the positive development of children, school provides an ideal environment to identify those who are at risk of antisocial or offending behaviour. As early as age five, children manifest behavioural signs indicative of a need for targeted support….[[40]](#footnote-41)

1. However, children as young as five or six displaying complex behaviours can be suspended or excluded from education. In 2022, for example, there were 4,869 suspensions of children in Prep to Year 2 from Queensland state schools, and 10 exclusions of children in Year 1 and Year 2 from school.[[41]](#footnote-42) Research indicates children most at risk of school disciplinary absences are children with disability, Aboriginal and/or Torres Strait Islander children, and children in out of home care, or a combination of these attributes.[[42]](#footnote-43) This mirrors the cohort of children disproportionately represented in the youth justice system.
2. The Government has recently begun implementation of a Youth Engagement Education Reform package which includes the establishment of an intensive education case management service, recruitment of additional Court Liaison Officers and Youth Transition Officers, First Nations engagement programs and additional funding for Queensland Pathways State Colleges, FlexiSpaces in high needs schools, and alternative learning programs.[[43]](#footnote-44) This is welcome and should be squarely within a priority investment area for the Plan.

### Addressing racism in schools

1. In addition, a necessary area for investment in **supporting confident transitions into learning, education and training** and **maintaining engagement in education** that is not currently mentioned in the Plan is addressing racism in schools. A recent report commissioned by the Ethnic Communities Council of Queensland underscores both the prevalence of racism in Australian educational settings, and the significant barrier that racism provides to ‘accessing, engaging, and succeeding in education’.[[44]](#footnote-45)

### The role of schools in supporting strong cultural practices and pride in culture

1. There are also significant opportunities for schools to play a positive role in strengthening the protective factors of connection to culture through **strong cultural practices** and **a positive sense of cultural identity.[[45]](#footnote-46)** Schools should be supported, for example, to:

* boost the role of Aboriginal and Torres Strait Islander Elders within schools –– for example through sharing of knowledge, history, stories and skills with teachers and in classrooms, through cultural mentoring groups, and individual mentoring[[46]](#footnote-47)
* integrate knowledge of, respect for, and pride in Aboriginal and Torres Strait Islander languages, knowledge, culture and belief systems in delivering curriculum and in extra-curricular activities[[47]](#footnote-48)
* facilitate the participation of Aboriginal and Torres Strait Islander students in cultural practices
* provide an enhanced role for Aboriginal and Torres Strait Islander parents and carers
* deliver culturally appropriate and inclusive prevention and health promotion programs.[[48]](#footnote-49)

### Responding therapeutically to challenging behaviours

1. Tied to this, a further priority area for the Plan, which is connected to the Youth Justice Strategy, is appropriate responses to behavioural concerns in children and young people. This is connected to **‘Identifying and responding to needs for healthy development and positive life choices**’ outlined at page 17 of the Plan, but should be made more explicit. In addition to providing universal screening and services, the Plan must prioritise the provision of intensive, non-stigmatising support to children and families when behavioural difficulties manifest.
2. In relation to children at risk of contact with the criminal justice system in particular, guidance in this area is provided by the United Nations Committee on the Rights of the Child. In its *General Comment No. 24 on children’s rights in the child justice system* the Committee stated that:

States parties should consult the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice and comparative national and international research on root causes of children’s involvement in the child justice system and undertake their own research to inform the development of a prevention strategy. Research has demonstrated that intensive family- and community-based treatment programmes designed to make positive changes in aspects of the various social systems (home, school, community, peer relations) that contribute to the serious behavioural difficulties of children reduce the risk of children coming into child justice systems. Prevention and early intervention programmes should be focused on support for families, in particular those in vulnerable situations or where violence occurs. Support should be provided to children at risk, particularly children who stop attending school, are excluded or otherwise do not complete their education. Peer group support and a strong involvement of parents are recommended. States parties should also develop community-based services and programmes that respond to the specific needs, problems, concerns and interests of children, and that provide appropriate counselling and guidance to their families.[[49]](#footnote-50)

1. The Committee emphasises in particular the need for **particularly intensive ‘child-friendly and multidisciplinary responses to the first signs of behaviour by children that would, if the child were above the minimum age of criminal responsibility, be considered an offence’ (which the Committee considers should be no lower than 14)**:

