

## Police Powers and Responsibilities and Other Legislation Amendment Bill 2022

**Submission No:** 7  
**Submitted by:** Justice Reform Initiative  
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SUBMISSION TO QUEENSLAND PARLIAMENT  
ECONOMICS AND GOVERNANCE COMMITTEE  
INQUIRY INTO THE POLICE POWERS AND  
RESPONSIBILITIES AND OTHER LEGISLATION  
AMENDMENT BILL 2022

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### **ABOUT THE JUSTICE REFORM INITIATIVE**

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The Justice Reform Initiative is an alliance of people who share long-standing professional experience, lived experience and/or expert knowledge of the justice system, further supported by a movement of Australians of goodwill from across the country who believe jailing is failing and that there is an urgent need to reduce the number of people in Australian prisons.

The Justice Reform Initiative is committed to reducing Australia's harmful and costly reliance on incarceration. Our patrons include more than 120 eminent Australians, including two former Governors-General, former Members of Parliament from all sides of politics, academics, respected Aboriginal and Torres Strait Islander leaders, senior former judges including High Court judges, and many other community leaders who have added their voices to end the cycle of incarceration in Australia.

We seek to shift the public conversation and public policy away from building more prisons as the primary response of the criminal justice system and move instead to proven alternative evidence-based approaches that break the cycle of incarceration.

We are committed to elevating approaches that seek to address the causes of contact with the criminal justice system including responses to housing needs, mental health issues, cognitive impairment, employment needs, access to education, the misuse of drugs and alcohol, and problematic gambling. We are also committed to elevating approaches that see Aboriginal and Torres Strait Islander-led organisations being resourced and supported to provide appropriate support to Aboriginal and Torres Strait Islander people who are impacted by the justice system.

Queensland patrons of the Justice Reform Initiative include:

- **The Honourable Mike Ahern AO**, former Premier of Queensland, businessman and founder of the Queensland Community Foundation.
- **Sallyanne Atkinson AO**, former Lord Mayor of Brisbane, businesswoman and Trade Commissioner
- **Professor Kerry Carrington**, Adjunct Professor, University of Sunshine Coast

- **Mick Gooda**, former Aboriginal and Torres Strait Islander Social Justice Commissioner and former Royal Commissioner into the Detention of Children in the Northern Territory
- **Keith Hamburger AM**, former Director-General, Queensland Corrective Services Commission
- **Professor Emeritus Ross Homel, AO**, Foundation Professor of Criminology and Criminal Justice, Griffith University
- **Professor Elena Marchetti**, Griffith Law School, Griffith University
- **The Honourable Margaret McMurdo AC**, former President Court of Appeal Supreme Court of Queensland, and Commissioner of the Victorian Royal Commission into the Management of Police Informants
- **Dr Mark Rallings**, former Commissioner, Queensland Corrective Services
- **Greg Vickery AO**, Former President Queensland Law Society and former Chair of the Standing Commission of the International Red Cross and Red Crescent Movement
- **The Honourable Dean Wells**, former Attorney General of Queensland
- **The Honourable Margaret White AO**, former Judge of the Queensland Supreme Court and Queensland Court of Appeal, former Royal Commissioner into the Detention of Children in the Northern Territory, and Adjunct Professor TC Berne School of Law UQ.

We are supported by our QLD Advocacy and Campaign Coordinator, Aysha Kerr.

## INTRODUCTION

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The Justice Reform Initiative urges the Queensland Government to implement **evidence-based criminal justice policies** that address the reasons why people engage in ‘hooning’ behaviour, rather than introducing new offences and creating harsher penalties in response to ‘hooning’ behaviour.

Noting that submissions for this inquiry were sought over the December to January holiday period, this short submission only briefly sets out the Justice Reform Initiative’s position on the proposed ‘anti-hooning’ measures introduced in the Police Powers and Responsibilities and Other Legislation Amendment Bill 2022.

The Justice Reform Initiative’s position is that **creating new offences and increasing maximum penalties is not the answer to the problem of ‘hooning’ behaviours**. It is recommended that the Queensland Government instead reviews existing preventative measures and prioritises further investment in evidence-based responses that support and educate Queensland drivers, increase road safety, and reduce occurrences of ‘hooning’ behaviours.

## KEY RECOMMENDATIONS

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That the Queensland Government reorients its approach to expanding legislative responses that will draw more people into the justice system, and instead reviews existing responses that aim to address the reasons for ‘hooning’ behaviour. Priority should be given to further investment in responses that support and educate Queensland drivers, increase road safety, and reduce occurrences of ‘hooning’ behaviours.

Government responses should be targeted specifically at supporting young men to become safe drivers. Programs that support young men to become safer drivers should be more readily available, strongly promoted and externally evaluated to ensure positive outcomes for Queensland.

The Government should run a public education campaign, specifically targeted at young males, about the potential consequences of ‘hooning’ behaviour and addressing issues around masculinity.

