

## **Making Queensland Safer Bill 2024**

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3 December 2024

Parliament House  
George Street  
Brisbane Qld 4000

Dear Committee Secretary,

### **Inquiry into the Making Queensland Safer Bill 2024**

This submission presents research and analysis by the Institute of Public Affairs (IPA) of issues raised in the committee's Inquiry into the Making Queensland Safer Bill 2024.

The IPA's research highlights shortcomings of the youth criminal justice system, and how alternative non-incarceration punishments for non-violent youth offenders can produce better outcomes for Queensland taxpayers and communities.

While the IPA recognises the need to amend the *Youth Justice Act 1992* to address the punishment of youth who commit serious crimes, punishment of violent crime should be paired with sentencing reform that diverts low-level, non-violent offenders from the path to more serious crimes.

Detention is necessary in order to isolate violent and dangerous youth criminals, thereby protecting the community, but incarceration is expensive and has limited capacity. To address this, the youth criminal justice system should focus on identifying offenders at the onset of low-level crime and implementing suitable interventions during sentencing to prevent escalation to more serious offences that eventually require incarceration.

IPA analysis highlights the critical role of early intervention, noting that non-violent youth offenders often fall through the cracks due to limited sentencing options available to judges. Without timely reformative measures, these offenders are at greater risk of progressing to more serious criminality, undermining community safety, and adding to the burden placed on Queensland's detention facilities.

### **The bill risks reinforcing a costly incarceration model of youth justice that sees low level offenders escalate to more violent crimes**

The Bill inserts section 175A into the *Youth Justice Act 1992* which amends sentencing orders for the court so that select significant offences committed by youth will have adult penalties applied.

Under s 175A(2)(b), the court may order that a child be detained for a period not more than the maximum term of imprisonment that an adult convicted of the offence could be ordered to serve. This reinforces a serious shortcoming of the youth justice system – that prison is the main punishment available to judges during sentencing.

The object of the youth criminal justice system should be to divert youth offenders away from further entanglement in the prison system. However, for low-level, non-violent youth criminals there are minimal diversionary punishments available.

Many youth offenders don't fear the consequences of breaking the law because the penalties they face are relatively minor and don't impose significant inconvenience for the offender. If the criminal justice system fails to intervene effectively at the first signs of law-breaking and address the underlying issues, these offenders are likely to escalate to more violent crime.

This poses a significant community safety threat and also results in the offender becoming further entangled within the criminal justice system: in Queensland, 69 per cent of youth offenders released from detention will reoffend and return to supervision within 12 months. The cycle of youth crime also imposes significant costs on taxpayers: in 2023, state government expenditure on youth detention was over \$207 million—almost double what it was a decade prior.

To achieve better outcomes for the community and for young people, the criminal justice system must implement alternative punishments which focus on wholesale intervention and reform for the offender at the first sign of anti-social, criminal behaviour, so that it does not escalate into more serious offending that requires repeated detention.

### **Youth outback ranches modelled on those in the United States a viable solution**

Rancho Cielo in California has successfully functioned as an alternative to prison for youth offenders since the early 2000s, operating at approximately a quarter of the cost of the local prison. The ranch has reduced the reoffending rates of youth offenders from 40 per cent to 15 per cent by ensuring students attend school and learn employable skills, enabling them to become self-sufficient, productive members of society.

If the results seen at Rancho Cielo were applied in Queensland, the reoffence rate of young offenders would be reduced from 69 per cent to 26 per cent. Therefore, over the next 12 months, 122 offenders would be prevented from re-entering detention. This would result in savings of approximately \$82 million per year.

I thank the committee for the opportunity to provide this submission.

Please do not hesitate to contact me at [mschlicht@ipa.org.au](mailto:mschlicht@ipa.org.au) for further consultation or discussion.

Kind regards,

**Mia Schlicht**

**Research Fellow**

Enclosed IPA Research:

1. *Youth Rehabilitation Ranches: An Effective Alternative to Queensland Prisons* (March 2024)

## **YOUTH REHABILITATION RANCHES AN EFFECTIVE ALTERNATIVE TO QUEENSLAND PRISONS**

The primary goal of the criminal justice system must be the protection of the community. Currently in Queensland despite millions in taxpayer dollars being spent on the incarceration of youth offenders, the incidence of violent youth crime continues to grow. Sentencing must be reformed to repair the Queensland youth criminal justice system, improve community safety, and get better return on taxpayer spending.

