

Making Queensland Safer Bill 2024

Submission No: 88
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Publication: Making the submission and your name public
Attachments: See attachment
Submitter Comments:

3 December 2024

Justice, Integrity and Community Safety Committee
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Dear Committee,

Thank you for the opportunity to provide input into the inquiry into the *Making Queensland Safer Bill*. We are criminology academics at the School of Social Science at the University of Queensland who have been engaged in research relating to the criminal justice system, particularly in relation to young people, for over 40 years between us.

We would like to highlight the following research-based information to aid your consideration of this Bill. Our responses draw on our own research and that of others in the field, but we are omitting references for the sake of succinctness and time, which is significantly limited in this process. Should references be required, these can be provided.

To be brief, we do not support the *Making Queensland Safer Bill*. We cannot see how this Bill will make Queensland safer. The Bill is not based on the wealth of research evidence that exists in Australia and around the world and has potential to do more harm than good, as has been the case for many Government policies relating to youth crime in Queensland. According to the research evidence, the actions from this Bill will likely further criminalise already disenfranchised young people and normalise criminal justice involvement.

The Bill “introduces ‘adult crime, adult time’” and removes “the principle of detention as a last resort and that a non-custodial order is better than detention in promoting a child’s ability to reintegrate into the community”. These ideas do not align with the research evidence which suggests that diverting young people away from the criminal justice system for as long as possible has the best outcomes.

Punitive responses like detention (and prison) are based on principles of deterrence, denunciation, and incapacitation. While there is talk about their aim being rehabilitative, this goal remains largely unmet, with large proportions of detained individuals going on to commit further crime upon their release. The deterrence model assumes that offenders are rational actors who weigh the consequences of their actions. However, research in neuroscience demonstrates that even neurotypical brains do not fully mature until around the age of 25, with the prefrontal cortex – the brain region responsible for decision-making and impulse control – being one of the last to develop.

This developmental immaturity means that young people are more likely than adults to engage in risky or unlawful behaviour, without weighing the consequences of their actions, as a part of their developmental process. But emerging evidence also indicates that a significant proportion of young people in the youth justice system have neurodevelopmental disorders. These conditions further impair their capacity to evaluate the long-term consequences of their actions, calling further into question the efficacy of deterrence-based approaches.

Research also shows that a large proportion of children involved in the criminal justice system are victims themselves, or have been exposed to criminal behaviour such as domestic and family violence. Research shows that early exposure to trauma can lead to disrupted development, emotional dysregulation, and increased risk of engaging in criminal activity. Children may be perpetuating the cycle of violence that has been a part of their whole lives and punitive approaches can further exacerbate their trauma and criminal behaviours.

Relying on punitive measures also risks expanding the pool of serious offenders by exposing less entrenched young people to the criminogenic effects of the justice system. Research shows that the earlier a child has contact with the criminal justice system, the more likely it is that they will go on to become a serious offender. Although detention is sometimes promoted as an opportunity for rehabilitation, the evidence overwhelmingly shows that current systems fail to achieve this goal. Instead, the experience of incarceration often exacerbates existing issues, increasing the likelihood of reoffending upon release.

This is why diversionary practices are promoted. Research shows that for the majority of young people, diversionary responses such as cautions and restorative justice conferencing are related to lower reoffending rates – even accounting for other factors such as offence severity. Certainly, we need to hold young people accountable for their actions. But holding a child to account need not, and should not, look the same as it does an adult. A 10-year-old child (or even a 17-year-old) does not have the same cognitive capacities or moral frameworks as an adult and has a greater capacity for change. To treat them the same – or in the case of this legislation, even more harshly – denies this fact that these are children who are deserving of our support to grow, develop, and be treated in a manner commensurate with their understanding and maturity.

Instead of tackling many of the key issues contributing to young people's criminal behaviour, this Bill instead promotes retribution and incapacitation above rehabilitation and reintegration. It sends a message to children (though, they are likely not listening to this debate and their voices remain silenced) that we are angry at them for our systems failing them. That we do not have the capacity to help them, as many of them are victims too, and we are thus exiling them from our community.

As I am sure you are receiving several submissions of this type from many others, including my learned colleagues, arguing against the fundamental breaches to human rights, I will refrain from reiterating many of those arguments. Except to say that Human Rights obligations should not be dismissed without significant and careful consideration – which cannot be achieved in mere days. They are built on internationally agreed upon principles that align with myriad academic research surrounding child development.

If the Government truly wishes to make Queensland safer from these young people, they should focus on funding evidence-based services for children, youth, and families, and educating police and the public about the value and importance of diversionary practices. This does not mean that victims' voices are dismissed, but that we are working together to reduce victimisation by supporting and encouraging our children.

Yours sincerely,

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