Evidence-based intervention programmes should be developed that reflect not only the multiple psychosocial causes of such behaviour, but also the protective factors that may strengthen resilience. Interventions must be preceded by a comprehensive and interdisciplinary assessment of the child’s needs. As an absolute priority, children should be supported within their families and communities. In the exceptional cases that require an out-of-home placement, such alternative care should preferably be in a family setting, although placement in residential care may be appropriate in some instances, to provide the necessary array of professional services. It is to be used only as a measure of last resort and for the shortest appropriate period of time and should be subject to judicial review. [[50]](#footnote-51)

1. It is clear however that **criminalisation of challenging behaviour in children is counterproductive**. As Bob Atkinson noted in his report on Youth Justice

studies by child offending experts suggest that children below the age of 14 have rarely developed the social, emotional and intellectual maturity necessary to determine criminal responsibility. Studies in this area widely recognise the strong correlation between early involvement in the youth justice system and chronic offending in adulthood, the trajectory through the criminal justice system often being more rapid the earlier a young person is involved with the system. Whilst causation remains difficult to establish, it is suggested that a more child and family centred approach to offending at this age can help ameliorate the circumstances that led to the offending at a young age.[[51]](#footnote-52)

1. The QFCC has reported on concerns in particular with excessive police call-outs and criminalisation of children living in residential care. It reported examples of children who had been charged for property damage for pushing a stool over, and stealing for leaving their residential service for a period of hours with a borrowed key to their room.[[52]](#footnote-53) Such police intervention ‘presumes children living in residential care are potential criminals and increases their contact with the criminal justice system where they otherwise would have had none’.[[53]](#footnote-54) As the QFCC has noted, ‘[t]hese children can rightfully expect to be cared for within a trauma-responsive system that does not unnecessarily criminalise behaviours that would not be treated as criminal in a family home’.[[54]](#footnote-55)
2. Relatedly, police should not have a lead role in policy or action that is in response to challenging behaviours of children and young people.

**Recommendation:** The Plan should expressly refer to prioritising:

1. support of families over removal wherever possible in relation to supporting families and strengthening communities
2. legislative and policy reform to minimise school disciplinary absences in relation to supporting confident transitions to education and training

and include as priority areas for investment

1. intensive and multidisciplinary support for continued engagement in school or training
2. addressing racism in schools
3. supporting strong cultural connection, cultural practices, and pride in Aboriginal and Torres Strait Islander culture in schools, including through investing in promoting the role of Elders in schools
4. responding therapeutically to challenging behaviours, including those displayed by children in residential care.

# Consultation Question 4: Connection to culture and community

*How can we best support connection to culture and community for children, young people and families?*

1. Supporting connection to culture for young people requires **acting consistently with the cultural rights of their community protected in the Human Rights Act**.[[55]](#footnote-56) For First Nations people, these include the right to protect and develop identity and cultural heritage, to use language, to maintain kinship ties, to maintain and strengthen their relationship with the land, and to conserve and protect the environment.[[56]](#footnote-57) In the previous section the Commission outlined, for example, the important role of schools in promoting respect for and empowering cultural knowledge, and facilitating cultural practices and pride in Aboriginal and Torres Strait Islander culture.
2. As discussed above, maintaining connection to culture also requires a strong focus on **keeping children with families** and **keeping children out of detention and out of the criminal justice system**. For these reasons it is important that these are a focus of the principles and priority investment areas.
3. To maintain connection to, and a sense of belonging within, the wider community it is also **important that children and young people are not demonised within the public discourse**, and that politicians, NGOs and the media are actively engaged in promoting understanding and inclusion. As the UN Committee on the Rights of the Child has emphasised:

Children who commit offences are often subjected to negative publicity in the media, which contributes to a discriminatory and negative stereotyping of those children. This negative presentation or criminalization of children is often based on a misrepresentation and/or misunderstanding of the causes of crime, and regularly results in calls for tougher approaches (zero-tolerance and “three strikes” approaches, mandatory sentences, trial in adult courts and other primarily punitive measures). States parties should seek the active and positive involvement of Members of Parliament, non-governmental organizations and the media to promote and support education and other campaigns to ensure that all aspects of the Convention are upheld for children who are in the child justice system. It is crucial for children, in particular those who have experience with the child justice system, to be involved in these awareness-raising efforts.[[57]](#footnote-58)

1. Bob Atkinson recommended that Government adopt a coordinated Statewide media strategy to promote and support the Four Pillars policy position underpinning the youth justice strategy, stating:

The framework or ‘bookends’ of the Four Pillars policy position are public safety and community confidence. Both traditional mainstream media (print, radio, television) and social media have a significant role in influencing the public awareness and perception of safety and crime and the effectiveness of associated Government policy.

