



QUEENSLAND POLICE SERVICE

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Our Ref:

Your Ref:

27 January 2022

Ms Corrine McMillan MP
Member for Mansfield
Chair
Community Support and Services Committee
Parliament House
George Street
Brisbane QLD 4000

Dear Chair

I refer to your letter of 21 January 2022 inviting representatives from the Queensland Police Service (QPS) to provide a briefing to the Community Support and Services Committee public hearing into the Criminal Law (Raising the Age of Responsibility) Amendment Bill 2021 (the Bill).

I note you have also sent a copy of the request to the Honourable Mark Ryan MP, Minister for Police and Corrective Services and Minister for Fire and Emergency Services.

The QPS is unable to comment on the policy to change the age of criminal responsibility to 14 years, noting this is a matter for the Legislative Assembly.

Any change to the age of criminal responsibility for children will have impacts to the QPS. Children aged under 14 years do come to police attention for anti-social behaviour and police officers already apply their discretion to divert children from the youth justice system. However, some incidents do result in children being charged with criminal offences. The *Childrens Court of Queensland Annual Report 2020-21* shows that 412 child defendants aged 10-13 years had a finalised appearance in the Childrens Court in 2020-21.

Amendments in the Bill

There are no amendments in the Bill to Acts administered by the Minister for Police and Corrective Services and Minister for Fire and Emergency Services.

The core amendment proposed by the Bill is to replace section 29 of the Criminal Code. The QPS defers commentary on this provision to the Department of Justice and Attorney-General which has departmental responsibility for the administration of the Criminal Code.

The remaining amendments proposed in the Bill are to the *Youth Justice Act 1992* (Qld) to insert transitional provisions. The QPS notes the Department of Children, Youth Justice and Multicultural Affairs (DCYJMA) has departmental responsibility for the administration of the Youth Justice Act. The QPS defers to the Office of Parliamentary Counsel to determine the appropriateness of the transitional provisions in achieving the policy objectives of the Bill.

However, the QPS notes the transitional provisions do not reference a court order for identifying particulars under section 25 of the Youth Justice Act – noting there is a mandated destruction requirement of the identifying particulars if proceedings end under existing section 28.

Clause 5, new section 409 (Release from watch-house) proposes the QPS be able to detain a child for three days after the commencement of amendments (if passed). The QPS does not support this proposal. Any child should be released at the earliest reasonable opportunity if the reason for detaining the child in police custody no longer exists.

The QPS also notes there may be consequential amendments to other Acts required as a result of changing the minimum age of responsibility, for example section 379A(1)(c) (Additional case when arrest for graffiti offence may be discontinued) of the *Police Powers and Responsibilities Act 2000* (Qld).

Diversion and community safety

Community safety is a paramount consideration and to ensure community confidence, an appropriate framework would need to be in place to deal with children who pose a serious risk to themselves or the community. Diversion from the youth justice system by increasing the minimum age of responsibility is insufficient on its own; intensive supports and services will need to be established for the cohort of children who will no longer be supervised by the youth justice system.

Any change to the age of responsibility needs to be supported with services where police can divert children to, so that the underlying factors influencing their anti-social behaviour can be addressed to prevent re-offending.

The information outlined above is the extent to which the QPS is able to comment on the current provisions of the Bill. Accordingly, the QPS does not anticipate there being any additional value in making representatives

available for a public hearing on the 14 February 2022. On this basis, could you therefore arrange for the Committee Secretariat to confirm with the QPS departmental contact nominated below that attendance is not required on the 14 February 2022 by a representative of the QPS.

As an alternative to the attendance of QPS departmental representatives at the public hearing, the QPS is willing to assist in addressing any factual queries that may arise from submissions to the extent it is able.

The QPS departmental contact officer is Nadine Seifert, A/Director, Strategic Policy Branch, Policy and Performance, on [REDACTED] or email at [REDACTED]

I trust this information is of assistance.

Yours sincerely



KATARINA CARROLL APM
COMMISSIONER

cc The Honourable Mark Ryan MP
Minster for Police and Corrective Services and Minister for Fire and
Emergency Services