

Making Queensland Safer Bill 2024

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Critical Evaluation and Strategic Alternatives for the “Making Queensland Safer” Bill 2024

The “Making Queensland Safer” Bill 2024 proposes sweeping changes to youth justice policy. While its stated goal is to enhance public safety, the Bill prioritises punitive measures over prevention and rehabilitation, risking significant harm to vulnerable young people, particularly First Nations children and children with disabilities. This critique highlights the Bill’s shortcomings, examines its economic and social consequences, and outlines evidence-based alternatives to reduce youth crime, save public funds, and build stronger, safer communities.

Critical Analysis of the Bill

1. Overreach and Criminalisation of Vulnerable Youth

The Bill proposes making childhood criminal records admissible in adult court proceedings and transferring 18-year-olds from youth detention to adult correctional facilities. Such measures risk embedding vulnerable young individuals within the criminal justice system. Research indicates that exposure to adult criminal environments increases recidivism, reinforces criminal behaviour, and severely limits rehabilitation opportunities (Wong et al., 2023).

2. Disproportionate Impact on First Nations Children

First Nations children are significantly overrepresented in Queensland’s youth justice system, constituting 63% of detained youth while representing only 5.7% of the population aged 10–17 (Australian Institute of Health and Welfare [AIHW], 2023). The Bill’s punitive measures are likely to exacerbate this disparity, perpetuating systemic racism, intergenerational trauma, and social disadvantage (Amnesty International Australia, 2023). Instead of addressing these root causes, the Bill risks alienating First Nations communities and overlooks the proven benefits of culturally safe, community-led interventions (Weatherburn, 2021).

3. Disproportionate Impact on Children with Disabilities

Children with disabilities, particularly those with cognitive impairments, autism spectrum disorder, and mental health concerns, are significantly overrepresented among young offenders. Many have unmet needs in education and healthcare, leading to behaviours misinterpreted as criminal. The Bill's punitive provisions disproportionately penalise these children, denying them the therapeutic care and educational support they require (Australian Institute of Criminology [AIC], 2020).

4. Intergenerational Harm

The incarceration of young people has extensive consequences for their families and communities. Children with incarcerated parents face increased risks of poverty, disrupted education, and involvement in the justice system (Wildeman & Western, 2020). Siblings of detained youth often disengage from school, while parents experience financial and emotional stress. By focusing on punishment, the Bill risks perpetuating cycles of harm that burden communities across generations.

5. Economic Inefficiency

Youth detention is exceedingly costly, exceeding \$200,000 per individual annually (Jesuit Social Services, 2022). In contrast, community-based interventions and rehabilitative programmes are more cost-effective. For example:

- **Restorative Justice:** Costs approximately \$20,000 per case and significantly reduces recidivism rates (Jesuit Social Services, 2022).
- **Early Intervention Programmes:** Return up to \$13 for every \$1 invested through reduced crime rates, improved educational outcomes, and decreased reliance on public assistance (Australian Institute of Criminology, 2020).
- **Culturally Safe Interventions:** Evidence from New Zealand shows cost savings by reducing reoffending and diverting youth from expensive custodial settings (Maxwell & Hayes, 2021).

The Bill's reliance on detention is fiscally irresponsible, diverting resources from more effective solutions that enhance community safety while delivering long-term economic returns.

6. Erosion of Human Rights

The Bill explicitly overrides Queensland's *Human Rights Act 2019* by removing critical safeguards that prioritise rehabilitation and procedural fairness. This undermines fundamental rights and sets a troubling precedent, particularly for vulnerable groups disproportionately affected by systemic inequities (Amnesty International Australia, 2023).

7. Neglect of Root Causes

The Bill does little to address systemic drivers of youth offending, such as poverty, mental health challenges, housing instability, and educational disengagement. Without tackling these root causes, reoffending rates will likely persist, exacerbating costs to both the justice system and society (Weatherburn, 2021).