…Opportunities to present evidence, whether from practice or research papers, about what works could also help build a narrative that supports best practice in keeping communities safe and reducing youth reoffending. This may include availability of respected individuals for interview.

Additionally, the production of de-identified stories for mainstream and social media of children successfully emerging from a youth justice program as well as stories of the experiences of Youth Justice staff would assist in an enhanced public awareness of the circumstances of many children in the youth justice ‘system’, the associated challenges, and, more broadly, that there is no quick fix.

…

Finally, if achievable, media support could drive a concerted community goal in terms of closing the gap in the representation of Aboriginal and Torres Strait Islander children in the criminal justice system.[[58]](#footnote-59)

**Recommendation:** Supporting connection to culture and community:

1. should promote the cultural rights of Aboriginal peoples and Torres Strait Islander peoples protected under the Human Rights Act
2. requires a strong focus on keeping children with their families and communities
3. includes having a media strategy that promotes understanding and inclusion of children and young people.

# Consultation Question 5: Working together

*What would it look like for us to work together as partners, all committed to improving outcomes for children and young people?*

1. One of the key purposes of the Plan is to consolidate the whole-of-government commitment to the vision for children and young people sought by the Plan, which then enables a coordinated approach within government, and with non-government agencies, across multiple domains. The New Zealand strategy articulates the challenge as follows:

Despite significant government investment in public policies, services and local initiatives, inequities for many children and young people have proven difficult to shift. Like other countries, a key problem is one of ‘fragmentation of effort’. At a public policy level there are too many policies that were developed and implemented in silos. Fragmentation and lack of coordination happens vertically (between national and local government), horizontally (between different agencies), by age (such as antenatal and postnatal, preschool, school age, tertiary), and by different groups or areas of focus (such as parenting support, family violence, job seeker).

This same fragmentation is replicated in government and non-governmental contracted services. Investment is often ad hoc, not sustained, and with little responsiveness to new evidence or cultural knowledge, including insights from service users (such as children, young people and their families). This, in turn, creates fragmentation of advocacy as different groups seek to solve different parts of the puzzle. Until now, there has been no unifying message or way of talking about child and youth wellbeing in New Zealand or way of aligning efforts to a common set of goals.

Aligning government action with community action has the potential to create the transformative change required for the Strategy to achieve its vision.[[59]](#footnote-60)

1. The Commission strongly supports the Plan’s emphasis on **partnering for integrated, place-based and First Nations led delivery** – driven by and delivering through ‘those providers best placed to engage with vulnerable children and families across the State’.[[60]](#footnote-61)
2. However, at the government level, achieving the Plan’s overall vision also requires:

* ensuring that legislation, policy, and practice of public bodies does not work at cross-purposes to the Plan (see above, [22]–[24])
* alignment across agencies through creation of **a detailed and cohesive implementation roadmap**
* establishment of **outcomes and key indicators** against which progress can be measured
* **measuring and transparently reporting on progress**, and learning from what works
* **designation of responsibility** for driving progress and accountability.