### **Key Findings:**

- Queensland houses more young people on average per day in detention than any other state or territory.
- In 2023, the Queensland government spent approximately \$207 million on youth detention. This has almost double since 2015.
- It costs approximately \$1,834 to house one offender in a youth detention centre per day, or over \$669,308 per prisoner per year.
- Prisons in Queensland are failing to adequately rehabilitate youth with almost 69 per cent returning behind bars within 12 months of their release.
- The utilisation rate of Queensland youth detention centres is by far the highest in the nation at 98 per cent. This compares with the nation-wide average of just 56 per cent.
- Alternatives to prison such as rehabilitation ranches have proven effective in the United States, with one ranch reducing the reoffending rate of Californian youth prisoners by 40 per cent to 15 per cent.
- These ranches are less financially burdensome on taxpayers and improve community safety by effectively rehabilitating youth with a focus on teaching employable skills.

If the results seen from Rancho Cielo were applied in Queensland, the number of youths returning to supervised detention within 12 months of their release would be reduced from 69 per cent to 26 per cent. Therefore, using the number of youths in detention in Queensland in 2023, over the next 12 months 122 offenders would be prevented from re-entering detention. This would result in savings of approximately \$82 million per year.

### **Spending on youth incarceration is growing sharply every year**

Despite government expenditure on youth detention almost doubling since 2014-15, youth crime in Queensland remains out of the control of political and law enforcement leaders. In the 2015 financial year, the government spent approximately \$104.5 million on youth detention

and by 2023 this number has grown to approximately \$207.7 million.<sup>1</sup> Queensland spends the second most of all states and territories on youth detention.

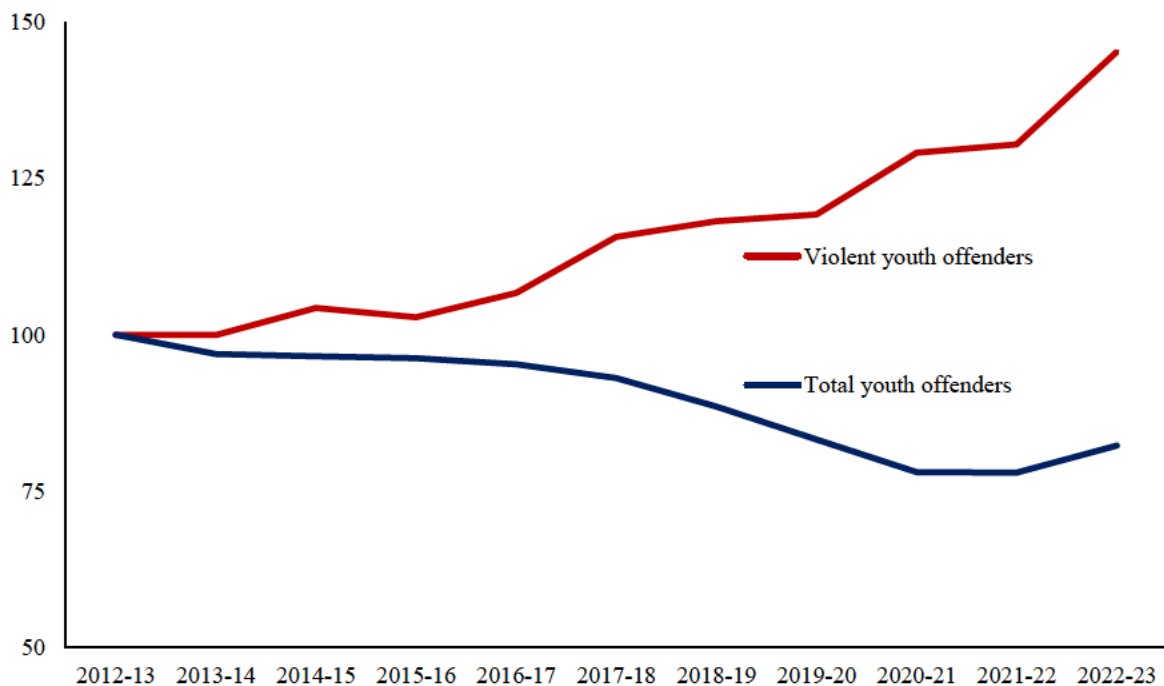
The average cost of detaining one young offender for one day in one of Queensland's youth detention centres is over \$1,834.<sup>2</sup> This amounts to \$669,308 per year for just one youth offender. Not only does the cost of detention place a heavy financial burden on Queensland taxpayers, but these detention centres are at capacity. Queensland houses more young people on average per day in detention than any other state or territory with 285 offenders held in detention each day on average in 2023.

