

STRENGTHENING COMMUNITY SAFETY BILL 2023

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Submitted by: Qld Network of Alcohol and other Drugs Agencies (QNADA)
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24 February 2023

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

Dear Committee Members,

Thank you for the opportunity to provide a submission on the *Strengthening Community Safety Bill 2023*. The Queensland Network of Alcohol and other Drugs Agencies (QNADA) submission is attached.

QNADA represents a dynamic and broad-reaching specialist network within the non-government alcohol and other drug (NGO AOD) sector across Queensland. We have more than 55 member organisations, representing the majority of specialist NGO AOD providers. This submission is made following consultation with QNADA members.

QNADA is pleased to provide further information or discuss any aspect of this submission. Please don't hesitate to contact me at rebecca@qnada.org.au or by calling [07 3023 5050](tel:0730235050)

Yours sincerely



Rebecca Lang
CEO



Submission to the
*Strengthening Community
Safety Bill 2023*

February 2023

This submission has been prepared by the Queensland Network of Alcohol and Other Drug Agencies (QNADA). Its content is informed by consultation with QNADA member organisations providing alcohol and other drug treatment and harm reduction services across Queensland, as well as a review of relevant research and reports.

QNADA's member services work at the intersection of multiple different systems and provide support to young people and their families who are in contact with, or are at risk of having contact with, the youth justice system. This makes us uniquely positioned to comment on the proposed amendments, which are:

- contradictory to what we know works when responding to youth crime;
- out of step with other Australian jurisdictions; and
- inconsistent with recent commitments by the Queensland Government to reduce demand within the criminal justice system, address the overrepresentation of First Nations people within the youth justice and criminal justice systems and achieve health equity by 2030.

For these reasons, QNADA does not support this Bill, including the supposition that its incompatibility with the *Human Rights Act 2019* and international standards is justified '*to respond to the small cohort of serious repeat young offenders who engage in persistent and serious offending, in particular, offending which occurs while on bail.*' The amendments will have significant implications for all young people on bail and, as with other strategies that aim to increase police presence and enforcement, will only serve to increase the number of young people detected, arrested and incarcerated in Queensland.

This issue is further exacerbated by the removal of a requirement for police to consider alternatives to arrest for contravention of bail conditions if the grant of bail relates to a prescribed indictable offence, contravention of a domestic violence order or contravention of a police protection notice. That police officers as public entities are bound to consider whether the actions taken to arrest a young person without considering less restrictive options would be unlawful under the Human Rights Act 2019 is meaningless without access to a strong, timely and accessible complaints system in Queensland which does not currently exist. This issue was explored in depth within the *Queensland Commission of Inquiry into Queensland Police Service responses to Domestic and Family Violence (2022)*, with the Queensland Human Rights Commission itself publicly acknowledging delays in its complaint management processes throughout 2022.

Accordingly, we add our voice to the current campaign [Get Smarter, Not Tougher](#) coordinated by PeakCare Queensland Inc. which calls for evidence-based solutions to youth crime by:

- ensuring policy and legislation is founded in facts and informed by the evidence base;
- protecting our children and young people, who are most often victims of crime, (and for those that do offend, they are also most likely to have been victims of more serious offences than they themselves have committed);
- the Queensland Government demonstrating a genuine commitment to self-determination, and honouring its Closing the Gap targets to reduce the number of First Nations young people in detention by at least 30%;
- appropriately resourcing teachers and schools as a key setting for early intervention and prevention;

- taking into account children’s disabilities and mental health issues through improved screening and assessment processes;
- addressing broader social factors which elevate the risk of a young person coming into contact with police or entering the youth justice system including poverty, homelessness, family violence and problematic substance use;
- holding children accountable for their behaviours in ways that work, (such as restorative justice conferencing); and
- diverting children under the age of 14 years old from the criminal justice system.

QNADA’s Strategic Plan 2021-23 outlines our vision of a system that values responses which aim to address the social, cultural, and structural determinants of health. The evidence is clear that while we continue to address complex social issues in isolation from each other, we will never achieve the change we want to see.

As acknowledged in the explanatory notes for this Bill, the proposed amendments will increase demand within both the adult and youth justice systems, with flow-on operational impacts and costs for agencies working across these systems. This is despite multiple recent reports and inquiries, including by the Queensland Productivity Commission¹, that have highlighted that this type of approach is unsustainable, not effective in reducing reoffending, and is resulting in spiralling social, community and economic costs.

Although most people who use drugs do not experience problematic use, and the number of young people charged for illicit drug offences is reducing,¹ for those who do experience dependent use, greater investment in alcohol and other drug treatment and harm reduction services is shown to be more effective in supporting positive outcomes than can be produced using a criminal justice response. It has been shown to reduce consumption of substances, improve health status, reduce criminal behaviour, improve psychological wellbeing, and improve participation in the community..²

While the Queensland government has announced an increased investment in community services and initiatives as part of the implementation of this Bill, access to alcohol and other drug treatment and harm reduction services for young people in custody remains limited. As outlined within the *International Guidelines on Human Rights and Drug Policy*, the withholding of health services, including for drug dependence, is considered a form of torture and all states are required to ensure that access to health care for people who use or are dependent on drugs in places of detention is equivalent to that available in the community.³ This extends to ensuring that all persons deprived of their liberty, such as young people in detention centres and on remand, have access to voluntary and evidence-based health services.

To support effective relationships and engagement, services also need to be voluntary and delivered in a way that ensures that young people and their families feel safe. While the proposed amendments allow for the continued roll-out of multi-agency collaborative panels to support greater service coordination, existing provisions that outline a positive obligation to seek consent from the young person and their family should be strengthened. Current provisions outline that a person’s consent

¹ According to the Australian Bureau of Statistics young people proceeded against for illicit drug offences in 2021-22 decreased from 1,736 offenders in the previous year to 1,465 offenders aged between 10 and 17 years in Queensland. This was the lowest number since 2008–09 and the seventh consecutive annual decrease.

² Alison Ritter et al., "New Horizons: The Review of Alcohol and Other Drug Treatment Services in Australia," in *Final Report* (Sydney: University of New South Wales, 2014).

³ [International Guidelines on Human Rights and Drug Policy](#)

should be obtained before disclosing confidential information, however there is nothing to prevent information relating to a person being disclosed if consent is not obtained.

For context, a substantial proportion of the young people and their families who access our members' services have complex histories of abuse and trauma, prior poor experiences with police and other statutory bodies, and have a general distrust of services. People who use drugs also experience stigma and discrimination in their daily lives, including from police and the courts. It is for this reason that they need to be able to access services they can trust and it is paramount that this is not compromised by unnecessarily limiting their right to privacy.

Where a young person may have co-occurring issues, or themselves have been a victim of crime, the way in which the service system responds to each particular issue can also be divergent in its intent and expected outcome, which only adds to the complexity, erodes trust and impedes future help-seeking. Although multi-agency collaboration can have a range of benefits, police and other statutory entities need to understand their respective roles and responsibilities within a broader system response, including in respectfully collaborating with partner agencies, including non government service providers who are better positioned to provide more intensive case management and support, and have the more well developed skills to do so.