

Making Queensland Safer Bill 2024

Submission No: 72
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Submitter Comments:

Subject: Queensland Youth Justice Bill 2024 Submission

Dear Justice, Integrity and Community Safety Committee,

Firstly, congratulations to the incoming government for advancing this legislation within such a constrained timeline. Queensland has clearly advocated for change, and a bill has been presented before the end of 2024. Below are my observations and recommendations based on a preliminary review of the bill and its supporting documents:

Root Causes:

The bill does not address the underlying reasons why youth engage in criminal behaviour. It lacks an exploration into the home environments that might lead to such actions. There's also an absence of accountability for both parents and the state, particularly when youth are in state care. I suggest a survey be conducted with detained or formerly detained youth to understand their motivations for offending, whether the proposed changes would deter them, and to identify the root causes of their behavior.

(<https://www.qao.qld.gov.au/reports-resources/reports-parliament/reducing-serious-youth-crime>)

Detention as a Deterrent:

The assumption that detention serves as a deterrent is flawed if the conditions outside are worse for the youth. If detention becomes a preferred 'social housing' option accessed simply by committing crimes like car theft, it will not deter but rather increase long-term detention rates.

(<https://www.abc.net.au/news/2024-12-02/make-queensland-safer-youth-crime-bill-public-hearings/104673530>)

(<https://www.theguardian.com/australia-news/2024/may/01/queensland-youth-justice-act-qld-labor-alp-lnp>)

Parental Accountability:

There's a critical need for the government to address the conditions that create this cycle of offending. Numerous reports highlight children growing up in chaotic, unsafe environments due to parental neglect or abuse. Parents must be held accountable for providing nurturing, disciplined environments. Moreover, the state should not undermine parental authority when it comes to reasonable discipline. There needs to be a balance so that parents aren't penalized for enforcing necessary boundaries, which sometimes leads to children being removed into state care where supervision and guidance are often lacking.

(<https://www.qatsicpp.com.au/2024/07/10/joint-statement-10-july-2024-queensland-youth-justice/>)

Estimated Cost:

The explanatory notes briefly touch on budget considerations without providing concrete forecasts or strategies to reduce costs. With current detention costs at approximately \$1 million per youth annually, compared to the \$30,000 annual pension for individuals, the financial implications are significant. Innovative solutions like the Katter's Australian Party (KAP) proposed low-cost relocation sentencing could be explored to both rehabilitate youth and reduce expenditure.

(<https://desbt.qld.gov.au/youth-justice/strategies-reform/changing-story>)

Capacity:

With the youth justice system already at capacity, the potential increase in detained youth could lead to overcrowding or extended stays in watch houses, which are not suitable for children. The KAP's suggestion of relocation sentencing far from current environments could offer a solution, focusing on rehabilitation and capacity management.

(<https://www.qao.qld.gov.au/reports-resources/reports-parliament/reducing-serious-youth-crime>)

Human Rights of Children:

The amendment to sections 150 and 175A has been identified as incompatible with human rights, raising questions about future legal challenges or reparations. Consideration should be given to how these changes align with international obligations like the United Nations Convention on the Rights of the Child.

(<https://www.theguardian.com/australia-news/article/2024/aug/02/queensland-community-safety-bill-human-rights-act-youth-detention>)

Timeline:

The bill was introduced on November 28, 2024, with only a brief window for public comment from December 2 to December 3, which severely limits public scrutiny and feedback. This approach mirrors recent federal tactics where numerous bills were hastily passed, limiting debate and ignoring public input. Queensland's lack of an upper house since 1922 exacerbates this issue, removing a critical layer of checks and balances. I urge the government to assure that this will not set a precedent and to explore mechanisms for public involvement, such as public referendums on significant legislative changes. This could be based on public support through petitions and potentially could be incorporated into the standard local / state and federal election process to reduce cost.

Reviews:

Given the rushed nature of this bill, regular, transparent reviews should be mandated. These should include yearly assessments with clear KPIs, data transparency, and public hearings to ensure the legislation is effectively reducing both victimization and offending rates.

(<https://www.abc.net.au/news/2024-12-02/make-queensland-safer-youth-crime-bill-public-hearings/104673530>)

I look forward to seeing how these concerns and suggestions are addressed to ensure that the youth justice system in Queensland is both effective and just.

Sincerely,

Reuben Richardson