### Prisons are failing to deliver on community safety

Prisons are not only expensive; they are also failing to deliver the community safety outcomes that Queenslanders expect. Almost 69 per cent of youth released from Queensland prisons will reoffend and return behind bars in less than 12 months.<sup>3</sup> This is the second highest reoffence rate of all the states and territories in Australia. Rather than rehabilitating youth offenders, prisons are perpetuating cycles of crime.

Of particular concern is the increasingly violent nature of youth offenders in Queensland. Violent crimes committed by youth offenders have almost doubled over the past decade, from 20 per cent of crimes by youth offenders in 2012-13, to 36 per cent in 2022-23.<sup>4</sup>

Figure 1: Number of youth offenders in Queensland, indexed (100=2012-13)



Source: Australian Bureau of Statistics (2024)

<sup>1</sup> Productivity Commission, Report on Government Services (Report, 22 January 2024) Part F, Section 17, Table 17A.10.

<sup>2</sup> Ibid Table 17A.21.

<sup>3</sup> Ibid Table 17A.26.

<sup>4</sup> Australian Bureau of Statistics, *Record Crime – Offenders, 2022-23* (Catalogue No 4519.0, 8 February 2024).

It is evident that a significant population of youth offenders are entering the prison system, performing poorly within the limited rehabilitation programs in prison and are committing serious offences upon their release. The current reliance on incarceration is failing to ensure the safety of the Queensland community.

### **Analysis of successful alternatives to prison in the United States**

Wholesale criminal justice reform is urgently required to address this youth offender crisis. The Queensland government should consider the successful reforms implemented in the United States to yield better community safety outcomes.

Rancho Cielo was established in the early 2000's to address California's own youth reoffending crisis. The ranch was established as a voluntary program for non-violent probationers and at-risk youth with a focus on rehabilitating young offenders so that they could become contributing members of society. Instead of being sentenced to a period of imprisonment, the offenders are sent to the ranch as students where they receive a typical high school education but are also enrolled in workshops that teach practical and employable skills in areas such as auto tech, building trades, agriculture, and hospitality.<sup>5</sup>

The program found considerable success. Approximately only 15 per cent of court placed students reoffended compared to the 40 per cent reoffence rate for youth offenders who go through the county's juvenile justice system.<sup>6</sup> The program also resulted in savings to taxpayers: in the county it costs \$110,000 (USD) to house a youth offender in prison, whilst it cost only \$25,000 (USD) to keep a student at Rancho Cielo.<sup>7</sup>

Rather than placing the burden on taxpayers to house youth offenders in prison where they have minimal chances for rehabilitation, Rancho Cielo strives to turn troubled young people into productive, working members of society who can eventually graduate to contribute their newly developed skills to the community.

The best way to break the cycle of criminality for youth offenders is to teach them the skills they need to find employment so that they can live a self-sufficient life with economic and social stability. Several conservative jurisdictions in the United States such as Texas and Georgia have each implemented reform that recognise the value of placing non-violent, low-risk offenders in employment rather than terms of imprisonment. Not only have these reforms resulted in billions in savings to taxpayers by reducing the number of offenders incarcerated, but community safety rates have also improved due to improved rehabilitation and reoffending outcomes. Texas saved taxpayers over \$3 billion by closing ten prisons in ten years and the violent crime rate reduced from 511 violent crimes per 100,000 of the population to 443 violent crimes in 2020.<sup>8</sup>

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<sup>5</sup> Elizabeth Weise, 'Build a home, fix a car get a job: How an innovative school is keeping kids out of jail', *USA Today* (online, 23 November 2023) <<https://www.usatoday.com/story/news/nation/2023/11/23/rancho-cielo-helps-california-students-find-jobs-avoid-jail/71394805007/>>.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