8. Misrepresentation of Data and Trends

The statement relies heavily on statistics to justify the Bill, yet the interpretation of this data is misleading and lacks critical context:

- **Generalisation of Offence Types:** The statement cites a 12% increase in proven offences in 2023–24 and a 98% increase over 10 years. However, it fails to differentiate between minor and serious offences, conflating all proven offences to amplify the perception of a crisis. Proven offences reflect convictions, not overall crime rates, and increases may be influenced by broader systemic issues, such as heightened policing or socio-economic challenges (Queensland Sentencing Advisory Council, 2023).
- **Violent Crime Statistics:** While the increase in violent offences is highlighted, the statement does not provide evidence that punitive measures reduce such offences. Research consistently shows that violent crime stems from underlying social and economic factors, including poverty, trauma, and mental health concerns. Addressing these root causes is more effective than punitive responses (Australian Institute of Criminology, 2020).

Recommendations

1. Preserve Court Discretion:

Maintain section 20(2) of the *Children's Court Act 1992* to allow courts to exclude the media from proceedings where it is in the child's best interest.

2. Restrict Media Access:

Implement safeguards to ensure media access is limited to cases where it serves a clear public interest and does not compromise the welfare or rehabilitation of the child.

3. Focus on Restorative Justice:

Shift resources toward restorative justice programmes that engage victims in a meaningful way without exploiting children's vulnerabilities.

4. Support Victims Through Separate Mechanisms:

Provide victims and their families with access to restorative processes outside formal court settings, allowing them to share their experiences and seek resolution without compromising the child's rehabilitation process.

5. Prioritise Child Privacy and Rehabilitation:

Adopt measures to ensure that all children involved in criminal proceedings are protected from unnecessary public exposure, safeguarding their chances of successful reintegration into society.

The proposed amendments to the *Children's Court Act 1992* are a grave misstep that risk exploiting vulnerable children, fostering fear-mongering, and creating a justice system driven by punitive optics rather than meaningful outcomes. These changes undermine rehabilitation, escalate the risk of reoffending, and create harmful precedents that could affect broader justice processes. Queensland must prioritise evidence-based approaches that protect children's rights, support victims, and promote genuine community safety.

Evidence-Based Solutions to Youth Crime in Queensland

1. Alternatives to Custodial Sentences

Non-custodial measures such as probation, community service, and electronic monitoring are cost-effective and effective at reducing recidivism compared to detention.

- **Economic Case:** Community-based sentences cost significantly less than detention, which exceeds \$200,000 per child annually. For

instance, electronic monitoring costs approximately \$20,000 per year per individual (Jesuit Social Services, 2022).

- **Recommendation:** Custody should be reserved only for cases of serious violence or high-risk offenders, with community-based responses prioritised for other offences.

2. Expand Restorative Justice Practices

Restorative justice programmes focus on repairing harm, fostering accountability, and building stronger community ties.

- **Economic Case:** Restorative justice costs as little as \$5,000–\$10,000 per case and reduces reoffending by up to 27% (Latimer et al., 2005).
- **Key Actions:**
 - Make restorative justice the default response for non-violent offences.
 - Train police, judicial officers, and community leaders in restorative justice practices.
 - Support victims through meaningful engagement in justice processes, fostering resolution and healing.

3. Invest in Culturally Safe, Community-Led Interventions

First Nations-led programmes, such as on-country initiatives, have proven effective in addressing the overrepresentation of Indigenous youth in the justice system.

- **Economic Case:** Evidence from New Zealand shows that culturally safe interventions reduce reoffending, leading to long-term savings for justice systems (Maxwell & Hayes, 2021).
- **Key Actions:**
 - Fund and expand culturally safe initiatives led by First Nations organisations.
 - Incorporate Elders and cultural advisors in justice processes to ensure relevance and effectiveness.

- Support First Nations-designed approaches to tackle systemic disadvantage.

4. Address Mental Health Concerns

Mental health and trauma are significant contributors to youth offending. Investing in targeted mental health support for at-risk youth is essential.

- **Economic Case:** Every \$1 invested in mental health services yields up to \$4 in savings for future justice and welfare costs (Cunneen & White, 2011).
- **Proposed Measures:**
 - Establish youth mental health courts to provide therapeutic alternatives to detention.
 - Expand school and community-based mental health services to address issues early.
 - Train law enforcement and justice officials to identify and respond to mental health concerns.

5. Tackle Socioeconomic Determinants

Youth offending is often rooted in broader socioeconomic challenges, including poverty, housing instability, and educational disengagement.

