STRENGTHENING COMMUNITY SAFETY BILL 2023

Submission No:	51
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24 February 2023

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

By email: EGC@parliament.qld.gov.au

Dear Committee Secretary,

Re: Submission in relation to the Strengthening Community Safety Bill 2023

The following submission has been written and prepared to assist the Economics and Governance Committee (**Committee**) in its consideration and reporting on the *Strengthening Community Safety Bill 2023* (**the Bill**).

The Queensland Youth Policy Collective are a group of young law and justice students who wish to advocate for a criminal justice system which protects the rights of children, even those who criminally offend. It organises young people to be involved in the parliamentary and policy-making process so young people can advocate for a better future. We have three specialist policy areas: the environment, youth justice and human rights.

We do not consider that there are exceptional circumstances justifying overriding the *Human Rights Act*. The measures proposed do not achieve the Government's policy objective of improving community safety. Criminal punishment causes, rather than prevents, recidivism.

We emphatically oppose this Bill.

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Executive Summary

- The evidence and data on youth crime rates in Queensland does not support the Government's contention that there is an exceptional crisis justifying the overriding of the *Human Rights Act 2019* (Qld).
- The measures proposed do not achieve the Government's stated policy objectives of protecting community safety. Evidence indicates that detaining youth offenders does not prevent them reoffending, nor discourage other youth offenders from committing offences.
- The increase in maximum penalty proposed for s 408A(1A) of the *Criminal Code* has no practical effect in relation to youth offenders due to the operation of s 175(1)(g)(ii) of the *Youth Justice Act*.
- Making breach of bail an offence for youth offenders will not promote public safety as it has no deterrent effect.
- The increase in the number of offences that must be dealt with on indictment presents an undue burden to the Magistrates and Childrens Courts, as well as the Office of the Department of Public Prosecutions and other stakeholder groups.
- The offences of being a passenger in a stolen car and entering premises with intent to commit an indictable act are not sufficiently serious to justify a presumption against bail.
- There is no practical benefit to the proposed amendments on transferring 18-year-olds to adult correctional facilities.

Community disquiet about youth offending is a persistent reality in Queensland. A commission of inquiry into the nature and extent of problems confronting youth in Queensland was established in 1974, when many members of the Parliament were, themselves, young people. The concerns raised by the community and media are by no means new, and are an understandable response to a number of tragic crimes.

However, there is no evidence that this bill will actually protect community safety. It represents an overthrow of established principles of criminal justice and international human rights norms while ignoring the literature on the impacts of detention on young people's recidivism and community safety. The focus should not be on introducing laws that make good headlines or campaign statements, but that make good policy.

Over decades, scholars, advocates and activists have demonstrated, again and again, that punitive justice does nothing to protect the community from the young people the government classifies as serious repeat offenders.

The proposed amendments will disproportionately affect the most vulnerable young people in our community. Queensland has the highest rate of overrepresentation of young Indigenous people under supervision in the country, with Indigenous young people being 21 times as likely as non-Indigenous young people to be under supervision.[1]

[1] Youth justice in Australia 2020-21. 11.

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Are there exceptional circumstances justifying an override declaration?

The Government contends that there is an acute problem presented by serious repeat youth offenders that constitutes an exceptional crisis situation threatening public safety, justifying overriding the *Human Rights Act* (**the HRA**). To support this, the Government refers to the Childrens Court Annual Report 2021-22 (**the 2021-22 Annual Report**), noting that 17 per cent of all "youth offenders" account for 48 per cent of all youth crime, and that there was "some evidence" of growth in the number of this cohort and the intensity of their offending.

The conclusion that there is an exceptional crisis situation is not supported by the data the Government relies upon.