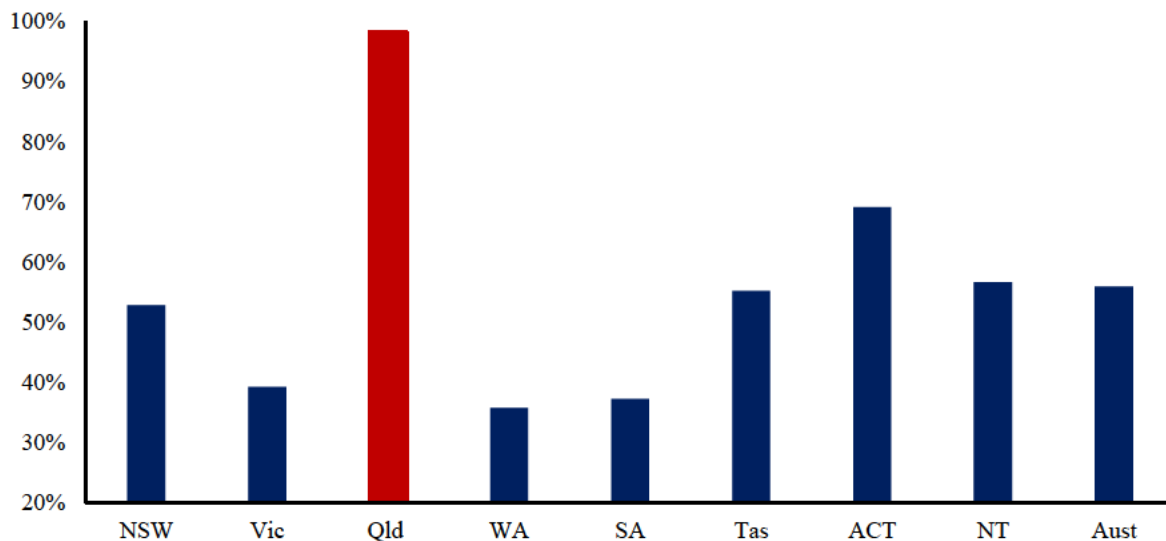
<sup>8</sup> Mia Schlicht, 'Criminal Justice Reform in the United States: Lessons for Australia' (Institute of Public Affairs, Forthcoming).

## How youth rehabilitation ranches can reduce costs and improve community safety for Queenslanders

If the results seen from Rancho Cielo were applied in Queensland, the number of youths returning to supervised detention within 12 months of their release would be reduced from 68.6 per cent to 25.7 per cent. Therefore, using the number of youths in detention in Queensland in 2023, over the next 12 months 122 offenders would be prevented from re-entering detention. This would result in savings of approximately \$81.7 million per year.<sup>9</sup> Additional savings would also be incurred as a result of relieving the utilisation rates of current detention centres meaning new youth prisons would not need to be built.

One of the most expensive costs of youth justice is the construction of youth detention centres. As prisons reach capacity, new ones need to be built to house the growing number of youth detainees at a significant cost to taxpayers. New South Wales, Queensland, Tasmania, the ACT, and the Northern Territory are all above 50 per cent of their designed total capacity.<sup>10</sup> Of particular concern is the 98 per cent utilisation rate of Queensland youth detention centres. In October 2023, the Queensland government announced it would construct a new youth remand facility at a cost of \$250 million to Queensland taxpayers.<sup>11</sup>

Figure 2: Youth detention centre utilisation rate



Source: Productivity Commission (2024)

Rancho Cielo was successful in reducing the reoffending rate of youth offenders by half. If the same effect was found for Queensland youth offenders, significant savings would be made by avoiding the costs of reimprisonment. Instead of cycling through the criminal justice system and relying on the state to pay for their housing in prison, these young people could become working members of society paying their own taxes.

<sup>9</sup> Productivity Commission (2024), Part F, Section 17, Table 17A.21; IPA Calculations.

<sup>10</sup> Productivity Commission (2024), Part F, Section 17, Table 17A.2.

<sup>11</sup> Government of Queensland, 'New youth remand facility to be built at Wacol' (Media Statement, 5 October 2023).

Alternative punishments to prison have already been implemented successfully for adults in Queensland. The Queensland Corrective Services Prison Work Program allows low-risk prisoners to serve their sentence within a community, such as providing labour for the Boulia Camel Races in outback Queensland.<sup>12</sup> Across the state there are more than 13 prison work centres with the first being established over 30 years ago. Offenders are able to develop new skills to assist with finding employment and stability once they have served their complete sentence. Not only are financial savings gained from the reduced costs of incarceration, but the program brings money into regional Queensland through community service.

**Mia Schlicht**  
**Research Analyst**

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<sup>12</sup> Zara Margolis, ‘Outback Queensland events thriving, thanks to prison work programs’, *ABC North West Qld* (online, 29 July 2021) <<https://www.abc.net.au/news/2021-07-29/outback-qld-prison-worker-program-camps/100329686>>.