

STRENGTHENING COMMUNITY SAFETY BILL 2023

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Save the Children

54 reasons

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Economics and Governance Committee
Queensland Parliament
By email: EGC@parliament.qld.gov.au

Dear Committee,

Strengthening Community Safety Bill 2023 – Save the Children and 54 reasons submission

This submission represents the views of Save the Children and 54 reasons. It reflects our perspective as Australia's leading child rights organisation, and as a large service provider that delivers youth justice services across Queensland spanning early intervention, diversion and bail support, as well as work with people who are at risk of being, or have been, victims of crime. Our views are shaped by our experience working with both victims of crime and young offenders in Queensland, and our strong connection to many affected communities, including remote communities. We deeply understand, and ourselves grapple with, the complexity of the issues that the Strengthening Community Safety Bill 2023 (the Bill) seeks to address.

In this context, we have grave concerns about the Bill. We strongly urge that the Bill not be passed.

As a whole, the Bill clearly, directly and substantially breaches children's rights. Troublingly, the children in Queensland whose rights are most compromised by the Bill are overwhelmingly those who already have the greatest difficulty accessing their rights. They are also the children who would most benefit from a supportive, rather than punitive and incarceration-driven, response. These children are still developing in every sense, and overwhelmingly face significant challenges arising from some or all of neurodisability, mental health conditions, intergenerational trauma, and racism. This disproportionately includes Aboriginal and Torres Strait Islander children.

There is no evidence that the measures in the Bill would be effective, and indeed ample evidence that they will not be. As the 2018 review of youth justice in Queensland undertaken by Bob Atkinson AO and the Government's initial response to that review recognised, community safety cannot be achieved without a well-integrated youth justice system that has a strong focus on prevention, early intervention, rehabilitation and reintegration of children and young people into their communities.

Punitive and incarceration-driven responses like those in the Bill take the system in the opposite direction. They reinforce and deepen the cycles of trauma that lead to children getting on the wrong track, making the community less safe in the long term.

Putting it plainly, even on its own terms, the Bill will not achieve the objectives it seeks. We recognise the Government's desire to promote community safety and we support that goal. But the Bill's title is a misnomer. Far from strengthening community safety, the Bill as currently drafted will make Queensland communities less safe. It will push more children into watch houses and sentenced detention. It will expose more children to the traumatising effects of involvement in the youth justice system, which research makes very clear leads to increased – not reduced – reoffending and increased adult offending. In many cases, these are children who themselves have been victims of crimes that are far more serious than any actions they have taken.

By giving up on these children, the Bill condemns them – and all of us – to the consequences when children who need support are instead punished and incarcerated, and pushed further into the criminal justice system.



Given the very limited time available for consultation on the Bill, we are not in a position to deal with its provisions comprehensively. However, it is of particular concern that three provisions directly contravene the *Human Rights Act 2019* (the Act), as acknowledged in the Government’s Statement of Compatibility accompanying the Bill, namely:

- making it an offence for children to breach a condition of their bail undertaking;
- creating a separate sentencing regime for children who are declared ‘serious repeat offenders’ to enable more punitive sentencing; and
- establishing discretionary minimum sentencing requirements for breaches of certain conditional release orders.

Each of these provisions is an egregious breach of children’s rights, to the extent that the Statement of Compatibility acknowledges they cannot be justified by reference to other relevant considerations. Instead, to force these provisions through, the Government has no other option than to override the protections of the Act itself.

A number of the Bill’s other provisions raise significant child rights concerns in their own right. We disagree with the Government’s assessment that the fundamental principles of children’s rights, as recognised in the Act, are outweighed by considerations such as “the importance of reducing recidivism through electronic monitoring” as described in the Statement of Compatibility.

Lastly, we note the broader harmful effects that passing the Bill would have. To override the Act at any time is a very serious step that should only be taken – if ever – following extensive consideration and consultation, and based on the strongest of evidence. That there appears to have been no direct or meaningful consultation, before taking such an extraordinary measure, with organisations such as Save the Children and 54 reasons that work with children, highlights the rushed approach. Furthermore, data from the Queensland Government Statistician’s Office indicates that there was a 5.8% decrease in the number of unique youth offenders in Queensland in 2020-2021 (lowest number in a decade) compared to the previous year and since 2011-2012, the number of unique child offenders has decreased by 26.8%.¹

None of those conditions of extensive consultation and strong evidence are satisfied here. To pass this Bill now, so soon after the Act came into force, would be extraordinary. The passage of the Act by the Queensland Parliament was an act of national leadership in promoting human rights and the fundamental tenets underpinning a good society that those rights represent and enable. Allowing this Bill to pass would be an enormous step backwards.

I wish to again reiterate our strong view that this Bill should not be passed. We also support the submission made by PeakCare about this Bill.

Please do not hesitate to contact me to discuss this submission: [REDACTED] or

Yours sincerely,

Matt Gardiner | Chief Executive Officer, 54 reasons

¹ Media Statement, ‘QGSO Annual Statistical Report for 2020-2021 released’, 7 April 2022, available at: <https://statements.qld.gov.au/statements/94916>.