First, the statement misrepresents the data contained in the 2021-22 Annual Report. The statement makes a comparison to the data contained in 2020-21 Annual Report, which noted 10 per cent of child offenders committed 46 per cent of the proven offences in the youth justice system.[2] There are two insurmountable issues with the Government's interpretation of this data:

a) It is impossible to make a determination as to whether there has been growth in the number of serious repeat offenders. Different measures were used to reach the figures in the respective Annual Reports. The most recent reporting period, 2021-22, was the first time that the Serious Repeat Offender Index was used to classify serious repeat offenders. It was not used in 2020-21, nor any previous year. The 2021-22 Annual Report **specifically notes** that the 17 per cent figure was "a larger percentage of young people than in previous years, however, this is the first time those young people have been measured against the Serious Repeat Offender Index so that may account for the difference."[3]

b) There is not sufficient data to determine trends in the growth in the cohort of repeat offenders or the intensity of their offending. The 2021-22 Annual Report was the first to present all finalised matters by their method of finalisation (e.g. whether the defendant was convicted or not convicted), rather than simply noting the number of finalised matters or distinct child defendants (who are defined as persons charged with a criminal offence, not **convicted** of a criminal offence[4]).[5] It presented the data for 2020-21 as a comparable, but one year of data is not sufficient to base such significant legislation on. For any previous years, it is impossible to determine the number of distinct child **offenders** (rather than defendants, who may have been found not guilty) and the number of proven offences the repeat offenders are alleged to have committed. Accordingly, it is impossible to determine if the cohort has grown, or more offences are being committed.

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2 Childrens Court Annual Report 2020-21, 6.
3 Childrens Court Annual Report 2021-22, 4.
4 Childrens Court Annual Report 2020-21, 12.
5 Childrens Court Annual Report 2021-22, 16.

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The data the Government relies on does not evidence exceptional circumstances.

a) In 2020-21, there were 3,827 distinct child defendants convicted[6] of 31,573 convicted charges.[7] Ten per cent of juvenile offenders committed 46 per cent of these convicted charges.[8] That means that 383 juvenile offenders were responsible for 14,524 convicted charges, or 38 charges each.[9]

b) In 2021-22, there were 3,341 distinct child defendants convicted[10] of 28,504 convicted charges.[11] 17 per cent of juvenile offenders were responsible for 48 per cent of these convicted charges.[12] That means that 568 juvenile offenders were responsible for approximately 13,682 convicted charges, or 24 charges each.

This represents a significant **decrease**, not increase, in the number of offences repeat offenders are committing, both overall and individually. This is not an exceptional crisis.

Further, this data does not identify the seriousness of the offences committed by "serious repeat offenders". In 2021-22, the "vast majority" of child defendants were dealt with in the Magistrates Court, which deals with the least serious offences committed.[13] There were a total of 28,504 charges against child defendants that resulted in a conviction. Of these, 26,672 were dealt with in the Magistrates Court.[14] This represents more than 93.5 per cent of charges that resulted in a conviction. Just 47 charges against child defendants resulted in a conviction in the Supreme Court, the court which deals with the most serious offences. This represents just 0.0016 per cent of convictions. Just two of the convictions were for homicide and related offences.[15]

The context addressed by the Bill does not fall within the exceptional circumstances provisions, allowing the Government to override children's human rights. It is therefore incompatible with the *HRA*.

Violation of domestic and international children's rights

Despite the *HRA* having been enacted little over three years ago, the same Government already seeks to "override" the human rights of Queensland's most vulnerable citizens: children. This step is not only an abhorrent violation of international and domestic human rights, but it is fundamentally inconsistent with the Government's own rhetoric and acknowledgment that further criminalising young people is ineffective at improving community safety.

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6 Childrens Court Annual Report 2021-22. 19 [Table 3].
7 Childrens Court Annual Report 2021-22. 22 [Table 6].
8 Childrens Court Annual Report 2020-21. 6.
9 All calculations have been rounded up.
10 Childrens Court Annual Report 2021-22. 22 [Table 6].
11 Childrens Court Annual Report 2021-22. 22 [Table 6].
12 Childrens Court Annual Report 2021-22. 19 [Figure 6].
13 Childrens Court Annual Report 2021-22. 17.
14 Childrens Court Annual Report 2021-22. 21.
15 Childrens Court Annual Report 2021-22. 33.

