

Making Queensland Safer Bill 2024

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To the Justice, Integrity and Community Safety Committee,

Re: The Making Queensland Safer Bill 2024 and the amendments to the Youth Justice Act 1992 (QLD) and the Children's Court Act (1992 QLD)

YFS opposes the Making Queensland Safer Bill 2024 due to its regressive approach to youth justice. Key aspects of the Bill, including the "Adult Crime, Adult Time" policy and the removal of the principle of detention as a last resort from the Youth Justice Act 1992, fail to address the root causes of youth offending and risk entrenching vulnerable children in the criminal justice system. The over-reliance on punitive measures contradicts evidence from international best practices and research demonstrating the effectiveness of rehabilitative and community-based approaches. YFS urges the Justice, Integrity, and Community Safety Committee to consider alternative approaches that prioritise rehabilitation, proportionality, culturally safe and evidence-based practices.

"Adult Crime, Adult Time" Policy

The inclusion of children as young as 10 years old under the "Adult Crime, Adult Time" policy is deeply troubling. Scientific evidence shows that children at this age lack the developmental maturity and decision-making capacity of adults, necessitating different approaches to justice. As stated by the QLD Human Rights Commissioner- Scott McDougall, "*we're talking about children who still have their baby teeth*", lowering the age to children as young as 10 is deeply worrying. International guidance, including from the United Nations Committee on the Rights of the Child, emphasises that criminal justice systems should treat all individuals under 18 as children and set a minimum age of criminal responsibility of at least 14 years. By subjecting children to adult sentencing practices, the Bill disregards these principles and increases the likelihood of long-term negative outcomes.

Statement of Compatibility

The Government, in the Statement of Compatibility, concedes that *'the amendments are expected to have a greater impact on Aboriginal and Torres Strait Islander children, who are already disproportionately represented in the criminal justice system. The amendments could result in more Aboriginal and Torres Strait Islander children being imprisoned for periods of time.'* This admission highlights the risk of entrenching systemic discrimination. While the Government asserts that these amendments do not directly or indirectly discriminate based on race, the disproportionate impact on Aboriginal and Torres Strait Islander children cannot be ignored. The lack of targeted measures to address these inequities fails to meet the obligations under the Queensland Human Rights Act or the United Nations Convention on the Rights of the Child.

The proposed amendments under the Making Queensland Safer Bill 2024 are fundamentally incompatible with international human rights standards. The United Nations Convention on the Rights of the Child (CROC) asserts that the best interests of the child must be a primary consideration (Article 3(1)), that detention should only be used as a measure of last resort (Article 37(b)), and that any justice response must prioritise reintegration and constructive societal roles for children (Article 40(1)). The Government, whilst simply acknowledging this bill does not meet human rights of children, does not absolve the responsibility of meeting these obligations.

By imposing adult sentences on children, including mandatory life detention for certain offences, these amendments blatantly disregard these principles. The legislation also contravenes the UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), which emphasise proportionality in sentencing (Rule 17.1(a)) and restrict deprivation of liberty to the most serious cases (Rule 17.1(c)). Moreover, the Government acknowledges the disproportionate impact these measures will have on Aboriginal and Torres Strait Islander children yet fails to address the systemic inequalities driving this over-representation. These omissions represent a grave failure to uphold human rights and ethical governance in Queensland's youth justice system.

The Government claims that *'the increased sentences will be applied equally to all children convicted of an offence.'* However, the failure to account for systemic and historical disadvantages faced by Aboriginal and Torres Strait Islander children undermines this assertion of equality. Treating children without regard to their unique circumstances perpetuates the over-representation of marginalised groups in detention.

Proportionality in Sentencing

YFS opposes the introduction of Section 175A under clause 19 of the Bill, which allows children to be sentenced to the same maximum penalties as adults for specific offences. This amendment undermines the fundamental recognition in the *Youth Justice Act 1992* that children possess a greater capacity for rehabilitation and that sentencing should reflect their developmental immaturity. The proposed amendment to section 150 of the *Youth Justice Act 1992*, which requires courts to disregard the principle that detention is a last resort, exacerbates these concerns. This approach directly conflicts with the *Human Rights Act 2019 (Qld)* and Queensland's commitment to uphold international human rights standards, particularly Article 37 of the UN Convention on the Rights of the Child, which mandates that detention for children should only be used as a measure of last resort.

The existing sentencing "ceilings" for children, such as the 10-year limit for certain offences, appropriately balance accountability with the opportunity for reform. Removing these ceilings disregards the reality that most children in the justice system come from backgrounds of significant trauma and dysfunction. Prioritising punishment over rehabilitation risks entrenching children in the criminal justice system, leading to poorer outcomes for individuals and the broader community.

