

STRENGTHENING COMMUNITY SAFETY BILL 2023

Submission No: 41
Submitted by: Bar Association of
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Attachments:

Submitter Comments:

PRIVATE AND CONFIDENTIAL

24 February 2023

Committee Secretary
Economics and Governance Committee
Parliament House
George Street
Brisbane QLD 4000

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Copy to: attorney@ministerial.qld.gov.au; police@ministerial.qld.gov.au

Dear Secretary

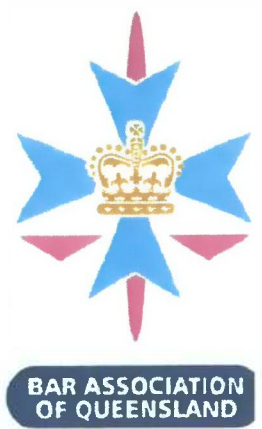
Committee Inquiry into the *Strengthening Community Safety Bill 2023*

On 21 February 2023, the Economics and Governance Committee sent the *Strengthening Community Safety Bill 2023* to potential stakeholders with a request for submissions by 12pm, Friday 24 February 2023. The Bill had already been introduced into the Queensland Parliament by the Minister for Police and Corrective Services and Minister for Fire and Emergency Services, the Honourable Mark Ryan MP earlier that day. It has been referred to the Economics and Governance Committee with a reporting deadline of 10 March 2023.

The Bar Association of Queensland is concerned that it was not consulted prior to the introduction of the Bill to Parliament.

Further, the 2.5 days allowed for submissions from stakeholders prior to the reported deadline is a wholly inadequate timeframe for the Bar Association to provide meaningful input in respect of the Bill. The Bill contains many elements which are troubling to the Association. It provides for the extension of breach of bail offences to children, and it is not apparent that any of the amendments are directed at, or likely to address, the causes of youth offending in Queensland which are rooted in financial and social disadvantage – a matter that is as well known to the Government as it is to the community.

The Government's statements that the Bill is incompatible in various respects with human rights provided for in the *Human Rights Act 2019* underscores the need for there to have been meaningful consultation in the development of the Bill, including with the legal profession, as well as an adequate response time to the Economic and Governance Committee's request for submissions.



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The need for proper consultation is also highlighted by the fact that this will be the first occasion that Parliament uses its “exceptional” powers under section 43 of the *Human Rights Act 2019* to declare that amendments to the *Bail Act 1980* and the *Youth Justice Act 1992* will apply despite being incompatible with human rights and despite the provisions of that Act. That declaration would affect some of the most vulnerable members of society and, in fact, one of the few groups who are incapable of participating in the Parliamentary process. In those circumstances, it is disturbing that proper consultation has not occurred.

The Association notes that a public hearing on the Bill will be held in Brisbane on Tuesday, 28 February 2023. The Association requests to be able to attend and make submissions at that time.

Yours faithfully



Cate Heyworth-Smith KC
Vice-President