

## Making Queensland Safer Bill 2024

**Submission No:** 90  
**Submitted by:** Griffith University Innocence Project  
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**Attachments:** See attachment  
**Submitter Comments:**

3 December 2024

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

Dear Committee Members

### **Submission re the Making Queensland Safer Bill 2024 (Qld)- Risks of miscarriages of justice**

We take this opportunity to express our concerns about the Making Queensland Safer Bill 2024 (Qld).

#### **About the Griffith University Innocence Project**

The [Griffith University Innocence Project](#) is a clinical project in the Griffith University Law School. Along with dedicated pro bono lawyers, our students and academics work towards assisting those with claims of wrongful conviction in Australia.

Beyond the confines of academia, we stand against injustices of the legal system, championing the cause of wrongful convictions with interdisciplinary research to pave the way for reformed criminal justice processes. At the heart of the project, is a team of passionate law students, dedicated legal professionals, and esteemed academics, all striving to correct miscarriages of justice.

#### **Objection to timeframe for receipt of submissions**

To begin, we express our deep concern about the short timeframe given for submissions to be received. The reforms, if passed, will be poorer for such a lack of consultation. They will no doubt be costlier for Queenslanders in the end. This submission has been prepared in the unsatisfactory, largely undemocratic, circumstances created by this short deadline. In such circumstances our submissions can only be brief.

#### **Openly breaching human rights of Queensland children**

We wish to put on record our objection to any legislation that is founded upon knowingly breaching the human rights of Queensland children.<sup>1</sup>

#### **Increasing the risks of wrongful guilty pleas by juveniles**

Over the past two years the possibility of children pleading guilty to crimes they did not commit has been raised repeatedly by members of the legal profession and justice advocates:

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<sup>1</sup> See Making Queensland Safer Bill 2024 (Qld) - Statement of Compatibility, p 4.  
**Digital – Gold Coast – Logan – Mount Gravatt – Nathan – South Bank**

- *Innocent Queensland children pleading guilty to avoid harsh bail laws, lawyers say* (The Guardian, 9 June 2023).<sup>2</sup>
- *Queensland bail laws driving kids to plead guilty to crimes they didn't commit* (National Indigenous Times, 28 June 2023).<sup>3</sup>
- *Queensland's youth justice review reveals children held in watch houses for longer, possibly pleading guilty to crimes they didn't commit* (ABC News, 16 November 2022).<sup>4</sup>

While the receipt and administration of a guilty plea ordinarily rests with the parties, legal representatives and judicial officers, we urge the Government to consider the possibility that this new justice framework will increase the risks of children pleading guilty to (and being punished for) crimes they did not commit. If children are concerned about avoiding the adult sentencing regime this Bill creates for them as children, they may easily be coerced into pleading guilty to something they did not commit simply to avoid such a consequence. Research shows the myriad ways children are vulnerable to coercion and false confession.<sup>5</sup> The Government must be mindful of such risk when considering these reforms.

### **Creating collateral consequences for children**

The collateral consequences of criminal convictions for juveniles when wrongly convicted are also a concern. The proposed reforms clearly intend to widen the extent to which a child's criminal history is compiled and reported in court proceedings.

The effect of these changes to the law will be to further stigmatise the child for occurrences like warnings, cautions and court appearances where convictions are not recorded. Such stigmatisation contradicts everything that Children's Courts were set up to achieve over a century ago.

Addressing Queensland's parliament in 1907, the Hon Peter Airey said: '... it really seems absurd that we have gone on for all these years treating offences of children and those which are practically criminal in the same court.' To which 'An Honourable Gentleman' replied, 'We are not civilised yet'.<sup>6</sup> Is it now the case that this state is going back to pre-1907 values in its approach to juvenile justice?

### **Discriminating against First Nations children**

We concur with our colleagues who have already highlighted the extent to which these reforms will predominantly impact upon, and discriminate against, First Nations children. As was reported in the 'National Indigenous Times' last year, ['although making up less than 5% of the child population in Queensland, First Nations children comprise 62.6% of the youth prison population.'](#)

### **Acknowledgement of victims**

We acknowledge the interest of victims of crime. Very few of us these days can say that we are not in that category of constituents whose interests the government claims to be so keen to prioritise. We further acknowledge that some children in this state have committed incredibly violent and life-altering offences that must be addressed by the criminal justice system. Victims undoubtedly deserve justice.

<sup>2</sup> <https://www.theguardian.com/australia-news/2023/jun/09/innocent-queensland-children-pleading-guilty-to-avoid-harsh-bail-laws-lawyers-say>

<sup>3</sup> <https://nit.com.au/28-06-2023/6541/new-bail-laws-driving-kids-to-plead-guilty-to-crimes-they-didnt-commit>

<sup>4</sup> <https://www.abc.net.au/news/2022-11-16/qld-youth-justice-atkinson-report-bail-gps-monitoring-devices/101650416>

<sup>5</sup> See e.g. Redlich, A. D. et al. (2022). Guilty Plea Hearings in Juvenile and Criminal Court. *Law and Human Behavior*, 46 (5), 337-352. doi: 10.1037/lhb0000495.

<sup>6</sup> Queensland, Debates, 23 October 1907, 1347 (Airey).

But this government must also acknowledge that it is children, not adults, who are the most victimised in this state. According to the [Australian Bureau of Statistics](#), those aged 15 to 24 years were more likely to experience physical assault (3.9%) compared with persons in all other age groups. Research shows that children who are victimised are at a greater risk of [going on to offend themselves](#). Protecting the interests of victims of crime does not have to come at the expense of failing to protect children who, for whatever reason, find themselves on the wrong side of the law.

The law can do better than this.

Robyn Blewer

Director – Griffith University Innocence Project

Jovanka Chu Olivares

Project Officer – Griffith University Innocence Project

Please note: GUIP Advisory Board member, Ms Megan Mahon, has abstained from expressing personal views on this issue and thus from this submission.

### **Advisory Board Members**

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Mr Craig Eberhardt KC	Barrister	Inns of Court- Brisbane
Mr Tony Glynn KC	Barrister	Fullagar Chambers- Brisbane
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Ms Rhanee Rego*	Principal	Rhanee Rego & Associates
Mr Stephen Keim SC*	Former President, Legal Aid Commission Queensland Founding Barrister	Higgins Chambers

Mr Terry O’Gorman*	Founding Partner	Robertson O’Gorman Solicitors
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*\*New Members starting on February 2025*

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Professor Therese Wilson	Dean and Head of School	Griffith University Law School
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