Making Queensland Safer Bill 2024

Submission No:	115
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Publication:	Making the submission and your name public
Attachments:	See attachment
Submitter Comments:	

Committee Secretary
Justice, Integrity and Community Safety Committee
Via Online Submission Portal

Dear Committee Secretary

Re : Making Queensland Safer Bill 2024

Sisters Inside and the National Network of Incarcerated and Formerly Incarcerated Women and Girls welcome the opportunity to provide a joint submission to the Justice, Integrity and Community Safety Committee in relation to the *Making Queensland Safer Bill 2024*.

About us

Sisters Inside
Established in 1992, Sisters Inside is an independent community organisation that advocates for the collective human rights of criminalised, incarcerated and formerly incarcerated women, girls, trans and gender-nonconforming people and their families nationally and internationally. For more than 30 years we have offered support and services to criminalised and incarcerated girls and the children of parents in prison in Queensland. Our frontline experience working with children in the criminal legal system and removed by the family policing system, and those who have also subsequently been criminalised as adults, makes us uniquely placed to provide insights into these systems. We are an abolitionist organisation and reject the use of violent carceral practices that find their origin in colonial patriarchal oppression. We believe prisons are inherently and intentionally criminogenic and violent institutions, which repeat patterns of violence, social control and sexual assault and entrench the subjugation of those most vulnerable and disadvantaged in society.

The National Network
The National Network of Incarcerated and Formerly Incarcerated Women & Girls (The National Network) is an organisation made up of ciswomen, transwomen, gender diverse people, and girls who are currently incarcerated or have been in cages across so-called Australia. We aim to end the incarceration, exile, surveillance and punishment of women and girls by organising against the intersecting gendered, racial and class violence that produce prisons and police. We are committed to Indigenous sovereignty which requires the abolition of the Prison-Industrial-Complex (PIC), and we believe that only women and girls who have been trapped in cages across so-called Australia should be determining the terms through which we endeavour to free all women and girls in cages. Our membership is drawn from all-over so-called Australia.

Our Submission

Our submission is a record of our objection of this legislation on the grounds that the introduction of the "Adult Crime, Adult Time" legislation, constitutes a severe breach of international human rights obligations, including the Convention on the Rights of the Child (CRC), the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), and the United Nations Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules). It is also an objection to the legislation's blatant targeting of Aboriginal children, and the use of imprisonment to solve what is a social problem created by racial capitalism, and successive government's failure to invest in social services.

The legislation, introduced in Queensland's first parliamentary sitting post-election on October 26, 2024, imposes severe punitive measures on children as young as ten, equating them with adults in the justice system. It directly contravenes Australia's obligations (of which Queensland is required to adhere to) under international law to prioritise the rehabilitation, welfare, and rights of children in conflict with the law.

We believe that the "Adult Crime, Adult Time" legislation is nothing more than politically motivated legislation in response to a manufactured youth crime crisis that simply does not exist. University of Queensland criminologist Renee Zahnow has stated that there is "absolutely unanimous" academic consensus that "there's no data to suggest that the rates of youth crime are spiralling out of control in Queensland or indeed anywhere in Australia. "[1] In fact, Australian Bureau of Statistics data has showed that Queensland's youth crime rate has halved across the past 14 years, with data from the Queensland Police Service, the Queensland Statistician's Office, and the Australian Institute of Criminology also demonstrating clear downward trends. Griffith University criminologist, Professor Ross Homel said Queensland's ever-tightening laws meant more children were being kept behind bars without a sentence[2]. In fact, Queensland has more children entering prison than it has beds in children's prisons, with the majority of children on remand, often in a police watch houses, awaiting a court appearance[3][4]. The rate of detention of young people in Queensland (5.0 per 10,000) is significantly higher than the national average (2.7 per 10,000)[4].

The 2024 Child Death Review Board report highlighted that, as of its publication, there were around 287 children in custody across Queensland5. This included both sentenced children and those on remand. Alarmingly, a significant proportion of these children are of Aboriginal and Torres Strait Islander descent, reflecting the racism embedded in the colonial carceral system and the reluctance

[1] h#ps://www.abc.net.au/news/2024-10-13/criminologists-debunk-youth-crime-crisis-claims/104445432
[2] h#ps://www.abc.net.au/news/2024-10-13/criminologists-debunk-youth-crime-crisis-claims/104445432
[3] h#ps://www.qfcc.qld.gov.au/sites/default/files/2024-06/ExiHng%20youth%20detenHon%20report%20June%202024.pdf
[4] Australian InsHtute of Health and Welfare (2023). Youth JusHce in Australia 2022-23 – Summary. Retrieved from Youth jusHce in Australia 2022–23 Summary - Australian InsHtute of Health and Welfare (aihw.gov.au).
[5] h#ps://www.qfcc.qld.gov.au/board/

of the government to address the mass representation of Aboriginal children in the justice system, as well as their complicity in the criminalisation of Aboriginal children through over-surveillance, racial profiling, and the systematic denial of adequate social, cultural, and economic supports, which perpetuates cycles of poverty, exclusion, and incarceration.