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The Government has itself acknowledged that changes to the *Bail Act* and the serious repeat offender declaration provisions would violate provisions under the *HRA* if there are no 'exceptional circumstances' justifying the invocation of the override provisions.[16] While a failure to demonstrate exceptional circumstances does not affect the legal validity of the Act,[17] it demonstrates the Government's repudiation of the very purpose it espoused for the HRA – to hold itself and public entities accountable to Queensland citizens.[18]

The Explanatory Notes to the Bill also explain that the HRA was enacted to "establish statutory protections for certain human rights recognised under international law, including those drawn from the [International Convention on Civil and Political Rights]".[19] Thus, a violation of a domestic right (regardless of a purported override) will offend international children's rights instruments, which hold rights as absolute.

Best interests principle

As noted in the Statement of Compatibility for the Bill, the amendments to the *Bail Act* and serious repeat offender declarations are not in the best interests of the child; the rights to liberty; and not to be subject to retrospective increases in penalties.[20] These rights are basic principles of justice, which are already present in Queensland and Australian law.

Section 26 in the HRA provides: "[e]very child has the right, without discrimination, to the protection that is needed by the child, and is in the child's best interests, because of being a child". The Explanatory Notes specify that the right to protection recognises children's 'particular vulnerability' and requirement for 'special protection'.[21] It provides that this "protection is to be afforded to the child by the child's family, society and the State".[22] Therefore, the HRA recognises that children are entitled to the same rights as adults in addition to further protections, required by their best interests and vulnerabilities. It also imposes a duty upon the Queensland Government to enact "positive measures for protection of children".[23] This duty should involve promoting children's survival, development and wellbeing as much as possible.[24] The Government should perform this duty by providing community and professional support to vulnerable children to prevent initial criminalisation and recidivism via an emphasis on restorative justice and rehabilitation *in the community*.

The best interests principle also exists outside the HRA in Australian law: the *Family Law Act 1975* (Cth) provides that it is 'paramount' in all decision-making concerning children. This is a position reflected in the UN Convention on the Rights of Children (**UNCRC**) – ratified by

16 *Human Rights Act 2019* (Qld) ss 43-47.
17 *Human Rights Act 2019* (Qld) s 44.
18 Explanatory Notes, Human Rights Bill 2019, pg. 5-6; *Human Rights Act 2019* (Qld) s 9(1)(a) defines 'public entity' as including government entities.
19 Ibid. pg. 2.
20 Respectively, *Human Rights Act 2019* (Qld) ss 26(2), 29(1) and 35(2).
21 Explanatory Notes, Human Rights Bill 2019, pg. 22.
22 Ibid.
23 Ibid.
24 *Application for Bail by HL (No 2)* [2017] VSC 1. [123]

Australia, which stipulates that it shall be a 'primary consideration' in actions regarding children.[25] That Convention informs the s 26 right in the HRA.

In addition to making the best interests principle a primary consideration, the UNCRC Committee has observed that the interpretation of a child's best interests must be consistent with the whole Convention.[26] Thus, what is in children's best interests includes being treated with dignity and worth,[27] having their voices heard in matters concerning them,[28] and having the arrest, detention or imprisonment of a child be used as a measure of last resort and for the shortest appropriate period of time.[29] The Queensland Government's proposal to enact a Bill containing a framework to unnecessarily detain, harm the wellbeing of and discriminate against disadvantaged and vulnerable children is diametrically opposed to the entire UNCRC. Any derogation from the best principles right in the *HRA*, will therefore constitute a violation of at least one ratified international law instrument.

Children are the largest class of politically disenfranchised citizens in Queensland. They hold no entitlement to vote. Their voices have not been heard in relation to this Bill. In enacting the *HRA*, the Queensland Government committed to holding itself accountable to the people of Queensland. Suspending the operation of the *HRA* in relation these amendments is contrary to that.

