

## STRENGTHENING COMMUNITY SAFETY BILL 2023

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24 February 2023

Committee Secretary  
Economic and Governance Committee  
Parliament House  
George Street  
Brisbane Qld 4000

By email: [EGC@parliament.qld.gov.au](mailto:EGC@parliament.qld.gov.au)

Dear Committee Secretary,

### **Strengthening Community Safety Bill 2023**

I write to you in relation to the *Strengthening Community Safety Bill 2023* (The Bill). Sisters Inside welcomes the opportunity to provide feedback in relation to the Bill.

#### **About Sisters Inside**

Established in 1992, Sisters Inside is an independent community organisation that advocates for the collective human rights of women and girls in prison and their families, and works alongside criminalised women and girls to address their immediate, individual needs.

Our work is guided by our *Values* and *Vision*. We believe prisons are an irrational response to social problems that serve to further alienate socially marginalised groups in our communities. We also believe that prisons are inherently criminogenic and violent institutions, which repeat patterns of violence, social control and sexual assault. We are uniquely placed to contribute to this consultation as we see the daily realities of life for criminalised girls throughout Queensland and the wider consequences of policies and practices within the Queensland criminal legal system.

#### **About this submission**

There has only been an extraordinary brief opportunity to review the amendment to the Bill, and we request that the Government extend the period by which to provide feedback, so that communities and stakeholders have a reasonable opportunity to consider the draft legislation



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and provide in-depth feedback. This timeframe has provided no opportunity for respectful, in-depth engagement from the communities that will actually be impacted by these amendments. The drafting of draconian legislation such as this must in the very least allow affected communities to have their voice heard.

### **For Community Safety**

Our work centres on community support, capacity building and care. The safety of the whole community is contingent upon everyone being cared for and safe. The criminalisation of children who are victims of racism, marginalisation, oppression, and social and institutional violence and neglect, and whose families are more often than not also criminalised, does nothing but perpetuate the cycle of harm, violence and criminalisation. We firmly believe that the Bill will not be effective in keeping “the community safe”, but rather succeed in further criminalising, disenfranchising and harming children and their families, and will indeed make communities less safe. In our view, the Bill is not about Strengthening Community Safety.

This Bill will successfully increase the already rising number of children remanded in Queensland’s youth prisons and watch houses, and essentially pipeline children into adult prisons. It is appalling that the Palaszczuk Government is introducing this Bill, which is clearly incompatible with the *Human Rights Act 2019*, and which will without question ensure that Aboriginal and Torres Strait Islander children are targeted and disproportionately affected by the development of this state sponsored carceral project.

### **Human Rights**

The Bill reads incompatible with the *Human Rights Act 2019 (Qld)* and explicitly excludes and overrides protections of the *Act*. The Bill is also in violation of the UN Convention on the Rights of the Child. We are firmly of the belief that there is no justification of the protection underwritten by the *Act* to be overridden.

Further to this, we are deeply concerned by the lack of acknowledgment of and discourse around the impact the Bill will have on children with disabilities. Criminalised people more often than not live with some form of disability and/or mental health condition (not taking into account experiences and effects of trauma) and the same is true for criminalised children. The Bill will certainly succeed in increasing the rate at which children living with disabilities, mental health conditions and trauma are criminalised.

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## **Mass Incarceration and Aboriginal and Torres Strait Islander peoples**

There is no questions that the legislatively amendments will overwhelmingly target and impact Aboriginal and Torres Strait Islander children, their families and their communities. The systemic racism that underpins Aboriginal and Torres Strait Islander peoples' contact with the criminal legal system is evidenced by the record number of Aboriginal and Torres Strait Islander adults in prison, and children in youth prison and watch houses. This Bill will only succeed in further amplifying the mass incarceration of First Nations children.

Further to this, the nexus of criminalisation and children's contact with the 'child protection' system must be acknowledged and understood, and especially how this is exacerbated for Aboriginal and Torres Strait Inlander families and their children, and children living with disabilities.