We find it extraordinary, but unsurprising that the LNP are still spruiking a fabricated "youth crime crisis" despite the documented and imperial evidence indicating otherwise. Demonising and racialising Aboriginal youth, in particular, has served the LNP's purpose. They were elected off the backs of a fabricated 'moral panic'[6], deploying political rhetoric to produce and maintain youth subcultural deviancy, by latching onto a particular group of young people and labelling their behaviour as deviant, and troublesome[7], specifically conflating indigeneity with criminality. Yet ironically, during the hearings at the Justice, Integrity and Community Safety Committee on Monday 2 December, the Chair of the Committee called for respondents to "provide systematic literature reviews or meta-analysis on the Australian context that evidences the points [they] raised" in their submissions. The irony, therefore, rests in the contradictory expectation of people to prove their opposition to the Bill, while the LNP is not holding themselves to the same standard of evidence when pushing their own agenda. Their narrative of a "youth crime crisis" is not grounded in rigorous research or empirical data but rather in politically motivated fearmongering. This hypocrisy highlights a blatant double standard: demanding robust evidence from those opposing the Bill, while their own arguments are built on unsubstantiated claims designed to stigmatize and marginalize Aboriginal youth further. It's a clear example of bad faith governance, where truth and accountability are sacrificed for political gain.

The outcomes and impacts of criminalisation and imprisoning children

The imprisonment of children in Queensland continues to produce harmful, often irreversible, outcomes for criminalised children. Over-policing, surveillance, targeting, and punitive treatment of children, especially Aboriginal and Torres Strait Islander children and those from marginalised communities, thrusts children and their families into a cycle of criminalisation and harm that is designed to be virtually inescapable.

The persistent criminalisation of children in Queensland is underpinned by a system that pathologises some children and their behaviours, classifying them as "offenders" and a threat to "community safety." With the increasing calls for harsh carceral responses to the politically manufactured "youth crime crisis", marginalised communities are subjected to increased policing and surveillance, and criminalisation and imprisonment. For example, in the past, Queensland has deployed police helicopters and police street checks during the school holidays, specifically in low socioeconomic, First Nations and migrant communities in the hopes of demonstrating their "tough" take on "youth crime". The outcome is a heightened sense of fear and stress among children and young people. This form of mass surveillance has significant long-term impacts on children's development and mental health.

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[6] Barker, C 2008, *Cultural Studies: Theory & Practice*, 3rd edn, Sage Publications, London, p. 426.
[7] Barker, C 2008, *Cultural Studies: Theory & Practice*, 3rd edn, Sage Publications, London, p. 426.

Nearly 69% of young people released from Queensland prisons are recriminalised and returned to prison within a year, the second-highest rate in Australia. Queensland also detains more youth daily than any other state, with an average of 285 in custody in 2023. Research shows the brain continues to mature until age 25, making young people more prone to risk-taking and lawbreaking. Most children (63%) naturally desist from causing harm as they grow older, however incarceration disrupts this process, slowing their psychological development and worsening their life outcomes. Evidence strongly suggests reducing children's incarceration leads to lower arrest rates, highlighting that imprisonment actually exacerbates children's crime rather than resolving it.

Mass Incarceration of Aboriginal Children

The mass incarceration of Aboriginal children in Queensland is a systemic crisis deeply rooted in colonial violence, racism, and the state's ongoing efforts to control and oppress Aboriginal and Torres Strait Islander communities. It is not an incidental outcome of the legal system, but a design entrenched in the mechanisms of family policing, child theft, and punitive carceral responses. Aboriginal children are over-policed, pathologised, and criminalised at alarming rates, perpetuating a cycle that begins with family surveillance and intervention, escalates to imprisonment, and inevitably leads to their increased vulnerability to adult criminalisation. This cycle is intergenerational - children of imprisoned parents are far more likely to be targeted by the family policing system, making them more susceptible to having their own children stolen by the state, who in turn are more likely to be criminalised.