Discrimination against children

The HRA and international law recognise that children **must** have superior protection compared to adults due to their vulnerability and dependence on adults and the Government for care. What is not acknowledged in the Government's Statement of Incompatibility is the discrimination that children will suffer under the Bill. In particular, Aboriginal and Torres Strait Islander children, due to their disproportionate representation among children in detention.

The right to non-discrimination is set out in s 15 of the *HRA*. It provides that "every person is … entitled to the equal protection of the law without discrimination". The Explanatory Notes explain that 'discrimination' in the HRA includes direct or indirect discrimination within the meaning of the *Anti-Discrimination Act 1991* (Qld) (**ADA**).[30] Section 10(3) of the ADA stipulates that the motive for discrimination is irrelevant.

Article 2 of the UNCRC provides that "State Parties [including Australia] shall respect and ensure the rights set forth … without discrimination of any kind".[31] Similarly, art 26 of the ICCPR stipulates that '[a]ll persons are equal before the law and are entitled without any discrimination to the equal protection of the law'. The Human Rights Committee has held that

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25 Explanatory Notes, Human Rights Bill 2018 (Qld), pg 22.

26 Committee on the Rights of the Child, *General Comment No 8 (2006): The Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment (Arts 19; 28, Para 2; and 37, inter alia)*, 42nd sess, UN Doc CRC/C/GC/8 (2 March 2007) [11] ('*General Comment No 8*'), [26].

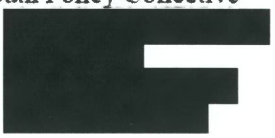
27 *United Nations Convention on the Rights of the Child*, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990) ('*UNCRC*') art 40(1).

28 Ibid art 12.

29 Ibid art 37(b).

30 Explanatory Notes, Anti-Discrimination Bill 1991, pg 18.

31 UNCRC art 2(1).



all rights in the ICCPR apply to children, and has explained that non-discrimination may require **greater** protections for vulnerable groups such as children, not less. As s 15(2) of the *HRA* is explicitly based on art 26 of the ICCPR, the same applies to an application of the right in Queensland, requiring the Queensland Government to afford greater protections to vulnerable groups of children, not less, to prevent discrimination.[32] Thus, the *Strengthening Community Safety Bill* 2023 directly discriminates against children by failing to provide them with the increased protections they require. Instead, it allows unnecessary detention of children and a 'preventative justice' regime that punishes children before they have committed any crime in violation of Queensland and international law.

Neither of these violations could be justified under the *HRA* via the s 13 mechanism, because as the Government itself acknowledges, the effect of the declaration is that the Government is legislating out of acting in children's best interests. We argue it is also legislating to allow it to discriminate against children. There are less restrictive measures available to achieve the purpose of the Bill: community safety, and these measures are not justified by the Bill's purpose. Nor are they justified by the purported 'exceptional circumstances'. Rather, the Bill would serve to further entrench disadvantaged children in the criminal justice system. This will result in vulnerable children becoming disenfranchised adults, angry at a system that failed them and even more likely to reoffend. This will not increase community safety.

Effect of imprisoning youth offenders

The Government's current youth justice strategy states that for the majority of offenders detention is not the best way to stop offending behaviour.[33]

The Bill relies on the idea that increasing the level of punishment for youth offenders will lead to less offending. This is seen in the new sentencing regime for serious repeat offenders, breaches of bail conditions and operation of a motor vehicle offences. There is little to no support for this proposition.

As stated by Edney and Bagaric in *Australian Sentencing*, "[punishment] cannot be justified by deterrence theory unless there is an ascertainable benefit to the community".[34] The 2016 Independent Review of Youth Detention conducted an extensive literature review, and concluded that custodial sentences did not have any significant impact on reducing reoffending.[35] The Australian Law Reform Commission, in 2017, observed that detention, in fact, appears to criminalise young people further.[36] The Australian Institute of Criminology in

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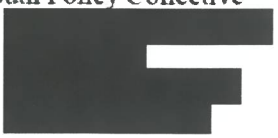
32 Human Rights Committee. *General Comment No 17 Article 24 (Rights of the Child)*. 35th sess (7 April.1989) [2]; Human Rights Committee. *General Comment No 18: Non-Discrimination*. 37th sess (10 November, 1989) [8].

