

Sunday, 28 November 2021



Committee Secretary
Community Support and Services Committee
Parliament House
George Street
Brisbane Qld 4000

Email: CSSC@parliament.qld.gov.au

**CRIMINAL LAW (RAISING THE AGE OF RESPONSIBILITY)
AMENDMENT BILL 2021**

Dear Secretary

I present this submission on behalf of our organisation, the Foundation for Aboriginal and Islander Research Action (FAIRA).

Our organisation strongly recommends that the Queensland Government raise the age of responsibility, respecting the rights and interests of the Aboriginal and Torres Strait Islander Peoples.

what does the evidence tell us?

There should be no doubt about the necessity to raise the age of responsibility to age 14 years. Many reports, conclusions and recommendations on this priority issue have been presented to the Queensland and national governments over the years. The documents provide strong evidence of damage being caused to current and future generation of our Peoples. Continued reluctance and hesitation to raise the age must be condemned. Clearly the majority of the public are calling for positive change.

FAIRA is aware criminal law discriminates against the Aboriginal and Torres Strait Islander population, male and female, and all ages. Statistics leave no doubt regarding the extent of that discrimination. The statistics need to be addressed through better policies and laws.

The Convention on the Elimination of All Forms of Racial Discrimination expects governments to take action to end racial discrimination. Article 2.1(c) of the Convention requires that governments review policies, and to nullify laws which have the effect of creating or perpetuating racial discrimination wherever it exists.

Restoring the Human Rights and Dignity of the Indigenous Peoples of Australia in the 21st Century

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In Australia, thirty years ago, the Royal Commission Into Aboriginal Deaths in Custody concluded that the statistical incarceration of Aboriginal and Torres Strait Islander Peoples will not reduce unless the people themselves are empowered. All governments in Australia were made aware of this major and critical conclusion; and three decades have passed without action. The prison and detention populations continue to increase. And that increase goes unabated everywhere. No new inquiry will reach different conclusions. Government inertia is the problem. Aboriginal and Torres Strait Islander Peoples must take control for the future of our children, away from government, institutions and prisons.

In our submission we see no need to provide new legal and human rights evidence. Enough information is given in the Explanatory Notes to the Bill, and further evidence is accessible in extensive details and documentation generated as a part of the *Raise The Age* campaign.

right to self-determination

However FAIRA must bring to attention that the Queensland Government strongly supports human rights. This is demonstrated in existing legislation, and Aboriginal and Torres Strait Islander Peoples' right to self-determination is recognised. Self-determination requires that harsh laws should not be imposed upon our children without reasonable cause and laws should only be passed with the free, prior and informed consent of the people.

Aboriginal / Torres Strait Islander family and community responsibilities (and respect for community juridical systems) are mandatory components if future generations are to be able to develop. The 'round-up' reserve system in Queensland's that was imposed during most of Queensland's history severely institutionalised the Aboriginal and Torres Strait Islander population for two centuries. Now, as institutional controls are being lifted, we still see heavy-handed approaches, now mistakenly called 'law and order', being put forward by police, misanthropes and other haters.

Self determination puts Aboriginal and Torres Strait Islander Peoples in the driver's seat, particularly when it comes to deciding how future generations are to develop. It is not acceptable that a very large proportion of our families and children become labeled as criminals. They are our future and require care and protection.

conclusion

The Queensland Parliament must raise the age of responsibility in Criminal Law to 14 years of age. This is only the first step of a number of steps that need to be taken in Queensland to end the tragedies in Aboriginal and Torres Strait Islander lives.

Yours in the struggle



Les Malezer
Chairperson