

Making Queensland Safer Bill 2024

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29 November 2024

Mr Marty Hunt MP
Member for Nicklin
Chair
Justice, Integrity and Community Safety Committee
Parliament House
George Street
BRISBANE 4000

Via Email: JICSC@parliament.qld.gov.au

Dear Mr Hunt

Inquiry into the *Making Queensland Safer Bill 2024*

I would like to take this opportunity to make a submission about the *Making Queensland Safer Bill 2024* (the Bill).

The Queensland Police Union (QPU) represents over 12,500 sworn police officers, together with Police Liaison Officers, Civilian Watchhouse Officers, Police Chaplains, and members of the Police Pipes and Drums Band. QPU members are based throughout the State of Queensland and are on the front line in terms of providing policing, safety and emergency response functions to the Queensland community.

Whilst the QPU is committed to obtaining the best industrial outcomes and entitlements for its membership, it is also committed to contributing to the law and order debate to obtain realistic and workable solutions to combatting crime and protecting our community. In April 2021, the QPU hosted a National Youth Crime Symposium, which brought together close to 100 delegates from across Australia to discuss youth crime and find solutions. Politicians, policymakers, academics and advocates joined with police from Queensland, New South Wales, Western Australia and the Northern Territory.

The QPU places on record its support for the Bill and makes the below observations on some of its policy objectives.

Adult Crime, Adult Time.

Before the 2024 State Election I wrote to both major parties on behalf of the QPU membership advocating a range of policy proposals in the policing and criminal justice domain. Among the policy positions advocated by the QPU was the need for specialised Youth Justice Magistrates to manage youth offenders and the serious and complex intersections of agencies, legislation and support services around youth offenders.

Specialist Magistrates to navigate the complexities of the *Youth Justice Act 1992*; who understand sentencing responsibilities and community expectations regarding same.

While this Bill does not fulfil this QPU ambition it is undoubtedly a leap forward in the right direction. The QPU holds the view that juveniles who commit serious crime must be held accountable for their actions. The QPU is encouraged by the advice of the Honourable Dan Purdie MP, Minister for Police and Emergency Services that the LNP is open to considering the need for additional specialist magistrates.

The QPS acknowledges the mandate Queenslanders provided the LNP Government at the 2024 State Election to restore safety in our communities and make Queenslanders feel safe. Adult Crime, Adult Time was the centrepiece of the LNP's law and order platform.

The QPU acknowledges the 13 prescribed offences comprising the Adult Crime, Adult Time framework, including murder, manslaughter, wounding, robbery and unlawfully entering or using vehicles and notes young offenders who commit these serious offences will face adult consequences for their actions, notably the same minimum, maximum and mandatory penalties applying to adults under the Criminal Code.

Despite numerous police enforcement strategies, motor vehicle theft remains a major issue for the Queensland community with over 13,000 reported thefts in 2022-23. The majority of these thefts were committed by young people aged between 10 and 17 years. The inclusion of unlawfully entering or using vehicles in the Adult Time Adult Crime framework is therefore welcomed by the QPU.

During introduction of the Bill, the Premier foreshadowed the establishment of an expert panel, to commence in early 2025, to provide advice to government on offences which could potentially be added to the Adult Crime, Adult Time framework in the future. The QPU flags its interest in participating on the expert panel.

The QPU notes new section 175A of the *Youth Justice Act* (Clause 19 of the Bill) in relation to sentencing orders is incompatible with the *Human Rights Act 2019*, and an override declaration is proposed by the Attorney-General and Minister for Justice. The QPU commends the Government on having the courage of its convictions to elevate the human rights of the victims of crime above those who cause the most harm in our community. For too long under Queensland's human rights legislation the rights of victims have yielded to the rights of offenders.

Removing detention as a last resort and primary regard to victims in sentencing.

The QPU notes Clause 15 of the Bill:

- omits Youth Justice Principle 18 from the Charter of youth justice principles, which is currently enshrined in schedule 1 to the YJ Act; and
- includes a new principle in the Charter of youth justice principles to specifically recognise the impact of offending on a victim as the second principle.

Putting victims at the centre of youth justice is necessary to restore community confidence and the QPU supports this approach as well as the need for an override declaration of the *Human Rights Act* for the reasons previously outlined. The QPU's 2021 National Youth Crime Symposium recognised certain serious crimes and juvenile behaviour will necessarily require punishment by imprisonment.

However, the QPU flags the potential for increased or sustained detention capacity issues at Queensland Police Service (QPS) watchhouses. Young offenders remanded in custody or sentenced to a period of detention are held in QPS watchhouses until there is availability in a detention centre. Youth detention centres are continually over capacity and young offenders are often held in QPS watchhouses for lengthy periods.

There is universal agreement police watchhouses are not suitable for the extended detention of young people. Police watchhouses are unable to provide the level of care and support present in a youth detention centre.

The QPU acknowledges this Bill also contains strengthened policy to more swiftly transfer 18-years olds from youth detention centres (or QPS Watchhouses) to adult correctional centres. Additionally, the opening of the Wacol Youth Remand Centre early in 2025 may assist in reducing the impact of young people held in QPS watchhouses. Nevertheless, the failure of the Department of Youth Justice to move young people out of police custody and into detention is a risk the QPS and QPU members must no longer be responsible for. Accordingly, the QPU urges close oversight of the implementation of the Bill and early identification of any adverse impacts this aspect of the Bill might have on QPS watchhouses.

Contents and admissibility of child criminal histories

The QPU supports the new definition of a criminal history of a child, which includes cautions, restorative justice agreements and contraventions of a supervised release order.

This means when a police officer is administering a caution or making a restorative justice referral, they must explain to the child that the caution and any restorative justice agreement will appear on their criminal history.

A person's child criminal history, inclusive of police cautions, restorative justice agreements and contraventions of a supervised release order, will be admissible when the court is sentencing an adult for an offence.

Transfer of 18-year-olds from youth detention centres to adult correctional centres.

The QPU notes the amendments create a new legal framework for the transfer of detainees to adult custody.

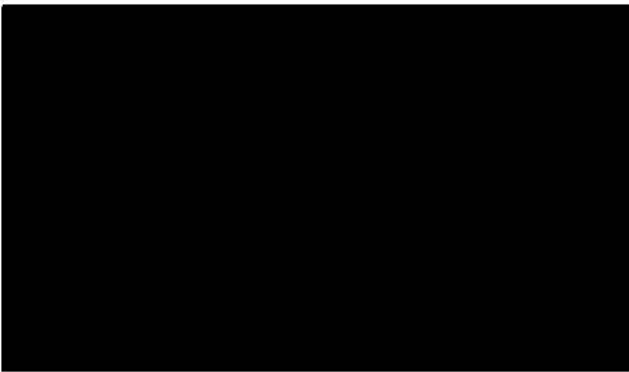
The default position will be all youth detention centre detainees should be transferred to adult custody within one month after they turn 18, subject only to a chief executive discretion with no appeal or review (except judicial review).

As noted above, when youth detention centres reach full capacity, young people may be detained in QPS watchhouses for extended periods pursuant to section 56 or 210 of the *Youth Justice Act*. This is unacceptable to the QPU.

The QPU supports the policy outlined in the Bill to enable more 18-year-olds to be transferred to adult custody and for the process to be automatic and efficient.

I trust the information contained in this submission assists the Committee with its Inquiry in to the Bill. I am available on (Telephone) 3259 1900 should you wish to discuss this matter further.

Yours Faithfully



Shane Prior
General President
QUEENSLAND POLICE UNION