### Implementation roadmap

1. To ensure that agencies are working together effectively across the broad range of areas covered by the Plan, it is crucial that a detailed implementation roadmap is developed following adoption of the Plan. Within the identified priority areas, this should have immediate, medium-term, and long-term activities assigned to lead agencies to be achieved within set timeframes.
2. The implementation roadmap must have input from non-government agencies, communities, families and children, including First Nations organisations and community leaders, in accordance with the recommended principles stepped through **Consultation** **Question 1.**

### Outcomes and indicators

1. In relation to **outcomes**, the New Zealand Child and Youth Strategy provides examples of what could be included in the Plan. Informed by what children and young people said was important to them, the Strategy’s intended outcomes are:

* Children and young people are loved, safe and nurtured
* Children and young people have what they need
* Children and young people are happy and healthy
* Children and young people are learning and developing
* Children and young people are involved and empowered.[[61]](#footnote-62)

1. A small set of **indicators** have been developed against each outcome, which must be reported to Parliament — broken down by household income or other socio-economic status, ethnicity, and other key demographic variables.[[62]](#footnote-63)
2. The development of meaningful indicators, and regular reporting against these indicators, are imperative to ensure the focus is on improved outcomes for children and young people, and not the delivery of services or infrastructure.

### Measuring and transparently reporting on progress

1. To achieve the principle that actions must be evidence-informed, transparent, and agencies held accountable (see [27]), responsible agencies should be required to regularly and publicly report on progress, including accessible data that tracks these changes. This will assist public scrutiny, identification of gaps, and improved response and coordination.
2. An example of data that helps to track progress would be the publication of the numbers of children detained in watchhouses, including length of stays and demographics.

### Designation of responsibility

1. Coordinating action across a wide range of portfolios requires designation of an individual or body accountable to the Plan’s commitments, with sufficient authority to help drive policy and investment decisions, to monitor and drive progress across multiple portfolios, and to ensure lessons learned are shared.
2. This coordination could be driven by the appointment of a Minister for Children and Families with a stand-alone department. Alternatively the Department of the Premier and Cabinet should take on this co-ordinating function.

**Recommendations:**

The Plan should require

1. development of a detailed and cohesive implementation roadmap with immediate, intermediate and long-term activities
2. establishment of outcomes and key indicators against which progress can be measured
3. measurement and transparent reporting of progress.

The Queensland Government should appoint a Minister for Children and Families with a standalone department who is responsible for ensuring alignment of policies and accountability for the Plan’s outcomes.

