Making Queensland Safer Bill 2024

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Justice, Integrity and Community Safety Committee
Parliament House
George Street
BRISBANE QLD 4000

Email: JICSC@parliament.qld.gov.au

Dear Committee,

We welcome the opportunity to provide input to the Inquiry into the *Making Queensland Safer Bill 2024* (herein the Bill). Collectively as Indigenous and non-Indigenous researchers and academics in the School of Nursing, Midwifery and Social Work at the University of Queensland, we oppose the Bill as it contradicts best evidence regarding 'what works' for reducing youth offending and undermines state and international human rights commitments. Evidence shows that diversion, rehabilitation and reintegration efforts reduce offending – while punitive measures such as detention increase the risk of recidivism. As such, this proposed legislation serves as a roadmap for making the Queensland community ***less*** safe.

Below we provide remarks in relation to several provisions of the Bill.

Introducing 'adult crime, adult time'

Queensland already defies the recommendation of the United Nations Committee on the Rights of the Child (UNCRC) that the minimum age of criminal responsibility should be 14-years, by holding children as young as 10-years criminally responsible. The UNCRC's recommendation is based on significant evidence that children do not have the same capacity and decision-making skills as adults and therefore should not be treated the same as adults who offend. Indeed, evidence indicates that a child's immature decision-making capacity and risk-taking behaviour is developmentally typical during adolescence with full brain development not achieved until the age of 25 years.

Evidence also shows that many of the children involved in the youth justice system experience poverty, intergenerational trauma, abuse and neglect, exposure to domestic and family violence,

substance misuse, as well as disability – all factors which negatively impact the child's social, emotional and brain development. Children exposed to these adverse factors need support and rehabilitation, not punishment and retribution. Government needs to act on these systemic issues rather than focusing on punitive individualised responses that do not account for the child's social context.

Amending the *Childrens Court Act* 1992 to ensure the victim or member of the victim's family can be present during proceedings AND enable media to be present

Childrens courts are closed in recognition that publication of their case can jeopardise their rehabilitation and reintegration into the community. As we have already outlined, many children in contact with the youth justice system experience adverse life circumstances. Accused children may be reluctant to disclose personal information about their circumstances, such as abuse, in front of victims and especially the media for fear of having their confidentiality breached. A potential consequence of this is that the underlying causal factors of the offending will not be addressed, thus increasing the risk of recidivism. Public release of information related to young people may also hinder their future efforts to reintegrate into society and to engage in employment due to discrimination.

Remove the principle of detention as a last resort

In considering the very real needs of victims of crime in Queensland communities, it is vital to note that many children and young people who come into contact with the criminal justice system as alleged offenders also have a history of victimisation, violence and abuse in their own lives. Thus, detention practices should be used as a last resort and several other measures be put in place. Rather than investing in the high costs of building and delivering detention-based services, investment directed towards prevention and support of vulnerable children would reduce the trajectory of harmful lifelong enmeshment with the criminal legal system.

Aboriginal and Torres Strait Islander children and children with neurodevelopmental disabilities are already over-represented in youth detention. The proposal to remove the principle of detention as a last resort would very likely exacerbate this issue of over-representation. Detention is particularly harmful to children with disabilities and trauma histories and is widely recognised as being culturally unsafe. Youth detention is not adequately equipped to support these cohorts of young people.

A compassionate and socially just society needs to provide appropriate funding, policy directions and public health responses, to develop and deliver culturally and developmentally responsive diversion approaches away from detention practices. Justice reinvestment strategies provide an important opportunity to divert funding from prison infrastructure to Indigenous and community led initiatives. Culturally and developmentally responsive approaches apply prevention strategies across the life-course and are enhanced by the inclusion of holistic, family focused, trauma aware and healing informed screening, assessment, and therapeutic support. For Aboriginal and Torres Strait Islander children and young people, approaches should foster self-determination and social and emotional wellbeing that is defined by the children and young people, their families, and communities.

We respectfully encourage the Committee to also review the highly relevant and comprehensive report written by Professor Tamara Walsh (2023) for the Queensland Government – ***Safety through support: Building safer communities by supporting vulnerable children in Queensland's Youth Justice System***.

For further information or to discuss our contribution, please contact Dr Jemma Venables by jemma.venables@uq.edu.au or on (07) 3365 1258.

Yours sincerely,

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