

STRENGTHENING COMMUNITY SAFETY BILL 2023

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**CHALLENGE
INJUSTICE.**

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Committee Secretariat
Economics and Governance Committee
Parliament House
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Sub: Strengthening Community Safety Bill 2023

Dear Committee Secretary

Amnesty International Australia welcomes the opportunity to provide this submission to the Economics and Governance Committee's inquiry into the Strengthening Community Safety Bill 2023. We have written to the Queensland Government to express our condemnation of its decision to include an amendment of the Bail Act in the Community Safety Bill, criminalising breach of bail for children. We are concerned that the bill is being rushed through, leaving very little time for stakeholders to respond appropriately.

Amnesty International Australia urges the Queensland Government to put children's rights first and drop its harmful bill to detain children who breach bail. The proposed law undeniably violates children's rights and risks triggering a human rights emergency in Queensland's already broken youth justice system that disproportionately affects Aboriginal and Torres Straits Islander children.

The Government's willingness to override its own Human Rights Act to charge children as young as 10 with the same offence as an adult for breaching bail conditions is incompatible with the UN Convention on the Rights of the Child standards that stipulates detention "shall be used only as a measure of last resort". And that detention "before trial shall be avoided to the extent possible and limited to exceptional circumstances" and "all efforts shall be made to apply alternative measures".

The Government declared three clauses in the amended bill override the state's Human Rights Act, namely breach of bail as an offence for children, a separate sentencing regime for serious repeat youth offenders and the requirement to serve a suspended period of detention for conditional release orders. Not only are protections under Queensland's Human Rights Act removed for the first time, but the bill has also been rushed through without proper consultation with the state's Human Rights Commission, human rights organisations and First Nations communities.

The proposal risks exacerbating the human rights crisis in Queensland's youth justice system, where juvenile detention centres are at full capacity and around 80 children are currently held in adult watch houses, some for over a month.

Amnesty International wrote to the Government recently, expressing our concerns about the repeated failure of the state's youth justice system that has seen children being held in appalling conditions in adult watch houses for weeks without fresh air, sunlight and the ability to gain an education. We are deeply concerned that the new measure will lead to an explosion in the number of children in adult watch houses.

Queensland's 2019-2023 strategy on youth justice reforms promised to reduce offending, reoffending, remand and detention of young people and the over-representation of Aboriginal and Torres Strait Islander children. Last year, Youth Justice Minister Leanne Linard ruled out making breach of bail a crime, citing its ineffectiveness in reducing crime. But everything we see today is the opposite of that.

The allocation of an additional \$332 million as part of the new proposal includes \$4 million for on-country programs for First Nations communities. This allocation is dwarfed by spending on other programs, such as \$66 million allocated for "proactive policing", including high-visibility police patrols.

Mounting evidence has shown that over-policing does not keep children out of prison. But community-led prevention and early intervention programs do. Violent actions or behaviour in young children, especially Aboriginal children, are often directly linked to experiences of intergenerational trauma resulting from colonisation and racism and unresolved mental or physical health problems.

Amnesty International urges the Queensland Government to stop the harmful proposal to criminalise breach of bail and find long-term solutions that address the key drivers of such behaviour in consultation with their families and communities. Government systems dealing with child protection and youth justice have repeatedly failed Aboriginal families. There are many examples of successful community-led solutions across the country. They need proper, long-term funding and a commitment from the Government to move away from Band-Aid responses that harm kids and don't achieve the outcomes they promise.

Please contact Kyinzom Dhongdue at [REDACTED] or [REDACTED] for further information or to arrange a meeting appointment.

Yours sincerely,

[REDACTED]

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Indigenous Rights Campaigner
Amnesty International Australia