The Bill also fails to distinguish between violent and non-violent offences within burglary and unlawful offence categories, creating significant risks. Offences such as entering a home through an open door or joyriding at non-dangerous speeds are treated the same as violent, forcible break-ins or dangerous vehicle use. This broad categorisation could lead to an overuse of detention for minor offences, drawing more children into the justice system and undermining opportunities for community-based intervention. Research shows that 62% of children involved in the youth justice system commit only one offence and do not reoffend, as stated in the "What Works in Reducing Young People's Involvement in Crime" report.

YFS asserts that ensuring proportionate responses to non-violent offences is critical to avoiding unnecessary criminalisation and supporting positive outcomes for young people. By disregarding principles of proportionality and rehabilitation, the proposed amendments undermine the core objectives of the youth justice system, risking long-term harm to both children and the broader community.

Restorative Justice and Early Intervention

The removal of restorative justice options for offences classified as "Adult Crime, Adult Time" is a step backwards. Evidence demonstrates that restorative justice not only reduces reoffending but also fosters

accountability and rehabilitation while providing opportunities for victims to participate meaningfully in the justice process. By excluding restorative justice for non-violent offences, the Bill eliminates an effective, evidence-based alternative to detention, denying young offenders the opportunity to take accountability and repair harm in ways that promote their reintegration into society.

The proposed removal of the principle of detention as a last resort further exacerbates the risks posed by the Bill. This principle, rooted in Queensland's Human Rights Act, ensures detention is used sparingly and only when necessary.

Evidence from the "What Works" report indicates that removing this principle could increase recidivism rates by failing to address systemic issues such as poverty, trauma, and lack of access to education.

YFS' **Resolve** Early Intervention Youth Coaching and Diversion Program exemplifies an evidence-based, community-driven approach to youth justice. Developed through a partnership between a local university and YFS, the program targets disengaged youth aged 10-17 at risk of volatile substance misuse and criminal behaviour. It combines outreach, diversion, and intensive, trauma-informed coaching to engage young people in familiar community spaces and foster relationships built on trust. By creating accessible soft entry points to sustained support, the program focuses on resilience-building, life skills development, and connecting participants to education, employment, and meaningful activities. Evaluation data highlight significant reductions in offending behaviours and improvements in wellbeing, underscoring its alignment with our advocacy for alternatives to punitive justice measures.

The program achieved outstanding results:

- 66% of coaching participants reduced offending behaviours
- 78% improved their life skills
- 87% experienced improved wellbeing
- 96% reported improved hope.

This exemplifies where focus and funding should be directed: toward early intervention and providing young people with opportunities to learn from their mistakes.

Detention as a last resort

The proposed removal of the principle of detention as a last resort further exacerbates the risks posed by the Bill. This principle, rooted in the United Nations Convention on the Rights of Children, the Queensland's Human Rights Act (QLD) 2019 and common law principles, it ensures detention is used sparingly and only when necessary. Its elimination paves the way for harsher punitive responses that are ineffective at addressing the systemic drivers of youth crime, such as poverty, trauma, and lack of access to education or healthcare.

Given the extensive evidence linking early justice system involvement to lifelong criminalisation, YFS strongly opposes applying the Bill's measures to children under 14. Research shows that early system contact increases the likelihood of reoffending, violent offending, and ongoing justice involvement. Children are better served by interventions that prioritise diversion, minimal intervention, and restorative practices.

Overcrowding and Resource Implications

Queensland's detention centres are currently operating beyond safe capacity, with children often held in adult watchhouses for extended periods due to lack of space. As Youth Advocacy Centre (YAC) highlights, the proposed legislative changes will dramatically increase the number of young people in

detention, compounding these issues. Detention centres, such as Cleveland Youth Detention Centre, already face staff shortages, leading to children being locked in cells for extended periods, not as punishment but due to inadequate supervision.

The estimates that the new detention facility at Woodford, costing \$620 million for just 80 beds, represents a significant lost opportunity to invest in diversion programs that address the root causes of youth offending. YFS supports the position that funds should instead be directed toward evidence-based programs like the Resolve Early Intervention program, which has demonstrated measurable success in reducing offending behaviours and improving wellbeing among vulnerable youth.

Mental Health and Long-Term Impacts of Youth Incarceration

The Marking Queensland Safer Bill 2024 amendments disregards the profound long-term consequences of youth incarceration. Research by Australia Human Rights Commission demonstrates that incarceration exacerbates pre-existing mental health issues such as anxiety, depression, and substance abuse, with detained children facing increased risks of psychiatric disorders and suicide. Additionally, youth incarceration leads to poorer educational outcomes, stunted emotional development, and a higher likelihood of reoffending, with 85% of detained young people reoffending within 12 months of release.

