

Making Queensland Safer Bill 2024

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Dear Committee Secretariat,

I submit this to the Committee regarding the Making Queensland Safer Bill 2024.

Introduction

Like others, YETI has developed our submission in a very brief timeframe and consequently we are unable to prepare a full response. I urge the Committee to consider the views of the many experts and academics that have made submissions including the Youth Advocacy Centre, Queensland Human Rights Commission, QCOSS and QATSIPP. We also urge delaying the implementation of the Bill until there is a process to review all legal aspects, particularly those features that the sector was unaware were scheduled for introduction (e.g., removal of detention as a last resort, the opening of courts etc.)

YETI's understanding is that the Adult Crime, Adult Time Bill will mean children can receive the same sentences for certain offences as adults. Youth offenders will be sentenced under the Criminal Code, rather than the Youth Justice Act. This will apply to 13 offences including murder, manslaughter, grievous bodily harm, burglary, robbery, and dangerous operation of a vehicle. YETI also accept that there are many other aspects of the Bill that we do not yet properly understand.

YETI does not support the proposed changes to the law associated with the sentencing changes. These changes are breaches of the Human Rights Act and the United Nations Convention on the Rights of the Child. Children are at different developmental stages of their lives and experience a range of vulnerabilities and it is why internationally there are different approaches to the policing and justice approaches applied to young people.

Just because it's popular doesn't mean it's right

In Cairns, like many regional cities and towns there is widespread support for getting tough on crime. There is a popular opinion that subjecting children to lengthy sentences and harsh punishment will make the community safer. Experts and evidence from across the world know this to be untrue. Unnecessary harsh punishment is not



a deterrence, it does not keep us safe, it criminalizes children and has long term implications that make our community less safe. The approach is expensive, it won't work and the associated costs (e.g., prison building, staffing, compensation for class action and personal injury claims, Workcover costs for Police, custodial and community workers etc.) will waste billions of taxpayer dollars.

As youth workers we are continually reminding children and young people 'just because its popular doesn't mean it's right'. It is ironic to YETI that a government would embark on a course of action that they have been advised will exacerbate the problem and make us more unsafe, just because it's popular. This populist approach will see Aboriginal and Torres Strait Island children scapegoated for complex social problems and lead to a range of unintended consequences. We understand the community views, but just giving people what they want is not the sort of leadership that will make us safe.

YETI believe that the community has a right to safety. YETI believe that all victim's lives matter, this includes families, businesses, visitors to Queensland and children and young people. A story has been told to victims that locking children up is the solution - when all available evidence points to the opposite. YETI support all measures that support all victims. YETI share a wish for a safer Queensland, that is why we so strongly oppose this Bill. We hope this government listens to the evidence and does not choose a simplistic solution for a complex social problem. Queensland has already been locking up more children than any other state and it's why the problem is currently so bad – getting tougher will wreck the regions.

Overwhelming an already broken detention system

The introduction of the Adult Crime, Adult Time legislation is going to overwhelm the current overloaded detention and watchhouses. YETI send workers to the Cairns watchhouse daily as part of our bail support service. In the past twelve months in the Cairns watchhouse there has been:

- A fire in the youth cells of the Cairns watchhouse
- An assault of an eleven-year-old child
- The sexual assault of a thirteen-year-old child
- The recent traumatic assault of a fourteen-year-old child where he was forced to drink toilet water



The watchhouses in the regions simply cannot cope with the current number of children in the system and the introduction of new legislation will exacerbate this. Queensland Police are being held responsible for detaining children for weeks on end, children with complex disabilities and health needs. YETI believe that Queensland Police have better things to do than oversee the care of children who should be supported in health facilities, health services and suitable child protection facilities.

The recent Ombudsman report into Cleveland Youth Detention Centre documented levels of human rights abuses that could only be described as state-sanctioned torture. The seclusion of children for months on end in isolation, children urinating in drains and lack of access to any education is child abuse and if these children were in the care of their parents, the children would be removed and the parents charged. There is an urgent need to investigate the conditions children and young people have and are experiencing in the Cleveland Youth Detention Centre.

There is discussion regarding how children and young people will/can access rehabilitative supports whilst in custody. This is simply not a current reality, and I believe will not be a future reality, given considerable workforce shortages in the regions and the levels of overcrowded facilities. At present, children and young people are not receiving access to basic education, healthcare and programming while they are in custody in watchhouses and Cleveland Youth Detention Centre. Any increase in numbers in the detention system will make the likelihood of this even more remote. We cannot pretend that jailing children provides them with access to rehabilitation when we are aware (via the recent findings of the Ombudsman report) that this is not a reality. There is no workforce to support rehabilitation. There is no prospect in the short to midterm future of finding a suitable workforce. Proposing solutions to the public that they believe are deliverable - but we know are impossible to deliver seems wrong and unfair to victims.

Queensland Police and staff attending to young people's needs in the watchhouse in Cairns can simply not cope with the current numbers and needs of young people. A month ago, 18 children were detained in the cells on one day. This number does not permit children to be held safely. As described there has been a recent series of assaults and we are concerned shortly there will be a death of a child in custody or serious injuries to children and/or officers.



Aside from the obvious and documented risks and harms to children, many of these experiences will lead to significant future claims against the government with personal injury claims and class action claims (from both children and staff). There are huge current costs associated with workers' compensation and personal injury claims associated with the overcrowding in both watchhouses and detention centres.

Remove non-violent crimes from the Adult Crime Adult Time Bill

YETI disagrees with the Adult Crime Adult Time Bill as a solution to driving down rates of youth crime in our community. YETI is particularly concerned regarding the inclusion of non-violent crimes in the Bill.

