

4 November 2024

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Dear Youth Justice Reform,

[Working It Out](#) (WIO) has provided this feedback as requested on the *Youth Justice Diversionary Services Framework*. As Tasmania's sole dedicated support, advocacy, and education service for the lesbian, gay, bisexual, transgender, intersex, queer, and asexual (LGBTIQA+) community, WIO is committed to fostering change through education grounded in lived experience. Our goal is to empower LGBTIQA+ Tasmanians to lead fulfilling lives.

To help frame WIO's feedback, I am highlighting some factors that affect Australian LGBTIQA+ youth and their interactions with the justice system.

Experiences of Australian LGBTIQA+ youth and the justice system:

- LGBTIQA+ children and young people face increased rates of maltreatment and abuse (Higgins et al. 2024), substance misuse, self-harm, family disruption, homelessness, and disengagement from education. This can lead to poorer physical and mental health outcomes. These issues are not a result of their sexuality or gender diversity, but rather the responses from family, community, and society (Vic Govt, 2022).
- Existing sector responses are inadequate for the unique needs of justice-involved LGBTIQA+ young people (Huggins & Baidawi, 2024)
- Youth justice systems lack acceptance of LGBT identities, leading to failure in recognising the needs of diverse young people by youth justice professionals and processes (Richards & Dwyer, 2014).
- Research indicates marginalisation and homophobia increase drug use and reliance on survival-sex for shelter and food among LGBTIQ youth, leading to greater public space victimisation and policing than heterosexual peers, with increased interactions with criminal justice agencies and detainment by police (Richards & Dwyer, 2014).
- Services often fail to address the intersectional needs of LGBTIQA+ youth, resulting in poorer outcomes (Huggins & Baidawi, 2024).
- Aboriginal and Torres Strait Islander LGBTIQ(SB)+ youth in detention face unresponsive service provision and policies that do not meet their unique needs, failing to understand intersectionality (Huggins & Baidawi, 2024).

Noting the above issues, the *Youth Justice Diversionary Services Framework Draft* must include specific measures and context in *Priority Areas* and *Ways of Working* to protect LGBTIQ(SB)+ children and young people, otherwise it invisibilises the structural issues causing problems and poorer outcomes. Incorporating specific actions would also more effectively safeguard LGBTIQ+ children and young people by proactively addressing systemic issues and upholding Child and Youth Safe Standard 4, which states “*Equity is upheld and diverse needs respected in policy and practice.*”

The following Australian jurisdictions have LGBTIQ+ related considerations and activities (there may be more content not found), which could help develop content for relevant sections of the framework draft:

Australian State	Document Name	Link
Victoria	Youth Justice Strategic Plan 2020-2030	https://files.justice.vic.gov.au/2021-06/Youth%20Justice%20Strategic%20Plan_0.pdf
NSW	Working with LGBTQIA+ Young People Policy, NSW Youth Justice	https://www.nsw.gov.au/sites/default/files/2022-08/Working_with_LGBTQIA_Young_People_Policy.pdf
QLD	Queensland Youth Justice Strategy 2024-2028 (recognises LGBTIQ+ youth as a priority population)	https://www.publications.qld.gov.au/ckan-publications-attachments-prod/resources/92dc8f1c-c8e3-439d-86e6-767fd12de899/a-safer-queensland-queensland-youth-justice-strategy-2024-2028.pdf

Programs or approaches to include under *Opportunities for Change* and/or *Ways of Working*:

- LGBTIQ(SB)+ children and young people are a recognised priority area.
- Embedding concepts of Intersectionality and Cultural Safety (for LGBTIQ+ and other groups) within the framework and key terms (Vic Govt, 2021; Equality Project, n.d.).
- Diversionary services and practitioners are culturally safe for LGBTIQ(SB)+ children and young people.
- There is an explicit understanding of systemic societal discrimination impacting on LGBTIQ(SB)+ young people and their families that make young people vulnerable across communities, homes, and institutions.
- Culturally safe and youth accessible spaces (e.g. drop-in services) to engage in opportunistic intervention activities to mitigate ‘youth justice’ related issues often associated with lack of shelter and food, health needs (physical and mental), facilities, and interpersonal conflicts.
- Resourcing priority and establishing accountability structures for organisations to address and transform cultural attitudes and beliefs that discriminate against LGBTIQ+ populations.
- LGBTIQ+ inclusion and cultural safety standards in funding contracts for child and youth-based services.
- Mandated core knowledge training is delivered on LGBTIQ(SB)+ cultural safety.

- Ensure the unique factors for young people with innate variations of sex characteristics (IVSC or intersex) are not conflated with gender and sexuality.

With Regards,

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References:

- Higgins, D. J., Lawrence, D., Haslam, D. M., Mathews, B., Malacova, E., Erskine, H. E., Finkelhor, D., Pacella, R., Meinck, F., Thomas, H. J., & Scott, J. G. (2024). Prevalence of Diverse Genders and Sexualities in Australia and Associations With Five Forms of Child Maltreatment and Multi-type Maltreatment. *Child Maltreatment*, 0(0). <https://doi.org/10.1177/10775595231226331>
- Vic Govt. (2022). *Youth Justice Strategic Plan 2020-2030 - Supporting LGBTIQ children and young people*. Victoria State government, Australia. <https://www.justice.vic.gov.au/justice-system/youth-justice/youth-justice-strategic-plan-2020-2030-supporting-lgbtqi-children-and>
- Huggins, L., & Baidawi, S. (2024). Youth justice-involved LGBTIQ+ young people: exploring practitioner and policy perspectives. *Current Issues in Criminal Justice*, 1–20. <https://doi.org/10.1080/10345329.2024.2371516>
- Richards, K., & Dwyer, A. (2014). Unspeakably present: the (un)acknowledgment of diverse sexuality and gender human rights in Australian youth justice systems. *Australian Journal of Human Rights*, 20, 63-79. <https://doi.org/10.1080/1323-238X.2014.11882150>
- Vic Govt. (2021). *Understanding intersectionality*, Australia. <https://www.vic.gov.au/understanding-intersectionality> .
- The Equality Project. (n.d.). *What is Cultural Safety?*, Australia. <https://www.theequalityproject.org.au/blog/cultural-safety>.