33 Working Together – Changing the Story: Youth Justice Strategy 2019-2023. 8.

34 Richard Edney and Mirko Bagaric. *Australian Sentencing* (2007). 55.

35 Independent Review of Youth Detention report. 122.

36 Australian Law Reform Commission. 'Seen and heard: priority for children in the legal process". 20.1.4.



2020 highlighted that "extensive research has found that detention is damaging and criminogenic, serving to entrench young people further in disadvantage."[37]

There is no evidence that increasing maximum penalties, or making breaching bail an offence, will dissuade young offenders from reoffending, or, indeed, offending for the first time.

Since the September quarter in 2020, Queensland has had the largest number of young people in detention on an average night among the states and territories.[38] It has the second highest rate of young people in detention at 4.6 per 10,000.[39] Young people in Queensland made up 30% of all young people in detention in Australia.[40]

Despite this, there is no clear evidence that this higher rate of detention has translated to lower crime rates. In fact, there has been a gradual increase in finalised charges against child defendants in all courts since 2012 (noting that it is not clear if this finalisation was a conviction or a not guilty verdict).[41]

Motor vehicle offences

Increase in maximum penalties

There is not sufficient evidence to support that increasing the maximum penalties for offences has any specific or general deterrent effect, and refer to our submissions above on the effectiveness of detaining youth offenders.

The proposed amendment to the maximum sentence associated with s 408A(1A)[42] from 10 to 12 years has no practical effect in relation to young offenders.

Section 175(1)(g)(ii) of the *Youth Justice Act* provides that, if the court is constituted by a judge and s 176 does not apply, a child may be sentenced to detention for a period of not more than the shorter period of either half the maximum term of imprisonment that an adult convicted of the offence could be ordered to serve, or 5 years.

Under the current section, half of the maximum term of imprisonment that an adult convicted of the offence could be ordered to serve is 5 years. Accordingly, a child convicted of an offence under s 408A(1A) may be detained for a period of not more than 5 years.

If the section were amended, half of the maximum term of imprisonment that an adult convicted of the offence could be ordered to serve is 6 years. Section 175(1)(g)(ii) mandates that the "not more than" period be the shorter period of half the maximum term and 5 years. Therefore, if

37 Australian Institute of Criminology (2020) 'Youth justice in Australia: Themes from recent inquiries' *Trends & issues in crime and criminal justice*. 8.
38 Youth detention population in Australia 2022. 24.
39 Youth detention population in Australia. 26.
40 Youth justice in Australia 2020-21. 7.
41 Childrens Court Annual Report 2021-22. 22.
42 Clause 8(2) of the Bill.

the section were amended as proposed, a child convicted of an offence under s 408(1A) might be detained for a period of not more than 5 years.

The outcome is the same. The amendment has no effect.

Indictable offences

Clause 9(2) of the Bill provides that charges pursuant to s 408A(1C)(b)(i), (ii) and (iv) must be heard on indictment and cannot be heard and decided summarily. The exception is if the value of property damaged under s 408A(1C)(iv) is less than the prescribed value (currently $30,000).

As noted above, motor vehicle theft represents a large percentage of crime committed by youth offenders. In 2021-22, 4,685 finalised charges related to motor vehicle theft.[43] Of those charges, 4,413 were dealt with summarily in the Magistrates Court (94.2% of finalised charges).[44]

There is no data on how many of the charges committed in the most recent reporting period would satisfy the circumstances of aggravation that would make the offence an indictable one. However, any increase in the workload of the Childrens Court would represent a burden to that Court. Motor vehicle thefts currently represent 10% of the Childrens Court's workload.[45] The Magistrates Court would still be required to deal with the matter through a committal process. Charges committed to the Childrens Court take a significantly longer period of time to resolve than those dealt with summarily: 286 days compared to 84 days.[46] The potential increased workload and delay is of significant concern for the courts, the Office of the Director of Public Prosecutions and youth offenders.