We are concerned that passengers in stolen cars (who are currently charged with UUMV) may be swept up in this new Bill and incarcerated for much longer durations of time than adults (who are not currently subject to this type of charge). We want children to have access to rehabilitation and support, and not experience lengthy periods of incarceration. If there is an option to reconsider the different types of UUMV (in particular, distinguishing between driver and passenger; nature of the UUMV etc.) that would be appreciated.

Get tough on the drivers of youth crime

It is obvious that the drivers of youth crime such as transgenerational trauma, domestic and family violence, homelessness and poverty remain significant social problems in Cairns. The correlation between youth crime and intergenerational trauma, exposure to domestic and family violence, homelessness and poverty – I will leave to other more eminent experts to address in their submissions. The voices of the Aboriginal and Torres Strait Island organisations, in particular the newly established Youth Justice peak body administered by QATSICPP - I envisage will provide expert and considered advice.

My local knowledge is that in Cairns we are in the grips of an absolute catastrophe associated with child sexual exploitation. In 2023/2024, Taskforce Kalahari saw nine adult perpetrators incarcerated for sexually offending against over fifty known victims (many of whom were children on the Serious Repeat Offender Indexes). The sentences these adults received were far lower than the sentences that children and young people are subject to. Currently in Cairns, we have a whole stream of new victims, many more than what we believe were targeted by these adults (in Taskforce Kalahari) twelve months ago. Many of these children are provided with methamphetamine and then sexually exploited by adults. Whilst some of the victims have not yet made

statements, there is clear evidence of child trafficking and exploitation at levels we believe are unprecedented. In Cairns, many of the children engaged in offending are victims of adults. The victims of serious and repeat adult offenders, who often remain unpoliced and then when arrested, granted sentences far lower than the proposed sentences in this Bill for child victims charged with non-violent offences. YETI believe that the actual problem has got lost and the wrong things are being targeted.

Who and what is policed appears a decision associated with resourcing. We encourage the use of Queensland Police resources to support the officers in the Child Protection and Investigation Units to undertake work associated with children's experiences of being victims within this system. This need in Cairns is immediate and urgent. My claims are all easily evidenced by the Coordinated Care for Vulnerable Young People (CCYP) panel in Cairns which is comprised of key government and non-government stakeholders. This issue is not just a view of YETI and requires urgent address. YETI questions why the crimes of children are being legislated and policed in such a targeted approach when adult sex offenders' crimes remain unaddressed and under policed.

The decision to choose to deliberately focus legislation on targeting child victims and not adult male sexual offenders is a decision that all Queensland should be aware of. YETI believe we are targeting the wrong thing and the crimes against children remain ignored.

Improve diversion responses

Young people are being swept into the youth justice system and should be diverted. I regularly review the names of children in the Cairns watchhouse. There are many numbers of children in the watchhouse weekly who could be diverted and do not need to be detained in this environment. I am concerned that these children are adding to an already overcrowded system. Frequently children who require significant health and child protection responses.

YETI recently reviewed our SRS Police Referral data. This system is the process whereby Queensland Police send referrals directly to our service. In the past 12 months, 80 per cent of these referrals were for non-Indigenous children. This figure does not represent the contact rates between police and children and highlights some of the problematic issues with diversion. There are great improvements that can be made to diversion to stop children

coming in contact with the carceral system. Early contact with the system drives crime and we should be doing all we can to avoid contact between children and the statutory service system.

Do we want Queensland to be the next South Africa?

There is nowhere else in the world that is incarcerating children at the rate and in the conditions that we are currently jailing children. There is now a significant risk that this will cause scrutiny and impact negatively on our State's international reputation. YETI believes that there are unexpected risks to our tourism sector, Olympics planning and overall levels of international respect that are at risk. Over the past year, YETI has received approaches from international media relating to the breaches of our Human Rights Act and the United Nations Convention on the Rights of the Child. We do not want the treatment of Aboriginal and Torres Strait Islander children to be at the centre of how the world sees Queensland.

More time to make thoughtful recommendations

Unfortunately, due to the tight timeframes in relation to this Committee process, I am unable to provide very thoughtful recommendations, aside from the rushed observations above. Aside from human rights implications, we implore that the Committee please consider the existing capacity of the system and what this legislation means for all of us workers 'on the ground' – including the Police, court workers and support workers. How can our system cope with any more children? Can we consider the redirection of our focus towards addressing the scourge of child sexual exploitation, that is driving crime and trauma in our communities – and use our scarce resources to address the real issues. I also strongly urge a significant consultation process in relation to aspects of the Bill, that we have not had time to consider.

YETI recommend:

- Extending the time associated with developing this Bill to ensure Queensland is safer for all Queenslanders.
- Removing the non-violent crimes from the Adult Crime Adult Time legislation, in particular burglary and unlawful use of motor vehicle charges.
- Focussing on the key drivers of youth crime: domestic and family violence, poverty, homelessness and sexual abuse and exploitation of children by adults.



- Using the resources of Queensland Police to immediately address the high rates of child exploitation in our region.
- Recognise the health and developmental needs of children involved with the youth justice system by ensuring access to education and health support.
- End the use of adult watchhouses for the detention of children and immediately ensure the safety of children in the watchhouses so they are not exposed to violence and risk in police custody.
- Create viable pathways for diversion and rehabilitation.

YETI is keen to work with the government to develop solutions to youth offending that are informed by evidence. We want Cairns to be safe. We want the children we work with to re-engage with schools, health services, cultural and family support programs. We want to be proud of how we support children in our state.

Any queries please contact Genevieve Sinclair, Chief Executive Officer, Youth Empowered Towards Independence at [REDACTED]

Kindest Regards,

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Genevieve Sinclair

Chief Executive Officer

Youth Empowered Towards Independence