

Making Queensland Safer Bill 2024

Submission No: 81
Submitted by: Save the Children and 54 reasons
Publication: Making the submission and your name public
Attachments: See attachment
Submitter Comments:



3 December 2024

Justice, Integrity and Community Safety Committee
Queensland Parliament
Via online submission portal

Dear Committee Chair,

Making Queensland Safer Bill 2024

This submission is from Save the Children and 54 reasons. Save the Children is a global non-government organisation that exists to uphold children's rights. 54 reasons is our Australian delivery arm. We are Australia's leading child rights organisation. Our name refers to the 54 articles in the United Nations Convention on the Rights of the Child (CRC).¹ We exist to champion children's rights to safety, development and justice, which we do by providing quality services to over 25,000 children and their carers every year across Australia. In Queensland, this includes youth justice early intervention, bail support and post-detention programs as part of our broader suite of rights-respecting services for children, young people, families and communities, including victims of crime.

We recognise that, through the Making Queensland Safer Bill 2024, the Government is seeking to respond to legitimate community desires for safety and reduced crime, and that the Bill reflects commitments that it took to the recent election. We are very aware of the undoubtedly emotive nature of this topic, the substantial public advocacy being undertaken by representatives of victims' groups, and that everyone in Queensland has the right to be safe. We support the Government's clearly stated intent to reduce offending by children and young people and, through other measures outside the Bill, to invest in effective and evidence-based early intervention.

However, we have significant concerns about the Bill. In our view:

- The Bill will not be effective in reducing offending or reoffending by children and young people. It is not evidence-based.
- The Bill will make the community less safe. It will subject children and young people to increased levels of punitive responses and incarceration, which will cause reoffending and other social harms to become more likely.
- The Bill will cause significant harm. It will expose more children and young people to the retraumatising effects of the criminal justice system and imprisonment, further entrenching disadvantage and harming them and their communities.
- The Bill significantly infringes children's fundamental rights. It will undermine the integrity of the human rights-based framework that underpins the operation of the law and the legal system in Queensland, without any adequate justification.

¹ We define a 'child' as a person up to the age of 18, reflecting the definition of a child in the CRC. In this letter, references to 'children' or 'children and young people' mean people aged up to 18.



The Bill departs from evidence in two significant ways. First, the Bill's emphasis on criminalisation, punishment and imprisonment of children does not reflect the clear evidence that young people's early exposure to the criminal justice system – especially detention – makes them more likely to reoffend. Second, the Government's stated rationale for overriding the Human Rights Act 2019 (Qld) to enact the Bill – that 'the current situation with respect to youth crime in Queensland presents an exceptional crisis situation constituting a threat to public safety'² – does not reflect the data that shows a long-term decline in rates of offending behaviour by children and young people.³

We have particular concerns about a number of the Bill's provisions. The Government has specifically acknowledged that the provisions to enact 'adult time for adult crime' and to remove the principle of detention as a last resort for children (and associated provisions) are incompatible with human rights, and require Queensland's Human Rights Act to be overridden in order to be enacted.⁴ As the Government's own Statement of Compatibility acknowledges, the incompatibility relates to some of the most fundamental human rights of children, including:

- Children's right for their best interests to be primary: CRC, Article 3. Indeed, the imposition of mandatory minimum sentencing for some offences means that children's interests will not be considered at all.
- Children should only be detained as a last resort and for the shortest appropriate period of time: CRC, Article 37(b). The Bill explicitly removes this fundamental principle.
- Children in the criminal justice system should be treated in a way that reflects their age (and developmental stage) and promotes their reintegration in society: CRC, Article 40(1). The Bill specifically legislates so that children are instead treated like adults and entails an emphasis on punishment.

The Government's Statement of Compatibility highlights that the Bill "will lead to sentences for children that are more punitive than necessary to achieve community safety" and "will, in essence, create a sentencing system where adults are better protected from arbitrary detention than children".⁵ These are extraordinary measures, that are directly inconsistent with international best practice as expressed through accepted children's rights standards in the CRC and elsewhere. Indeed, the Chair of the United Nations Committee on the Rights of the Child, the leading international body responsible for children's rights and their interpretation, took the unusual step of issuing a video statement expressing the Committee's dismay at the Bill.⁶

These significant breaches of children's rights are particularly distressing in the context of legislation that, as noted above, will not be effective in achieving its aims.

There is significant scope and need for reform in Queensland to improve the operation of the youth justice system, including the related systems that shape and influence the root causes of children's and young people's contact with youth justice. We urge the adoption of systemic reforms that are rights-compliant and guided by the comprehensive, balanced framework that is provided by the CRC and a child rights-based approach. We have previously published detailed reports and submissions outlining

² Queensland Government, Statement about Exceptional Circumstances, 28 November 2024.

³ See, eg, Queensland Government Statistician's Office, *Justice report, Queensland, 2022-23*, 13 May 2024; Queensland Audit Office, *Reducing serious youth crime*, Report 15: 2023-24, 28 June 2024.

⁴ Queensland Government, Statement of Compatibility, 28 November 2024.

⁵ Pages 4, 5 and 6.

⁶ Ann Skelton, Committee on the Rights of the Child, 30 November 2024, <https://x.com/UNChildRights1/status/1862572448861884714>.



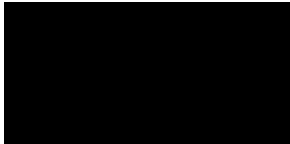
what a rights-respecting approach to youth justice would look like in Australia⁷ and in Queensland.⁸ This includes the particular importance of:

- addressing root causes through a focus on prevention and early intervention
- embedding effective therapeutic and trauma-informed support for children at every point of the system
- facilitating community-based restorative justice and effective engagement between victims and children and young people who are interacting with the justice system
- funding and implementing an alternative, community service-led response to children under the age of 14 years old who are interacting with the justice system
- supporting Aboriginal and Torres Strait Islander self-determination and community-based programs and solutions
- taking children's and young people's views seriously in youth justice, and ensuring children can participate in both policy-making and individual decisions affecting them.

Lastly, we emphasise the final point above: children and young people have the right to participate in all decisions affecting them, which means they have the right to be heard: CRC, Article 12. When this happens, policies and laws are better-informed, implementation is more effective, decisions are more in line with evidence and outcomes are better. We urge the Queensland Government, and Parliament, to take this right seriously in considering all matters affecting children – it is an essential component of the set of solutions that can truly shift the system for the better.

Please do not hesitate to contact me directly at mena.waller@54reasons.org.au or on [REDACTED] for any further information.

Yours sincerely,



Mena Waller
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⁷ Save the Children and 54 reasons, 2023, *Putting children first: A rights respecting approach to youth justice in Australia*.

⁸ Save the Children and 54 reasons, *“Don’t judge a book by its cover”: A rights respecting approach to youth justice in Queensland*, Submission to Youth Justice Reform Select Committee, 21 December 2023.