1. This includes the use of watch houses for prolonged detention of children and young people, conducting visits to watchhouses and youth detention centres, collaborating with oversight agencies on issues affecting young people in the youth justice system, participating in the Queensland Legal Affairs and Safety Committee’s *Inquiry into Support provided to Victims of Crime*, advocating for an independent review of Queensland state schools’ high rates of disciplinary school absences, receiving complaints under the *Human Rights Act 2019* (Qld) concerning education and detention of young people, intervening in court proceedings, engaging with the Productivity Commission in relation to the review of the National Agreement on Closing the Gap, and making submissions on proposed legislation related to the age of criminal responsibility and bail and sentencing laws. See further Queensland Human Rights Commission, Submission No 16 to Youth Justice Reform Select Committee*, Inquiry into youth justice reform in Queensland* (15 November 2023). [↑](#footnote-ref-2)
2. Queensland Government, *Putting Queensland Kids First: Giving our kids the opportunity of a lifetime* (Consultation draft, 2024) 10. [↑](#footnote-ref-3)
3. Ibid. [↑](#footnote-ref-4)
4. Department of the Prime Minister and Cabinet (NZ), *Child and Youth Wellbeing Strategy* (29 August 2019) (**New Zealand Child and Youth Strategy**) 10. [↑](#footnote-ref-5)
5. Ibid 20-21. [↑](#footnote-ref-6)
6. United Nations, *Youth 2030: Working with and for Young People* (September 2018). [↑](#footnote-ref-7)
7. Commonwealth of Australia, *Safe and Supported: The National Framework for Protecting Australia’s Children 2021 – 2031* (2021) 8 (**Australian National Framework**). [↑](#footnote-ref-8)
8. Tasmanian Government, *It Takes A Tasmanian Village: Child and Youth Wellbeing Strategy* (August 2021), 8 (**Tasmanian Child and Youth Strategy**). [↑](#footnote-ref-9)
9. Department of Territory Families, Housing and Communities (NT), *Northern Territory Youth Strategy 2023–2033* (2023). [↑](#footnote-ref-10)
10. Government of South Australia (SA), *Safe and Well: Supporting families, protecting children* (December 2019). [↑](#footnote-ref-11)
11. See Queensland Government, *Putting Queensland Kids First: Giving our kids the opportunity of a lifetime* (Consultation draft, 2024) 8–9 ‘Snapshot of existing early intervention and prevention initiatives’. [↑](#footnote-ref-12)
12. Productivity Commission (Cth), *Review of the National Agreement on Closing the Gap* (Study report, 2024) volume 1, 17 (rec 3). [↑](#footnote-ref-13)
13. Bob Atkinson, *Report on Youth Justice* (Version 2, 8 June 2018), rec 1, 21-27. [↑](#footnote-ref-14)
14. In early 2022, the Queensland Parliament’s Community Support and Services Committee examined the *Criminal Law (Raising the Age of Responsibility) Amendment Bill 2021*, which sought to raise the minimum age of criminal responsibility to 14 years. The Commission supported this reform, provided it was accompanied by appropriately developed and funded therapeutic alternatives, and in a manner that respected and protected the rights of victims: Queensland Human Rights Commission, Submission No 65 to the Community Support Services Committee, Queensland Parliament, *Inquiry into the* *Criminal Law (Raising the Age of Responsibility) Amendment Bill 2021* (30 November 2021). [↑](#footnote-ref-15)
15. *Human Rights Act 2019* (Qld), s 48. In relation to the equivalent provision in the Victorian Human Rights Charter, see further *Certain Children by their Litigation Guardian Sister Marie Brigid Arthur v Minister for Families and Children* [2016] VSC 796, [146]–[156]. [↑](#footnote-ref-16)
16. The New Zealand Child and Youth Strategy was subject to a three year review in 2022, which found that the Strategy’s principles enjoyed support: Department of the Prime Minister and Cabinet, ‘Briefing: Review of the Child and Youth Wellbeing Strategy –– Findings and Recommendations’, 18 August 2022, <https://www.childyouthwellbeing.govt.nz/resources/review-child-and-youth-wellbeing-strategy>, 2, 29. [↑](#footnote-ref-17)
17. See New Zealand Child and Youth Strategy, 28: ‘Children and young people are taonga’, and Australian National Framework, 8 ‘Listening and responding to the voices and views of children and young people, and the views of those who care for them’. [↑](#footnote-ref-18)
18. New Zealand Child and Youth Strategy, 29: ‘Early support is needed’. See further Bob Atkinson, *Report on Youth Justice* (Version 2, 8 June 2018), 21–2. [↑](#footnote-ref-19)
