

Your Ref:

Our Ref: Children's Law Committee: 21000337/78

13 August 2012

Ms Elizabeth Fraser
Commissioner
Commission for Children and Young People and Child Guardian
PO Box 15217
BRISBANE CITY EAST QLD 4002

By Post and Email to: Elizabeth.Fraser@ccypcg.qld.gov.au

Dear Commissioner

PUBLIC NAMING OF CHILD OFFENDERS AND USE OF THE TERMS 'ABSCOND' AND 'SELF-PLACE' IN COMMISSION DOCUMENTS

Queensland Law Society writes to you in regard to two important children's law matters.

1. Public naming of child offenders

The government has recently announced its intention to introduce laws which will allow for the publication of names of child offenders under the *Youth Justice Act 1992*.

The Society released a media statement on this issue on 17 July 2012, which we have **enclosed** for your reference. In our view, these proposed changes will have significant negative impacts on children and young people in the youth justice system.

We commend you for your article that appeared in the Courier Mail on 19 July 2012 entitled 'There's no evidence increasing punishments or naming or shaming youths helps, or acts as a deterrent'. We consider that the Commission is well-placed to advocate to government on this matter. We urge the Commission to continue its efforts, and the Society would be pleased to work with you in this regard.

2. Use of the terms 'abscond' and 'self-place' in Commission documents

We note that the Commission uses the term 'abscond' and 'self-place' in its documents (for example, in the section entitled 'Children who self-placed or absconded from placement' of the Child Guardian Report 2008-2011¹).

¹ Found at: http://www.ccypcg.qld.gov.au/reportsCP/pdf/Child-Guardian_Key-Outcome-Indicators-Update-2012.pdf

The Society has recently called for the Department of Communities, Child Safety and Disability Services to refrain from using the word 'abscond' in the context of children in residential placements. Where a child or young person leaves a placement without permission and his or her whereabouts are unknown, we consider that this child should be regarded as missing. When a child is placed in a residential, it is the child's home. He or she is not detained there. The use of the term 'absconding' in the sector is unnecessarily pejorative and is a reinforcement of the criminalisation of children and young people living in residential placements. We would strongly encourage that it not be used at all.

We also question the use of the term 'self-place' in this context. This is defined on your website in the following manner:

Self-placing is when a young person leaves their placement arranged by the Department of Communities, Child Safety and Disability Services to live somewhere else.²

In our view, the term self-placement fails to acknowledge the vast and complex reasons for a young person feeling that they have no choice but to leave a placement. Further, it is not necessarily the case that a child or young person leaves the placement to live somewhere else. In fact, it is the experience of our children's law practitioners that many children and young people leave their placements and are left homeless. We consider that the use of the term 'self-place' is misleading in these situations, and masks the serious risk of homelessness that children in the child protection system face.

We urge the Commission to undertake a review of its documents and procedures to consider the use of these terms.

Please contact our Senior Policy Solicitor, Ms Binny De Saram on (07) 3842 5885 or b.desaram@qls.com.au; or Ms Raylene D'Cruz on (07) 3842 5884 or r.dacruz@qls.com.au for further inquiries.

Thank you for considering our comments in relation to these issues.

Yours faithfully

Dr John de Groot
President

² Young people's experiences of self-placing, Kidspace, found at: http://www.cypcpg.qld.gov.au/kids-info/kids_cv_self-placing.html