This cycle is not accidental. It is a deliberate product of state systems that heavily police Aboriginal families, pathologise Aboriginal children as inherently criminal, and subject them to heightened levels of surveillance and control. Aboriginal children and their families are disproportionately monitored by police and so called "child protection services", making them far more vulnerable to criminalisation than their non-Indigenous peers. From a young age, these children are subjected to routine racial profiling, school exclusions, and discriminatory practices that reduce their opportunities and pipeline them into the criminal punishment system. These measures are designed to entrench structural inequality, perpetuate poverty, and strip Indigenous communities of autonomy and control over their own lives.

The over-policing of Aboriginal children and their communities is a direct result of systemic racism embedded in Queensland institutions. The criminal legal and family policing systems pathologise Indigenous communities, viewing them through a lens of dysfunction rather than recognising the impacts of colonisation, dispossession, and historical trauma. Instead of providing culturally appropriate support and opportunities, the state responds with heavy surveillance, punitive measures, and incarceration. This relentless cycle reinforces structural inequality, where Aboriginal children are denied access to education, employment, and social services that could offer pathways out of poverty and criminalisation. The design is clear—by keeping Aboriginal children and their families under constant scrutiny and control, the state ensures their continued marginalisation and oppression, locking them in a cycle of criminalisation that is almost impossible to break.

Mass incarceration of Aboriginal children is not a failure of the system—it is a system operating by design. Queensland's reliance on policing and imprisonment to manage Indigenous communities reflects a broader strategy of social control that continues the colonial project of dispossession. Rather than addressing the underlying causes of social and economic disadvantage faced by Aboriginal people, Queensland insists on criminalising poverty, racism, and the trauma inflicted by centuries of colonial violence. This intentional design of surveillance, control, and punishment not only perpetuates the cycle of Indigenous child incarceration but also sustains the conditions of inequality and disempowerment that keep these communities vulnerable and oppressed.

Legislation must uphold human rights

While the Attorney General has detailed the legislation's contraventions of human rights with little care for the legislation's confliction, we believe that a statement is not sufficient. The National Network have written to the United Nations and reported the legislation's following breaches of human rights:

Breaches of the Convention on the Rights of the Child

The proposed "Adult Crime, Adult Time" legislation violates several provisions of the CRC, to which Australia is a party, including:

Article 37(a): Protection from Torture or Cruel, Inhuman, or Degrading Treatment or Punishment

> The Queensland government has acknowledged that this legislation will likely result in children being imprisoned in overcrowded conditions, including prolonged incarceration in watch houses. Such practices amount to cruel, inhuman, or degrading treatment.

Article 37(b): Detention as a Last Resort

> By removing the principle that detention must be a last resort, the legislation contravenes the CRC's requirement that children's liberty should only be restricted in exceptional circumstances.

Article 40: Right to Rehabilitation and Reintegration

> The legislation disregards the CRC's mandate to prioritise rehabilitative over punitive approaches to juvenile justice, instead instituting harsh penalties that undermine the potential for children's reintegration into society.

Article 2: Non-Discrimination

> Aboriginal and Torres Strait Islander children, who are already mass incarcerated in Queensland's prisons, will bear the brunt of this legislation. This constitutes indirect racial discrimination and violates the CRC's non-discrimination principle.

Breach of the Beijing Rules

The Beijing Rules emphasize that the primary goal of juvenile justice systems should be the wellbeing of children and that punitive measures should be avoided. Queensland's legislation undermines these principles by:

- Failing to respect the Rule 1.1 directive that juvenile justice measures should be proportional and focused on the best interests of the child.
- Violating Rule 19 by instituting life sentences and maximum penalties disproportionate to children's developmental needs and capacity for reintegration.

Breach of the Mandela Rules

The expected overcrowding in prisons and other places of detention breaches the Mandela Rules, which require minimum standards for the humane treatment of all prisoners, including children. This includes the obligation to provide adequate space, sanitary conditions, and access to health care.

Additional Human Rights Violations

The legislation contravenes the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and Australia's own Human Rights Act, particularly in relation to the prohibition of arbitrary detention, the right to liberty, and the right to be free from cruel, inhuman, or degrading treatment.

Under both Article 37 of the UN Convention on the Rights of the Child (UNCRC) and Article 7 of the ICCPR, children must not be subject to torture or cruel, inhumane or degrading punishment. We are of the view that lengthy periods on remand in watchhouses with adults, and for children in prison the regular implementation of spit hoods, physical and chemical restraints, solitary confinement and isolation, strip searches, lengthy lockdowns, overcrowding, inefficient cooling during heat waves, harmful and negligent health responses (including implementation of lockdowns as opposed to provision of healthcare during the Covid and other infectious outbreaks, and medical and social negligence resulting in deaths in prison), and abuse at the hands of the guards are all in violation of these articles and constitute torture and cruel and inhumane punishment.