- **Economic Case:** Targeted interventions addressing poverty and educational disengagement yield significant public savings by reducing crime and reliance on welfare systems (Jesuit Social Services, 2022).
- **Actionable Strategies:**
 - Implement vocational training and employment programmes for at-risk youth, especially in regions with high crime rates.
 - Increase access to affordable housing and stable support services for vulnerable families.
 - Address food insecurity and financial stress through community-led initiatives.

6. Ensure Transparency and Independent Oversight

Data-driven policymaking and independent oversight ensure accountability and foster public trust.

- **Proposal:** Establish an independent youth justice oversight body to track and evaluate outcomes, including recidivism rates, detention demographics, and programme effectiveness.
- **Rationale:** Transparent reporting supports evidence-based reform and allows for continuous improvement in youth justice policies.

Learning from Global Success Stories

1. New Zealand: A Whānau-Centred Approach

New Zealand's youth justice system demonstrates the success of culturally safe and family-focused interventions. It incorporates family group conferences that bring offenders, victims, and their families together to discuss the impact of the crime and agree on a way forward.

- **Key Features:** Family group conferences empower communities to co-create solutions, reducing reliance on formal court processes and detention.
- **Results:** Youth court appearances and detention rates have significantly decreased, particularly for Māori youth, who previously faced disproportionate representation in the system (Maxwell & Hayes, 2021).
- **Relevance to Queensland:** Incorporating culturally safe practices for First Nations communities could address overrepresentation and support intergenerational healing.

2. Scotland: The Whole System Approach

Scotland's *Whole System Approach* focuses on early intervention, diversion from prosecution, and community-based alternatives to custody.

- **Key Features:** Multi-agency collaboration ensures at-risk youth are identified early and diverted into supportive programmes. Custodial sentences are reserved for the most serious cases.
- **Results:** Between 2008 and 2019, Scotland achieved a 75% reduction in youth offending rates, alongside significant decreases in youth incarceration (McAra & McVie, 2019).
- **Relevance to Queensland:** A similar focus on diversion and multi-agency collaboration could reduce recidivism and enhance public safety.

3. Finland: A Welfare-Based Model

Finland takes a welfare-focused approach to youth offending, prioritising education, mental health support, and social services.

- **Key Features:** The system decriminalises minor offences and emphasises integration into mainstream education and the workforce.
- **Results:** Finland has one of the world's lowest youth incarceration rates, demonstrating how welfare-based interventions can be both humane and effective (Lappi-Seppälä, 2020).
- **Relevance to Queensland:** Investing in preventative welfare measures can reduce crime and deliver long-term societal benefits.

Updated References

A Pivotal Opportunity for Queensland

The “Making Queensland Safer” Bill 2024, in its current form, threatens to deepen systemic inequities, exacerbate intergenerational harm, and impose unsustainable economic costs on Queensland’s justice system. By prioritising punitive measures over proven, rehabilitative approaches, the Bill undermines the opportunity to deliver safer, fairer communities for all.

Evidence from Queensland’s own justice data and global success stories demonstrates a clear path forward: investing in prevention,

rehabilitation, and culturally safe practices will not only reduce youth crime but also deliver significant social and economic returns. Every dollar spent on early intervention and community-based programmes saves taxpayers exponentially more in reduced recidivism, improved educational outcomes, and stronger local economies. Meanwhile, restorative and rehabilitative approaches empower communities to heal and grow, fostering trust and hope in the justice system.

Queensland is at a crossroads. The choice is between perpetuating outdated, punitive systems that fail our young people or embracing bold, evidence-based reforms that reflect the values of fairness, inclusion, and accountability. This is not about being “soft on crime”; it is about being smart on crime—targeting the root causes, breaking cycles of disadvantage, and creating lasting solutions.

The stakes are too high to continue with a failing approach. By rejecting the punitive focus of this Bill and adopting evidence-based, equitable reforms, Queensland can set a powerful example for the nation: that investing in young people’s potential is the surest way to achieve safer streets, stronger families, and a brighter future for all.

Queensland’s young people are not problems to be punished—they are potential to be realised. The time to invest in their future is now.

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