19. For example, it is not clear in the text under the current draft principle whether prevention and intervention refer to steps to avoid or mitigate risk factors identified on pages 12 to 13, and/or whether the ultimate goal is preventing and intervening in relation to contact with child protection and the criminal justice system. [↑](#footnote-ref-20)
20. New Zealand Child and Youth Strategy, 29: ‘Change requires action by all of us’. See further Bob Atkinson, *Report on Youth Justice* (Version 2, 8 June 2018). 21. [↑](#footnote-ref-21)
21. Referred to further in the Plan under ‘Investment Priorities’ (Partnering for integrated, place-based and First Nations-led delivery) at pages 14 and 19. [↑](#footnote-ref-22)
22. Tasmanian Child and Youth Strategy, 12: ‘Acknowledging that the family and extended family of the child has the primary responsibility for the care, upbringing and development of their child/children …’. [↑](#footnote-ref-23)
23. *United Nations* *Convention on the Rights of the Child*, preamble; Committee on the Rights of the Child, *General Comment No. 24 on children’s rights in the child justice system*, UN Doc CRC/C/GC/24 (18 September 2019) [11]. [↑](#footnote-ref-24)
24. Royal Australian College of Physicians, Early Childhood: The Importance of the Early Years (Position Statement, May 2019) 19-21; Tim Moore, ‘Early Childhood and Long Term Development: The Importance of the Early Years’ (Research paper, Australian Research Alliance for Children and Youth, June 2006) 5-9. [↑](#footnote-ref-25)
25. New Zealand Child and Youth Strategy, 29: ‘Children and young people’s wellbeing is interwoven with family and whānau wellbeing’. [↑](#footnote-ref-26)
26. New Zealand Child and Youth Strategy, 29. See also Tasmanian Child and Youth Strategy, 12; See Australian National Framework, 8 ‘Access to quality universal and targeted services designed to improve outcomes for children, young people and families’. [↑](#footnote-ref-27)
27. *Human Rights Act 2019* (Qld), ss 27–28. [↑](#footnote-ref-28)
28. Investment Priorities: Partnering for integrated, place-based and First Nations-led delivery (at pages 14 and 19 [↑](#footnote-ref-29)
29. See New Zealand Child and Youth Strategy, 28: ‘Māori are tangata whenua and the Māori-Crown Relationship is foundational’. [↑](#footnote-ref-30)
30. As to the cultural determinants of health and wellbeing see further Ngaire Brown, Peter S Azzopardi and Fiona J Stanley, ‘Aragung buraay: culture, identity and positive futures for Australian children’ (2023) 219(10) *Medical Journal of Australia* S35, S36. [↑](#footnote-ref-31)
31. New Zealand Child and Youth Strategy, 28: ‘All children and young people deserve to life a good life’; Australian National Framework, 8: ‘Trauma-informed, culturally safe, and inclusive policies and actions’. [↑](#footnote-ref-32)
32. New Zealand Child and Youth Strategy, 29: ‘Actions must deliver better life outcomes’; Australian National Framework, 8: ‘Excellence in practice and policy development, based on evidence, data and information sharing’ and ‘Clear responsibilities and strong monitoring, evaluation and achievements of outcomes’. [↑](#footnote-ref-33)
33. See, eg, Megan O’Connell et al, *Quality Early Education for All* (Mitchell Report No 01/2016, April 2016) 6-7; Royal Australasian College of Physicians, *Early Childhood: The Importance of the Early Years* (Position Statement, May 2019) 37; Bob Atkinson, *Report on Youth Justice* (Version 2, 8 June 2018), 33-34. [↑](#footnote-ref-34)
34. See, eg, Queensland Family and Child Commission (‘QFCC’), *Lessons from the life-story timelines of 30 Queensland children who have died: A small sample review of commonalities in child and family trajectories considered at the Child Death Review Board* (Report, June 2023) (‘*Lessons from the life-story timelines of 30 Queensland children who have died*’), 16-22; Bob Atkinson, *Report on Youth Justice* (Version 2, 8 June 2018) 33-4. [↑](#footnote-ref-35)
35. Bob Atkinson, *Report on Youth Justice* (Version 2, 8 June 2018), 33–4. See also QFCC, *Lessons from the life-story timelines of 30 children who have died*, 8. [↑](#footnote-ref-36)
36. Ngaire Brown, Peter S Azzopardi and Fiona J Stanley, ‘Aragung buraay: culture, identity and positive futures for Australian children’ (2023) 219(10) *Medical Journal of Australia* S35. [↑](#footnote-ref-37)
37. Ibid. See also Telethon Kids Institute, *Aboriginal and Torres Strait Islander children and child sexual abuse in institutional contexts: Report for the Royal Commission into Institutional Responses to Child Sexual Abuse* (Report, July 2017) 33–6. [↑](#footnote-ref-38)
38. QFCC, *Lessons from the life-story timelines of 30 children who have died,* 3. [↑](#footnote-ref-39)
39. Ibid 14. See also Bob Atkinson, *Report on Youth Justice* (Version 2, 8 June 2018), 34. [↑](#footnote-ref-40)
