

## **Making Queensland Safer Bill 2024**

**Submission No:** 17  
**Submitted by:** Hon. Matthew Foley  
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**Submitter Comments:**

SUBMISSION TO QUEENSLAND PARLIAMENT  
JUSTICE, INTEGRITY AND COMMUNITY SAFETY COMMITTEE  
- MAKING QUEENSLAND SAFER BILL 2024

SUBMITTED BY : HON. MATTHEW FOLEY

This is my own submission. It is not made on behalf of any other body, political party or organisation.

**REASON FOR BREVITY OF SUBMISSION**

This submission is brief as the time available has been minimal. The Bill was introduced to Parliament on Thursday 28 November 2024, setting a very short deadline of Friday 6 December 2024 for the Committee to report. On Friday 29 November the Committee set a deadline of 12noon Tuesday 3 December for submissions with public hearings on Monday 2 December.

**REQUEST TO APPEAR BEFORE THE COMMITTEE**

In the circumstances I will make myself available on Monday 2 December to speak to my submission and to answer questions from the Committee. I respectfully request that the Committee invite me to do so.

**OUTLINE OF SUBMISSION**

- MISNOMER – MAKING QUEENSLAND SAFER BILL – DETRIMENT TO VICTIMS OF CRIME<sup>1</sup>
  - The Bill is misnamed as its provisions are most unlikely to make Queensland a safer place and have the serious potential to do the opposite, to the severe detriment of victims of crime for whom the criminal justice system should be protective and caring.
- “ADULT CRIME, ADULT TIME”
  - This phrase is a rhyming non-sequitur devoid of logic and corrosive of justice for the people of Queensland, particularly children who are, by definition, not yet adults and thus remain in special need of care and guidance from the Courts under the rule of law and the Courts’ *parens patriae* duties.
- REMOVAL OF DETENTION AS A LAST RESORT ( Explanatory Notes page 1 par 1)
  - This is repugnant for many reasons, including:
    - The deleterious consequences of placing first-offence children in detention with repeat serious youth offenders where the former are rendered vulnerable to undergoing a post-graduate course in serious crime from the latter.
    - The failure to recognise the long-term importance of re-integrating a child offender into the support and discipline of

family life. This is of particular importance for Aboriginal and Torres Strait Islander children who are grossly over-represented in the juvenile detention statistics.

- The failure to mobilise crisis-intervention opportunities for engaging the youth offenders into schooling, traineeships or apprenticeships by way of diversion from the over-burdened, delay-prone and horrendously expensive youth criminal justice system.
- Significantly, Attorney-General R Frecklington MP has acknowledged that *“these amendments are incompatible with human rights”*, (Statement of Compatibility page 6 last line) hence *“the amendments will include an override declaration”* of the Human Rights Act (Statement of Compatibility page 7 first paragraph).
- AMENDMENTS TO CHILDREN’S COURT ACT
  - Wrongfully fetters the power of the Children’s Court to exclude persons (including media) under section 20(2) of the Children’s Court Act which currently provides:

*(2) However, the court may, on application by a party to the proceeding or on its own initiative, make an order (an "exclusion order" ) excluding from the room a person mentioned in subsection (1) (c) (ii) , (iii) or (iv) if the court is satisfied that the order is necessary—*

- (a) to prevent prejudice to the proper administration of justice; or*
- (b) for the safety of any person, including the child.*

### **BACKGROUND EXPERIENCE OF AUTHOR RELEVANT TO THIS BILL**

- 1970-71 – Child Welfare Officer in Qld Department of Children’s Services
- 1972 – Research officer (3 months) commissioned by Northern Ireland Community Relations Commission , Belfast
- 1974-76 and 1976-78 – Social Worker with the Brisbane office of the Aborigines and Torres Strait Islanders Legal Service
- 1976 – Social Worker with London Borough of Lambeth (7 months)
- 1978 -1983 – Senior Tutor then Lecturer and Sub-Dean of UQ Faculty of Social Work
- 1984 – admitted as Barrister of the Supreme Court of Queensland
- 1989-2004 – MP of Qld Parliament for Yeronga, later named Yeerongpilly, Attorney-General(AG) in the Goss and Beattie Governments (1995-96 and 1998-2001)
- 1995 – As AG, introduced the *Criminal Offence (Victims) Bill* which became an Act with the support of both sides of the House
- 2004 -present – Barrister in private practice
- 2017- present – Adjunct Professor of Social Work at UQ (voluntary position)

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