Youth justice bail framework

Breach of bail conditions

As this Government has previously identified, making breach of bail an offence for children has no practical effect. Breaching bail has previously been an offence, but none of those youth offenders found guilty had any additional penalties applied. 94 per cent of those convicted reoffended within two years. The offence had no impact on rates of recidivism, nor created any additional punishment for offenders.

The functional impact of this amendment is that a police officer may now lawfully, without warrant, arrest a child for breaching a bail condition. The Government's proposed amendments to s 59A of the *Youth Justice Act* mean that police officers are not required to consider alternatives to arrest for breaching a bail condition, if the grant of bail relates to a prescribed indictable offence, contravening a domestic violence order or contravening a police protection notice. This makes it more likely that a child would be detained pending trial, which the

43 Childrens Court Annual Report 2021-22. 47 [Table A1].
44 Childrens Court Annual Report 2021-22. 47 [Table A1].
45 Childrens Court Annual Report 2021-22. 26 [Table 12].
46 Childrens Court Annual Report 2021-22. 25 [Table 10].

Government has conceded. Even without this provision, there were 7,001 admissions of children to the watchhouse last year.[47] Of those, 1,356 were detained in the watchhouse for two or more days, with 472 admissions lasting more than five days.[48] This presents serious risks, including that children may be detained in police watchhouses with adult offenders, and exposed to psychological and physical harm. This is a significant harm to these children.

There are already significant consequences for children who breach bail conditions. Children who commit offences while on bail can already be arrested.[49] The Childrens Court has the power to simply refuse to grant bail if the risk of reoffending is too high, and regularly does so. Section 48AF of the *Youth Justice Act* creates a presumption against bail for children who are in custody in connection with a charge of a prescribed indictable offence if it is alleged to have been committed while they were in the community while already charged with another offence.

The amendments do not engage with why young offenders are breaching bail conditions. It is purely a reaction to public sentiment, with no basis in evidence or logic.

Prescribed indictable offences

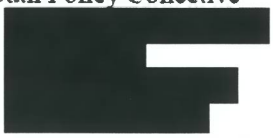
If the Bill is passed, Queensland will be unique in introducing a presumption against bail for children charged with entering or being in premises with intent to commit an indictable offence and passengers in a car in relation to unlawful use or possession of a motor vehicle. This creates an undue burden for children. The objective seriousness of these offences is far below that of the other prescribed offences, which include, *inter alia* life offences, offences which, if committed by an adult, would make them liable to imprisonment for 14 years or more, wounding, choking, suffocation or strangulation and dangerous operation of a vehicle. It is inappropriate to create a presumption against bail for these offences. If children who are alleged to have committed these offences present an unsafe risk to the community, the judge can simply refuse their bail.

Transferring 18-year-olds to adult prisons

The QYPC echoes the Government sentiment around the importance of separating juvenile and adult prisoners. This aligns with international standards with art 37(c) on the UNCRC stating that:

> "[e]very child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person and in a manner which takes into account the needs of person of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so…"[50]

47 Childrens Court Annual Report 2021-22. 43 [Table 36].
48 Childrens Court Annual Report 2021-22. 43 [Table 36].
49 Section 59A(1(b) of the Youth Justice Act.
50 Article 27 (c) of the Convention on the Rights of the Child. United Nations Human Rights – Office of the High Commissioner. Retrieved from https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-



The unique biological, psychological, and social characteristics of children and young people means that they require different approaches to rehabilitation compared with adult offenders.[51] Further, there is strong evidence to suggest that placing young offenders alongside adult criminals hinders rehabilitation and further increases the likelihood of recidivism among young offenders.[52] Adult correctional centres generally do not have adequate facilities to address and accommodate that needs and aims of young people, including appropriate educational and rehabilitation programs necessary for young offenders to effectively rehabilitate and reintegrate back into society upon release.[53]