## SHORT SUMMARY OF CONCERNS

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The Justice Reform Initiative recognises the reasons why Governments are often tempted to introduce new offences and harsher penalties in response to problematic behaviours including those referred to as ‘hooning’; however, we need to be very realistic about the likely impacts of these policies. It is very clear that prison is ineffective when it comes to controlling crime or protecting the community.<sup>1</sup> Evidence shows that sending people to prison does not reduce offending behaviours and increasing the length of a sentence does not reduce the likelihood of occurrence either. More than two-thirds (68%) of people in prison in Queensland have been in prison before.<sup>2</sup>

Furthermore, the majority of children who spent time in Brisbane Youth Detention Centre (92%), West Moreton Youth Detention Centre (84%) and Cleveland Youth Detention Centre (96%) were alleged to have committed another offence in the 12 months following their release. In summary, **imprisonment often leads to more crime – not less**. Existing research shows the proposed legislative amendments would target young males aged between 16 and 25 years old, who are typically involved in ‘hooning’ behaviours.<sup>3</sup> Queensland already imprisons the highest number of children aged 10 to 17 years old in the country<sup>4</sup>, and our adult prison population has grown by 68% since 2011-12<sup>5</sup>. Increases in Queensland’s youth detention and prison population numbers have been driven by political, policy, and legislative choices that end up funnelling many people unnecessarily into imprisonment. This comes at enormous cost to Queensland taxpayers.

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<sup>1</sup> Productivity Commission, *Australia’s Prison Dilemma* (2021).

<sup>2</sup> ABS, *Prisoners in Australia 2021*, table 29.

<sup>3</sup> Armstrong, K., & Steinhart, D. (2006). Understanding street racing and ‘hoon’ culture: An exploratory investigation of perceptions and experiences. *Journal of the Australasian College of Road Safety* 17(1):pp. 38-44.

<sup>4</sup> Australian Institute of Health and Welfare (AIHW), *Youth detention population in Australia 2022*, Figure 5.1

<sup>5</sup> Productivity Commission, *Report on Government Services 2022*, Table 8A.4

An adult person in prison costs the taxpayer \$207 per day, or \$75,602 per year.<sup>6</sup> A young person in prison costs \$1,880 per day and \$686,127 per year.<sup>7</sup> It is evident that jailing is failing in Queensland. Instead of creating more punitive measures, there is an opportunity for the Queensland government to focus attention and resources on evidence-based programs that work to prevent offending, reduce incarceration, and decrease recidivism.

## **SHORT SUMMARY OF ALTERNATIVE OPTIONS**

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The Queensland Productivity Commission Inquiry into Imprisonment and Recidivism recommended that the Queensland Government further invests in community-led early intervention and prevention measures as well as expands diversionary options to reduce imprisonment in Queensland.<sup>8</sup> Rather than introducing new offences and increasing maximum penalties for ‘hooning’ behaviour, it is recommended that the Queensland Government prioritises further investment and resources into evaluating, reviewing, and expanding alternative measures that work outside of the criminal justice system to reduce ‘hooning’ behaviours.

In December 2020 to January 2021, the Queensland Government trialled the Rethinking Our Attitude to Driving (ROAD) program in five locations across the state.<sup>9</sup> The ROAD program “is a group-based program that aims to encourage young people to explore their thoughts, feelings and behaviours in relation to their motor vehicle offending and the impact on their victims, themselves, their family and their community.” This program was developed to implement an evidence-based and consistent state-wide programmatic response to address motor vehicle offending in Queensland. The Queensland Government has recommended that the ROAD program is delivered as part of a multi-faceted approach to delivering change-oriented interventions with young people. Other evidence-based interventions that have been implemented by Queensland Government include Changing Habits And Reaching Targets (CHART) and Emotional Regulation and Impulse Control (ERIC), which aim to address the underlying drivers and impacts of offending. To our knowledge, there are no publicly available evaluations outlining the effectiveness of any of these programs in the Queensland context.

In addition to these programs, Queensland Fire and Emergency Services (QFES) delivers the Road Attitude and Action Planning (RAAP) program.<sup>10</sup> RAAP is a psychoeducational program that was designed as a preventative strategy to provide information to young people about road safety. It is led by operational firefighters who had experience with road trauma and delivered in both school environments as well as youth justice settings. The Queensland University of Technology (QUT) undertook a process and impact

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<sup>6</sup> Productivity Commission, Report on Government Services 2022, Table 8A.2

<sup>7</sup> Productivity Commission, Report on Government Services 2022, tables 17A.21.

<sup>8</sup> Queensland Productivity Commission, *Inquiry into Imprisonment and Recidivism Final Report* (2019)

<sup>9</sup> [Inquiry into vehicle safety, standards, and technology, including engine immobiliser technology: Submission No 31](#)

<sup>10</sup> Ibid.

evaluation of this program over 2021-22.<sup>11</sup> The research aims to evaluate the extent to which the content and execution of the program broadly improves the safety perceptions and behavioural intentions of young people.

Furthermore, the Queensland Government recently awarded \$630,000 in Community Road Safety grant funding to 39 grassroots road safety education initiatives across the state.<sup>12</sup> These programs have yet to be evaluated.

In summary, there is an opportunity for Queensland to generate additional efficacy data to determine whether existing driver road safety and motor vehicle offending programs work to reduce reoffending. It is recommended that the Queensland Government invests in independent evaluations that generate efficacy data of a high quality, that is, randomised controlled-trial designs, or matched-groups designs equivalent at 'baseline' (in terms of level of risk) before intervention. Redirecting efforts towards reviewing and evaluating existing responses that aim to address the reasons for 'hooning' behaviour would support government to prioritise further investment in responses that support and educate Queensland drivers, increase road safety, and reduce occurrences of 'hooning' behaviours; rather than creating new offences and increasing maximum penalties, which will not address the drivers of 'hooning' behaviour and would instead result in more people being unnecessarily funnelled into the criminal justice system.

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<sup>11</sup> QUT Centre for Accident Research & Road Safety Queensland (CARRS-Q), [Evaluation of the Road Attitudes and Action Program \(RAAP\)](#), 2023

<sup>12</sup> <https://statements.qld.gov.au/statements/96474>