## **Bail Amendments**

We strongly oppose the amended of breach of bail as an offence for children. This amendment does not adequately address the issues that contribute to children breaching bail conditions. A range of factors like transient accommodation, lack of family support, lack of transportation and/or inappropriate bail conditions cause children to breach bail conditions. The lack of accommodation, lack of family support and/or lack of access to essential health services should never result in children being imprisoned. The Queensland Government must take responsibility to address these needs rather than seeking to criminalise. Criminalisation routinely leads to further criminalisation and this amendment will neither serve as a deterrent or an effective measure to ensure children comply with their bail conditions. Rather, it serves as another mechanism to increase the risk of imprisonment of a child. This amendment is disproportionate and especially punitive, especially in light of less restrictive alternatives such as providing additional bail support to children. It also is inconsistent with s26 of the *Human Rights Act 2019* as well as international standards set out in the United Nations Standard Minimum Rules for the Administration of Juvenile Justice.<sup>1</sup> The international standards outline that the imprisonment of children should always be a last resort and should only be used for the shortest appropriate period of time. In our view, criminalising breach of bail will have a devastating impact and will cause the number of children in our watch houses and prison to significantly increase.

Since April 2018, we have been funded through our Yangah Program to provide a bail support service for girls under 18 years old in watch houses in South East Queensland. In our work, we have seen firsthand the harmful impacts police bail refusals for girls. Almost all of the girls we support through our services are Aboriginal and Torres Strait Islander or from another cultural background. It is concerning that a presumption against bail will be made for children who are passengers in stolen vehicles, commit burglary or enter a premise to commit an indictable

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<sup>1</sup> Reference

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offence. All children must have the benefit of the presumption of bail. Imprisonment must be a last resort. Prisons do not stop offending and on the contrary, evidence suggests that prisons are themselves criminogenic. Early contact with the criminal justice system is one of the key predictors of ongoing youth and adult criminalisation, which may lead to pipelining into adult prisons.

We are concerned that the expansion of police powers to monitor bail compliance will result in operating police patrols in 'hot spot areas' and instigating these bail compliance checks has all the hallmarks of racialised and class based targeted responses. We are particularly concerned that the power given to police officers to arrest a child relies on the discretion of the officer to 'reasonably suspect' the child is likely to contravene a condition. This is particularly problematic as we often see police officers as the gatekeepers of the criminal legal system who at times use their discretion disproportionately. We are concerned that expanding police powers to such an extent will result in an increase in vulnerable children being placed in youth prisons and watch houses. This will create lifelong harm, trauma and creates further disadvantage to vulnerable children who become more likely to end up in our adult prisons. The Government must redirect the \$42 million policing hotspot funding to community solutions that have worked for decades.

### **Sentencing Amendments**

We are extremely concerned about the serious repeat offender declarations. In our view, this limits the ability of judicial decision makers and is a punitive response. Criminal behaviour is usually the outcome of repeated and intergenerational experiences of violence, poverty, homelessness, child removal and unemployment resulting in complex health issues and sometimes substance misuse. There are often complex social and structural factors that lead children to become repeat or persistent offenders. These children often have conduct disorders and/or disabilities. We are particularly concerned about children with disabilities and how they will be increasingly criminalised and this is largely due to their care needs being unacknowledged. In our view, the problem lies with the failure to address circumstances that have led to the child's alleged offending. In our experience, the government has constantly failed to provide programs and support to children to prevent them from criminalisation. We do not support expanding the scope of a prescribed indictable offence, which essentially prioritises property over the wellbeing and welfare of children. The introduction of the sentencing amendments is an extremely harmful exercise and will directly lead to the imprisonment of more children in our state. In our view, children will be more traumatised and far more likely to continue criminal behaviours. Funding must be allocated to safer housing, programs and support for children rather than imposing harsher penalties on vulnerable children.

### **Alternative solutions**

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The current Bill and policy does not support minimising children's contact with the criminal legal system. Connections to country, family and services cannot be built nor maintained if children are in youth prisons or watch houses. We urge the Government to recognise children's inherent vulnerability and consider alternative solutions to minimise the harm to children. The Government

should allocate funds to non-Government organisations that can provide 24/7 support to criminalised children or children who are at risk of being criminalised. Funding must be allocated to existing support services and support solutions in order to prevent children from having contact with the criminal system. In our view, many non government organisations are currently under funded to provide young people at risk of criminalisation the support they need. Legislative and policy amendments which immediately reduce the number of children in youth prisons and watch houses is the only way to ensure community safety in the long term.

We are willing to provide further information or clarification of any of the matters raised in this submission upon request, and we consent to the publication of our submission. If you would like to discuss anything or require further information, please contact me on [REDACTED]

Yours faithfully

Debbie Kilroy



Chief Executive Officer  
Sisters Inside Inc