Rather than reducing crime, incarceration entrenches young people in cycles of disadvantage. Studies confirm that incarceration is criminogenic—it fosters criminality by isolating youth from positive influences and exposing them to environments that normalise deviant behaviours. This evidence underscores the need for alternatives that prioritise rehabilitation over punitive responses.

Disproportionate Impact on Aboriginal and Torres Strait Islander Children

YFS is deeply concerned about the disproportionate impact of the proposed amendments on Aboriginal and Torres Strait Islander children is deeply troubling. The Government's own Statement of Compatibility acknowledges that these children will be disproportionately affected, yet no targeted measures have been proposed to address this inequity. The disproportionate impacts contravene the principles of equality and non-discrimination enshrined in the Human Rights Act 2019 (Qld).

To address these systemic inequities, YFS recommends investment in culturally safe, community-led programs that address the underlying drivers of youth offending. Programs should be tailored to meet the specific needs of Aboriginal and Torres Strait Islander children, supporting their rehabilitation and reintegration into society rather

Unintended consequences

We believe there will be a high likelihood of unintended consequences from the proposed disclosure of identifying personalised information about young people in the media. This is relevant for young people not under Child Protection orders. We fear several consequences which include an increased stigmatisation, potential vigilantism, and lifelong self-limiting constraints on activities such as employment and participation. This is vitally important when we know that young people are incapable of making appropriate judgement and decision-making.

Recommendations:

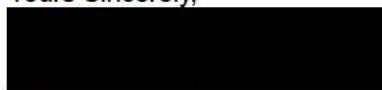
To ensure the Bill does not disproportionately rely on detention for non-violent offences, YFS supports the following amendments:

1. Conduct an independent human rights compatibility review of the Bill to ensure alignment with international standards
2. Given the Government's acknowledgement of the disproportionate impact on Aboriginal and Torres Strait Islander children, YFS recommends prioritising culturally safe, evidence-based interventions tailored to these communities through investments in community-led programs that address the systemic causes of youth offending and the implementation of an independent human rights compatibility review to ensure equity and proportionality.
3. Explicitly distinguish between violent and non-violent offences within burglary and unlawful offence categories. This distinction will prevent the overuse of punitive measures for minor offences and allow proportional responses that focus on rehabilitation and community-based interventions.
4. Limit the application of new maximum penalties for "Adult Crime, Adult Time" offences to young people aged 14 and over. This amendment aligns with international best practices and acknowledges the developmental differences between children and adults.
5. Maintain restorative justice orders as an option for non-violent offences under the "Adult Crime, Adult Time" category. Restorative justice has been proven to reduce reoffending while promoting meaningful accountability and rehabilitation.
6. Reinstate and strengthen the principle of detention as a last resort in the Youth Justice Act. This principle ensures detention is used sparingly and only when necessary, reflecting a commitment to rehabilitation over punishment.
7. Prioritise investments in evidence-based, community-led alternatives to detention, including therapeutic and culturally responsive interventions. These investments should focus on reducing the underlying drivers of youth crime, such as escaping domestic and family violence, poverty, health and disability factors, and lack of access to education. Special attention should be given to the disproportionate impact of the justice system on Aboriginal and Torres Strait Islander children and children with disabilities, ensuring that interventions are tailored to their specific needs and circumstances.

YFS calls on the Committee to reject the punitive measures proposed in the Making Queensland Safer Bill 2024. Instead, Queensland should adopt reforms that address the root causes of youth offending, uphold human rights, and focus on rehabilitation. By doing so, we can build safer communities while ensuring vulnerable children are provided the support they need to thrive. YFS is committed to working with the Government and other stakeholders to develop a more just and effective youth justice system.

YFS is happy to provide further information to support our submission and recommendations.

Yours Sincerely,



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Resolve works with young people aged 10 to 16 years who are at risk of entering the Youth Justice system.

The key focus is on young people who are displaying early signs of anti-social and offending behaviours. Most young people we support are just starting to come into contact with police and may be experiencing the court system for the first time.

Resolve aims to divert young people from the justice system by helping them get their lives back on track.

Program evaluation

An evaluation by Griffith University focused on assessing program effectiveness in meeting the needs and improving the lives of Logan young people.

It incorporated analysis of outcomes measures, participant observation and interviews with participants, staff and community stakeholders.

The evaluation covers the period from June 2022 to April 2024.

