

Making Queensland Safer Bill 2024

Submission No: 104
Submitted by: Catholic Justice and Peace Commission of the Archdiocese of Brisbane
Publication: Making the submission and your name public
Attachments: See attachment
Submitter Comments:



CATHOLIC JUSTICE AND PEACE COMMISSION OF THE ARCHDIOCESE OF BRISBANE

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The Catholic Justice and Peace Commission places this submission to voice our rejection of the “The Making Queensland Safer Bill 2024” to legislate the ‘Adult Crime, Adult Time’ policy. The Catholic Justice and Peace Commission of the Archdiocese of Brisbane is a body established and supported by successive Catholic Archbishops of Brisbane to promote social justice, human rights, peace and ecological sustainability. In line with Catholic Social Teaching, the Commission defends the dignity of each person in Queensland. We see the image of God in every person, no matter the circumstance and people living in poverty and vulnerable situations are deserving of greater support to live life in equal dignity to all.

We share the concerns of many Queenslanders about the impact of this legislation, and the lack of appropriate consultation on such significant changes. While we acknowledge that the government has highlighted their focus on the issues of crime, particularly juvenile crime during the election, the full legislation was only released last week, and the time for submissions from interested and informed Queenslanders is ridiculously short.

The policy and motives underpinning the legislation do not respect the dignity of children and offend ethical legislative practice as demonstrated by non-conformity with and contravening the standards set under the United Nations Convention on the Rights of the Child (1). The Convention states that children, when in contact with the justice system, should be “...treated in a manner consistent with the promotion of the child’s sense of dignity and worth, which reinforces the child’s respect for the human rights and fundamental freedoms of others and which takes into account the child’s age and the desirability of promoting the child’s reintegration and the child’s assuming a constructive role in society.”

We support and adopt the approach stated by QCOSS that “Legislative changes relating to youth justice should be guided by a human rights framework to ensure children are afforded special care in the protection of their human rights. Among other rights, Queensland’s Human Rights Act includes the right to protection needed by the child, in the child’s best interest; the right to privacy; the right to freedom from torture and cruel, inhuman or degrading treatment; and a child’s right to treatment which is appropriate to the child’s age when they are convicted of an offence.”

The legislation has multiple problematic, ill-considered and dangerous provisions, which have been addressed by many groups such as QCOSS, including many with legal expertise and expertise in working with children. We urge the Government to heed these wise voices.

The CJPC is extremely concerned about the entire Bill.

One example is the already overburdened detention facilities for children (seen in the recent Queensland Audit Office Report (2)) and the poor support for children with disabilities and mental health disorders in the legal system (seen in the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with disability (3)). Concerningly, the disproportionate representation of Aboriginal and Torres Strait Islander children and children living with a disability in the youth justice system highlights the societal constructs that need to be addressed.

The Government's Child Death Review Board's reporting raises grave concerns about the racially biased effect of the Bill. Indigenous children aged 10-17 are 21 times more likely than non-Indigenous juveniles to be under youth justice supervision and 23 times more likely to be in detention than their non-Indigenous peers.

Most importantly, we emphasise that there is a vast amount of research that proves that diversionary sentencing options and the use of preventative measures are the best way to reduce ongoing youth crime. An example of this research is the University Queensland report called "Safety through support: building safer communities by supporting vulnerable children in Queensland's youth justice system" (4). Placing emphasis on preventative measures is in line with the UN Convention which highlights the need to take "into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society" (Article 40) (5).

The CJPC holds grave concerns about the prospect of children being held in prison including on remand. How is the dignity of the child respected by incarceration in prison awaiting trial on an offence for which the child is later acquitted, or the charge is dropped?

Community safety is not increased with this Bill, but youth trauma and ongoing dysfunction are guaranteed. This leads to greater risk to the community.

We ask that the current "Making Queensland Safer Bill 2024" be withdrawn due to its illogical, unethical and unjust nature. We disagree that the claimed exceptional circumstances exist. The Statement of Exceptional Circumstances requires rigorous testing and examination. We discern the claimed primary driver of the legislation is public opinion. It is contrary to the public interest to pass legislation that is offensive to the accepted and decent standards of respect for the rights and dignity of the child. An evidence-based approach to policy and legislation is clearly in the public interest. Abolishing the long-established principle of detention as a last resort lacks an evidentiary basis and is contrary to accepted standards of decency and respect.

We acknowledge the pain and loss of people impacted by crime but emphasise that legislation should not be a battle of conflicting hurt. We call on the government to work with all Queenslanders to develop an inclusive response to the concerns around crime in our community. We support the QCOSS submission, which reflects the experiences of many organisations and agencies working with young people who have been caught up in the youth justice system. The voices of the young people must be heard for integrity and dignity for all.

Emma Beach

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References:

1. United Nations Convention on the Rights of the Child: <https://www.unicef.org.au/united-nations-convention-on-the-rights-of-the-child?expld=230039&variantId=A>
2. Queensland Audit Office Report: <https://www.qao.qld.gov.au/reports-resources/reports-parliament/reducing-serious-youth-crime>
3. Royal Commission into Violence, Abuse, Neglect and Exploitation of People with disability: <https://disability.royalcommission.gov.au/publications/final-report-volume-8-criminal-justice-and-people-disability>
4. Safety through support: building safer communities by supporting vulnerable children in Queensland's youth justice system: <https://espace.library.uq.edu.au/view/UQ:55d7b70>
5. Convention on the Rights of a Child: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>