


Making Queensland Safer Bill 2024

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Justice, Integrity and Community Safety Committee
Parliament House
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Dear Committee Secretary

**Submission to the Queensland Parliament's Justice, Integrity and Community Safety Committee
Inquiry into the *Making Queensland Safer Bill 2024***

I wish to provide the following comments for the committee's consideration in relation to the *Making Queensland Safer Bill 2024* (the Bill).

1. The evidence and conclusions contained within the Government's documentation to the Bill to justify the making of an *exceptional circumstances declaration*, that "... the current situation with respect to youth crime in Queensland presents an exceptional crisis situation constituting a threat to public safety",¹ can be contested. Notably, the documentation has not addressed nor refuted the views of non-government experts who do not accept that youth crime is currently at "crisis" levels.

For instance, in a recent news article criminologist and associate professor Renee Zahnow from The University of Queensland (UQ) reportedly said, "There's no data to suggest that the rates of youth crime are spiralling out of control in Queensland or indeed anywhere in Australia".²

In another article, UQ mathematician Dr Matthew Sutton reportedly said that statistics could easily be misused to draw false conclusions. He said even when the statistics quoted were technically true, they could be skewed to create incorrect and misleading conclusions. The article also reported Dr Sutton as saying it was unwise to zoom in on short-term data, while ignoring the long-term trends. He said short-term data tended to have a high level of "noise" or fluctuation, making it an unreliable indicator of overall trends. The article went on to point out that in criminology the crime rate is the number of offences relative to the size of the population and that criminologists rely on crime rates, since offence numbers alone were a misleading measure of crime. The article quoted Dr Zahnow as saying, "If we focus on absolute numbers it's giving us an incorrect picture of what's happening." Dr Zahnow also said, "When we have a population boom we have to account for that."³

¹ <https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5824t0206/5824t206.pdf>

² <https://www.abc.net.au/news/2024-10-13/criminologists-debunk-youth-crime-crisis-claims/104445432>
Also see: <https://www.abc.net.au/news/2023-10-25/sensationalism-media-blamed-for-queensland-youth-crime-panic/103014098>

³ <https://www.abc.net.au/news/2024-10-25/youth-crime-statistics-using-data-incorrectly/104488958>

By not acknowledging and addressing contrary views such as those cited above the Government's documentation/arguments in this regard are incomplete and insufficient for substantiating its case for the need of an *exceptional circumstances declaration*.

2. The United Nations (UN) Convention on the Rights of the Child, to which Australia is a signatory, requires that detention of children should only happen as a last resort, and for the shortest possible time. The explanatory materials to the Bill state that its amendments "remove this principle".⁴ Given that Australia is a signatory to this important UN convention it is unfortunate that the Bill's explanatory materials do not appear to include any express assurance that Queensland would be able to defend against any legal challenge to the validity of the Bill's provisions in this regard.

3. The Bill provides for an amendment to Schedule 1 of the *Youth Justice Act 1992* by inserting the following: "1A A child who commits an offence should be held accountable in a way that recognises the impact of the child's offending on any victim of that offending."⁵ The wording of this proposed amendment is ambiguous in that it does not clearly define what is meant by the term "held accountable", nor does it specify the person/body who performs the relevant action. Being "held accountable" could involve and convey a multitude of meanings and nuances. It is noted that neither the Bill nor the *Youth Justice Act 1992* includes a definition for the term nor is one included under the *Acts Interpretation Act 1954*. With the absence of a statutory definition for the term "held accountable" it would be necessary to rely on a normal dictionary definition for an understanding. However, given the emotions and subjectivities that can arise in relation to the youth justice issue it may be inadvisable to rely on this approach. To avoid any incorrect presumptions from occurring the provision should also specify that it is the judiciary which is responsible for holding a person "to account". Therefore, as it stands, the proposed amendment appears to be contrary to the fundamental legislative principle which requires legislative provisions to be clear, precise and unambiguous.⁶ An amendment to the proposed provision may be necessary to rectify the lack of clarity and precision.

I trust this submission is of assistance to the committee in its consideration of the Bill.

Yours faithfully

Don Willis

⁴ <https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5824t0204/5824t204.pdf>, p.9

⁵ <https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5824t0203/5824t203.pdf>, p.36

⁶ *Legislative Standards Act 1992*, s.4(3)(k)