We are of the view that the imprisonment of children in instances when their charges could not be considered the most serious, long periods on remand and presumptions against bail, an extreme low age of criminal responsibility, and the lack of alternatives to "institutional care" are not in adherence with Article 40 of the UNCRC.

Further, it is the government's responsibility to ensure the appropriate measures are taken to ensure a child's recovery from being victim to neglect, torture and abuse (Article 39). We note here the nexus of childhood criminalisation and imprisonment of children under the "care" of the state, and the rampant abuse and harm children are subject to in prison. The carceral system pathologises children with trauma, and instead of facilitating access to support and care, they are criminalised and institutionalised.

It is our opinion that the “Adult Crime, Adult Time” legislation represents a dangerous regression in Australia’s human rights record and international obligations. It prioritises punitive measures over evidence-based change and ignores the systemic disadvantage, trauma, and marginalisation faced by children in conflict with the law.

We have called upon the UN to urge the Queensland government to

1. Immediately withdraw this legislation.
2. Conduct an inquiry into Australia’s compliance with international human rights obligations concerning juvenile justice.
3. Recommend the implementation of community-based alternatives to imprisonment and criminalisation, prioritising investment in housing, education, mental health services, and family support systems.
4. Request the Australian government address the mass incarceration of Aboriginal and Torres Strait Islander children in prison through targeted community programs designed, developed and led by Indigenous communities.

It is our view that if we as a community are not able to stop the passage of this legislation, then the global community must hold Queensland accountable for this breach of children’s rights and ensure Australia remains committed to its international obligations to uphold justice, equality, and dignity for all children.

What works?

For over 30 years, Sisters Inside has been providing essential services and support to criminalised women and girls in Queensland, demonstrating the transformative power of addressing systemic inequities rather than perpetuating cycles of pathologisation and criminalisation. Sisters Inside’s approach focuses on building and strengthening social supports for families and communities, ensuring they have the resources and care they need to thrive. This approach is what truly keeps kids out of prison—investing in their futures, not in their incarceration.

The Yangah program exemplifies this work. In the last financial year alone, they supported 97 girls, of whom 70 are First Nations and 23 are culturally and racially marginalised. Of these, only 12 returned to prison, and 8 of those are children in state care—highlighting the critical intersection between care systems and the criminalisation of children.

Sisters Inside works with some of the most marginalized and targeted young people, including those the system labels as "serious repeat offenders". Our track record speaks for itself: we prevent the cycle of criminalisation and re-incarceration by addressing the root causes of harm and ensuring these girls are safe and supported.

If the government truly wants to reduce children’s incarceration and support post-release pathways, Sisters Inside is the obvious choice. Our data proves that we achieve real results. It’s time to put

resources where they make a tangible difference: fund our work so we can continue keeping kids out of prison and empowering them to build brighter futures.

Our Recommendations

It is our recommendation that this legislation be abandoned, and we end the criminalisation and incarceration of children.

Sisters Inside has been providing services and supports to criminalised women and girls in Queensland for more than thirty years. They have demonstrated that establishing and strengthening social supports for families and communities, and by providing individuals, families and communities with the resources and care they require as opposed to pathologizing and criminalising them, families and individuals can thrive.

By resourcing all communities with access to resources, guaranteed liveable incomes, education, employment, housing, healthcare and mental-health care, disability support and community support, the cycle of criminalisation can and will be interrupted and the carceral systems we rely on will no longer be the only conceivable method of ensuring community safety.

We advocate for tangible support. Children require support in the form of facilitated access to transport, education, employment, housing, health care, therapy and culturally lead healing, recreation and creative activities, peer support and engagement, legal advocacy and representation, familial support, childcare, and parenting support etc.

Culturally competent, trauma-informed, strength-based education and training opportunities, counselling and personal/family support, and drug and alcohol education and rehabilitation must be made available. Too often, these services are put out to tender in a manner that ensures that the mistakes of the past are repeated. Rather than drawing on the expertise of First Nations communities, and services that are Aboriginal led and other community-driven organisations, predetermined models of service are imposed by government.

Community-driven organisations are best placed to design and deliver services which are tailored to the particular needs of criminalised and at-risk children, their families and their communities. It is critical that these ‘experts’ be given the opportunity to design programs, rather than being strait jacketed by the constraints of narrow, predetermined approaches assessed according to their achievement of short term ‘outcomes’ rather than long term change.

Kind regards,

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[redacted]

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and Formerly Incarcerated Women and Girls
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