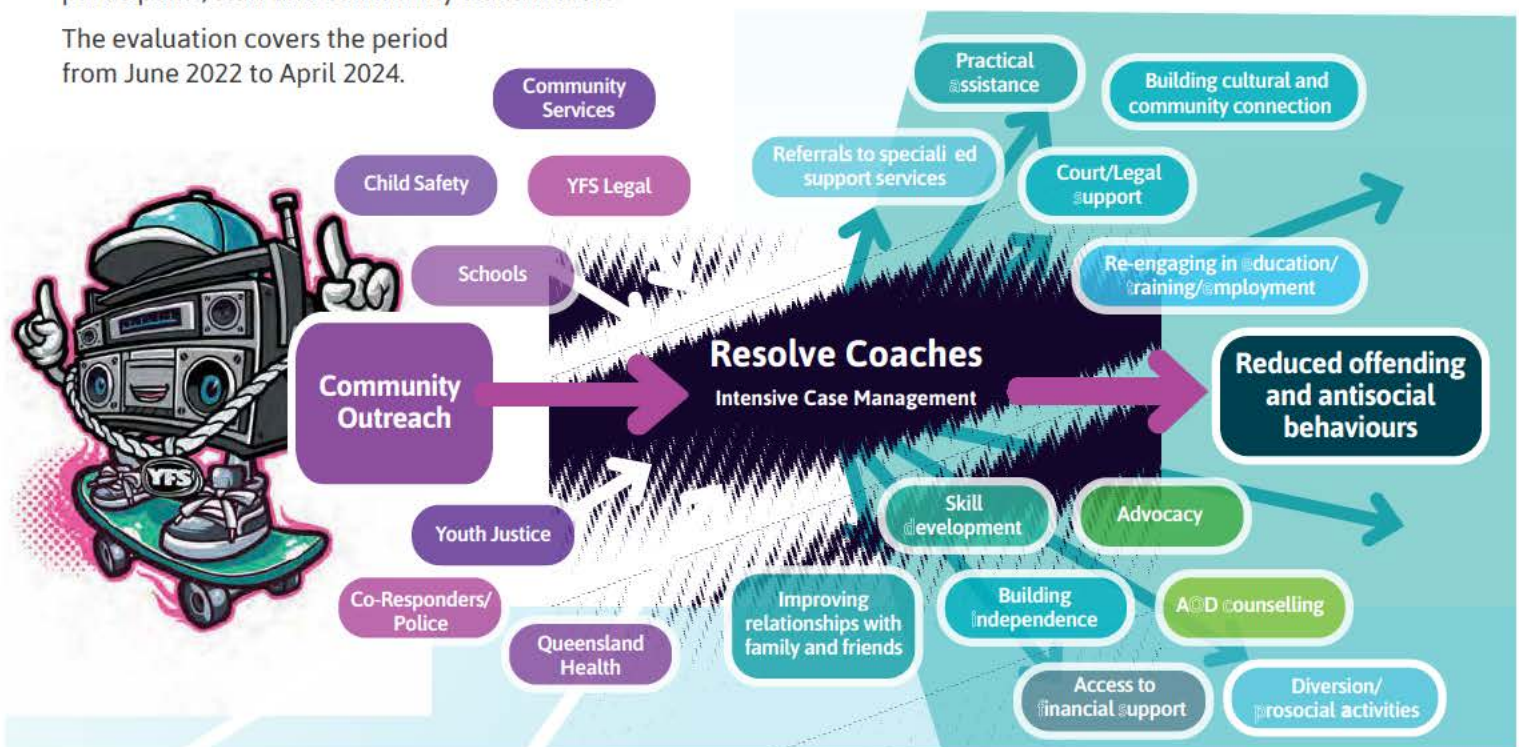
The Resolve model

Traditionally responses for at-risk young people are fragmented and often only engage with people who are already in the justice system.

The Resolve program engages with young people early. Through intensive case management, coaches assist young people to achieve their goals by providing individual, practical and well-planned assistance focused on the factors that contribute to their offending behaviours.

Working with a flexible, and strengths-based approach, co-designed with young people, the coaches guide and support young people to get their lives back on track.

Throughout the program young people gain access to specialised support services and are provided guidance to help them re-engage and reconnect back to their community.



Achievements

Over 2 years of operation Resolve:



had 2,382 outreach contacts across seven different locations



completed 27 diversion opportunities introducing young people to safe pro-social activities



provided one on one coaching to 90 young people.

Key findings:

The evaluation found Resolve is effective in creating positive change in the lives of young people in Logan, citing improved:

- connections, participation and sense of belonging
- engagement in the community
- sense of safety
- life skills
- physical and mental health
- quality of life
- trust and resilience
- hopefulness, sense of agency and confidence.