However, it is vital to acknowledge that these factors do not disappear the moment a young person turns 18 years old.[54] Young adult offenders still exhibit many of the behavioural, emotional and physical characterises that make them vulnerable to criminal influence and harm as their under 18-year-old counterparts.[55] In some Australian jurisdictions, it is recognised that the welfare of young adult offenders is best served by keeping them at juvenile detention centres, where possible and appropriate. This is demonstrated in Victoria and New South Wales where it is possible for young offenders up to 21 years of age to remain in select juvenile detention centres.[56]

This demonstrates that some Australian jurisdictions acknowledge the importance of protecting the well-being and safety of children and young people, including young adult offenders. Whilst the QYPC acknowledges the importance of youth detention centres on being able to focus on the rehabilitation of young offenders, we posit that that the transferring of vulnerable 18-year-olds to adult correctional centres will not address recidivism rates among young offenders. Increasing the number of young adults in adult correctional centres only exposes a greater number of vulnerable young adults to harmful and pro-criminal environments. In particular, it is not clear what benefit is gained lowering the required remaining period that an 18-year-old has left to serve on the sentence from six months to two months to be transferred to an adult correctional facility. Such a change only services to capture young offenders who have minimal time left to serve on their sentences. Arguably, this change only places an increased burden on the already overburdened correctional system to facilitate the transfer. It also introduces a disruption to young offenders who are close to being released back into the community, effectively destroying any pro-social connections and routines they may have

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child#:~:text=States%20Parties%20shall%20take%20all%20appropriate%20legislative%2C%20administrative%2C%20social%20and,parent(s)%2C%20legal%20guardian.

51 Richards, Kelly. (2011). What makes juvenile offenders different from adult offenders?. *Trends & issues in crime and criminal justice* no. 409. Canberra: Australian Institute of Criminology. Retrieved from https://www.aic.gov.au/publications/tandi/tandi409

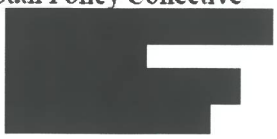
52 Australian Law Reform Commission. (2010). Separation of adults and juveniles in detention. Retrieved from https://www.alrc.gov.au/publication/seen-and-heard-priority-for-children-in-the-legal-process-alrc-report-84/20-detention/separation-of-adults-and-juveniles-in-detention/

53 Ibid.

54 Travis, Alan. (2016). Keep under-25s out of adult prisons, MPs urge. The Guardian. Retrieved from https://www.theguardian.com/society/2016/oct/26/keep-young-offenders-out-of-adult-prisons-mps-urge>

55 Ibid.

56 Children (Criminal Proceedings) Act 1987 (NSW) s 19; L Atkinson 'Juvenile corrective institutions' in A Borowski & I O'Connor (eds) Juvenile Crime, Justice and Corrections Longman Melbourne 1997, 408–9.



developed just before they are set to reintegrate back into society. This is acknowledged by the Government which states in the explanatory notes for the *Strengthening Community Safety Bill 2023* that:

> "These provisions may impact of the rights and liberties of 18-year-olds in detention, for example their continued access to the services, programs and interventions. The provisions may also impact on the rights of vulnerable 18-year olds whose needs may be better address in a youth detention setting."[57]

Therefore, the QYPC does not perceive any benefit by introducing this proposed amendment and any benefit that would be gained by the proposed change does not appear to be communicated in the Explanatory Notes or other communication around the *Strengthening Community Safety Bill 2023*.

QYPC is supportive of measures that acknowledge the safety and wellbeing of the community, addresses the rehabilitative needs of young offenders, including young adult offenders, and reduce recidivism. As an alternative to better achieve these aims, QYPC recommends that the Queensland Government consider establishing separate sub-units within some youth detention centres to house young adult detainees aged 18 years and over that are managed in a way that is more appropriate to young adults, where it is in the best interest of the young adult and other detainees to do so.

Conclusion

Thank you for considering our submission. Please find our contact details below.

Yours faithfully,

Queensland Youth Policy Collective

57 *Explanatory Notes – Strengthening Community Safety Bill 2023*. Pg. 12.