40. Bob Atkinson, *Report on Youth Justice* (Version 2, 8 June 2018), 22, 34. [↑](#footnote-ref-41)
41. Department of Education (Qld), ‘School disciplinary absences by student demographics’ (2023), <https://qed.qld.gov.au/our-publications/reports/statistics/Documents/sda-by-student-demographics.xlsx>. In Queensland state schools in 2022 there were 762,452 short suspensions (1–10 days), 3,123 long suspensions (11–20 days), and 1,595 exclusions: Department of Education (Qld), ‘School disciplinary absences: Table 1: School disciplinary absences by regions, 2018–2022’ (2023), <https://qed.qld.gov.au/our-publications/reports/statistics/Documents/sda-by-region.pdf>. [↑](#footnote-ref-42)
42. Linda Graham, Callula Killingly, Matilda Alexander and Sophie Wiggans, ‘Suspensions in QLD state schools, 2016–2020: overrepresentation, intersectionality and disproportionate risk’, *The Australian Educational Researcher* (available online, 24 August 2023) <https://link.springer.com/article/10.1007/s13384-023-00652-6 />. [↑](#footnote-ref-43)
43. Premier and Minister for the Olympic and Paralympic Games, Minister for Education, Minister for Industrial Relations and Minister for Racing, and Minister for Employment and Small Business, Minister for Training and Skills Development and Minister for Youth Justice, ‘$288 million package to keep students engaged in education’ (Joint Statement, 4 December 2023). [↑](#footnote-ref-44)
44. John Bosco Ngendakurio, *Report: Racism in Australian Schools* (Ethnic Communities Council of Queensland, February 2024), <https://eccq.com.au/wp-content/uploads/2024/02/Report-Racism-Within-Australian-Schools.pdf>, 2–4. [↑](#footnote-ref-45)
45. See Kevin Lowe, Neil Harrison, Cathie Burgess and Greg Vass, ‘A systematic review of recent research on the importance of cultural programs in schools, school and community engagement and school leadership in Aboriginal and Torres Strait Islander education’ (Commissioned Report, Social Ventures Australia, 25 October 2019). [↑](#footnote-ref-46)
46. See, for example, Angela Turner, Katie Wilson, Judith L Wilks, ‘Aboriginal Community Engagement in Primary Schooling: Promoting Learning through a Cross-Cultural Lens’ (2017) 42(11) *Australian Journal of Teacher Education* 96. [↑](#footnote-ref-47)
47. Brown et al have suggested that a key indicator required for assessing cultural wellbeing is ‘the number of states/ territories that have Aboriginal and Torres Strait Islander education content for *all* children as part of the core education curriculum’: Ngaire Brown, Peter S Azzopardi and Fiona J Stanley, ‘Aragung buraay: culture, identity and positive futures for Australian children’ (2023) 219(10) *Medical Journal of Australia* S35, S36. [↑](#footnote-ref-48)
48. See, for example, the Strong & Deadly Futures alcohol and drug prevention program: K Routledge et al, ‘Acceptability and feasibility of Strong & Deadly Futures, a culturally-inclusive alcohol and drug prevention program for Aboriginal and/or Torres Strait Islander secondary students’ (2022) 2 *SSM Mental Health* 100073. [↑](#footnote-ref-49)
49. *General Comment No. 24 on children’s rights in the child justice system*, UN Doc CRC/C/GC/24 (18 September 2019) [9]. [↑](#footnote-ref-50)
50. Ibid [11]. [↑](#footnote-ref-51)
51. See, eg, Bob Atkinson, *Report on Youth Justice* (Version 2, 8 June 2018), 104–5, which notes that studies ‘suggest that children below the age of 14 have rarely developed the social, emotional and intellectual maturity necessary to determine criminal responsibility’, and that there is ‘a strong correlation between early involvement in the youth justice system and chronic offending in adulthood, the trajectory through the criminal justice system often being more rapid the earlier a young person is involved with the system’. [↑](#footnote-ref-52)
52. QFCC, *The criminalisation of children living in out-of-home-care in Queensland* (2018), 9, 12. [↑](#footnote-ref-53)
53. Ibid 9. [↑](#footnote-ref-54)
54. Ibid 19. [↑](#footnote-ref-55)
55. *Human Rights Act 2019* (Qld) ss 27 and 28. [↑](#footnote-ref-56)
56. Section 28. [↑](#footnote-ref-57)
57. *General Comment No. 24 on children’s rights in the child justice system*, UN Doc CRC/C/GC/24 (18 September 2019) [111]. [↑](#footnote-ref-58)
58. Bob Atkinson, *Report on Youth Justice* (Version 2, 8 June 2018), 100. [↑](#footnote-ref-59)
59. New Zealand Child and Youth Strategy, 13. [↑](#footnote-ref-60)
60. Queensland Government, *Putting Queensland Kids First: Giving our kids the opportunity of a lifetime* (Consultation draft, 2024) 19. [↑](#footnote-ref-61)
61. New Zealand Child and Youth Strategy, 30. [↑](#footnote-ref-62)
62. Ibid 31. [↑](#footnote-ref-63)