There was also significant reduction in risk levels related to housing, drug and alcohol use, and anti-social and offending behaviours



Voices of young people

"My coach just proved to me that she is really trustworthy and that she is there for me so that made me happy in trusting her."

"My coach opened my mindset to try new things and leave the old me behind. My confidence changed and I got a paid job."

"My coach wasn't trying to put thoughts in my head She wasn't saying that I should change because it would be beneficial for my grandparents like all the others did. She said I should change for myself."

"When I first met my coach, I was very suicidal and I did not like that at all. I feel like she helped me stop because when I was working with her, I didn't want to hurt myself at all. I have learned that it's always best to show your feelings rather than hide them and that hurting yourself is not the best option, loving yourself is the best option."

"I used to break the law and I didn't really see how much I was hurting my nan. I understand now that I actually need to change to keep her and my sister safe."



Program outcomes

Of participating young people:



77%
had met their
goals or needs



96%
improved their
level of hope



78%
improved their
life skills



87%
improved their
wellbeing



Case Story Cameron*, 13 years old

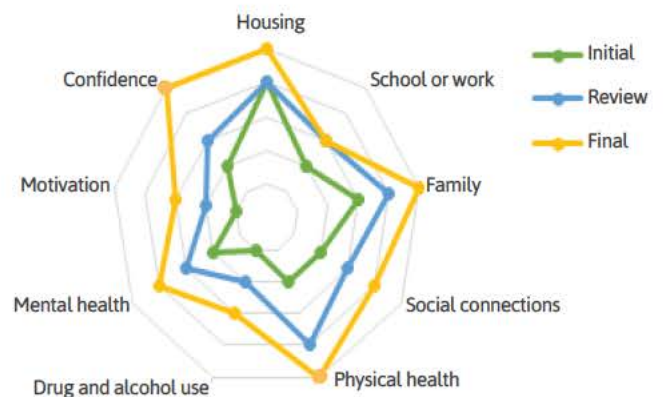
Cameron was consistently engaging in antisocial behaviours. His hobbies included riding his scooter around the local shopping centre and smoking in the park near his house.

Cameron found out about Resolve through a friend and referred himself to the program. Working with a Resolve coach, Cameron had challenging discussions about his behaviour. He also had the opportunity to participate in various diversion activities. These experiences influenced positive change for him.

His offending behaviours reduced and his relationship with his parents is better. He has now found alternative ways to get the adrenaline rush he seeks that don't put him at risk of entering the youth justice system.

*Name changed for privacy

Cameron's Outcomes Star



Key elements for effectiveness:

The evaluation identified success factors including:

- transport assistance for facilitating access
- engaging, interest-based and recreational activities for youth engagement
- the development of respectful, trusting and constructive relationships
- the accessibility, flexibility and reliability of coaches
- one on one coaching tailored to the individual goals, needs and circumstances of each participant
- building young people's personal, social and relational capabilities as the foundation for tangible outcomes in engagement in education training and employment
- soft entry approaches to intensive support
- interagency collaboration
- embedding the program in a larger, well-established service (YFS) with strong community links and opportunities for ongoing service provision.

The evaluation found Resolve was highly effective and could serve as a role model for similar initiatives aimed at engaging disenfranchised youth.

Case Story Izzie*, 15 years old



Izzie was disengaged from school and was at risk of entering the justice system. He was mixing with peers who were encouraging illegal activities, and he had come to the attention of police for property damage and being involved with stolen cars.

Izzie's Resolve coach supported him to re-engage in education, helping him secure a paid traineeship in construction. His coach went above and beyond to assist him to settle into the routine of full-time work – supporting him to wake up and get organised every day, arrange transport to and from work, and helping him advocate for himself with regards to his placement.

Izzie is now about to finish his course and transition into a two year apprenticeship.

He has gained confidence, has made new friends at work, and is no longer engaging in anti-social behaviours.

His relationships with his extended family have also improved and he is learning more about his First Nations culture.

*Name changed for privacy

Challenges:

A lack of access to affordable housing was identified as a community-wide need that requires a more comprehensive response than Resolve can provide.



Future considerations:

- The outreach strategy adopted by the Resolve coaches, whilst effective in engaging at risk youth, was viewed as insufficient to address the scale of community concerns and needs.
- Participants advocated for more flexible timeframes as some young people would benefit from more time in the program.
- To repair the neurodevelopmental pathways damaged by early adversity requires high levels of relational support with many touch points.

For more information contact yfs@yfs.org.au

YFS acknowledges Aboriginal and Torres Strait Islander people as Australia's first peoples and the traditional owners of the land on which we meet and work.

