

Making Queensland Safer Bill 2024

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Re: Submission on the Making Queensland Safer Bill 2024

Dear Committee Secretary,

We, the Deadly Inspiring Youth Doing Good Aboriginal & Torres Strait Islander Corporation, submit this letter in strong opposition to the *Making Queensland Safer Bill 2024*. This Bill proposes measures that would have far-reaching and devastating impacts on vulnerable young people, particularly Aboriginal and Torres Strait Islander youth.

As a youth founded non-profit organisation based in Cairns, we have worked since 2016 to empower our communities, delivering 14 community-led projects and supporting over 10,000 young people. Our work spans crisis intervention and prevention, and it is rooted in lived experience and a deep understanding of the systemic issues driving youth crime.

The Impact of the Bill

The Bill proposes punitive measures that disproportionately affect Aboriginal and Torres Strait Islander children. While we acknowledge the need to address youth crime, the solutions must address its root causes.

Reports, such as the Crossover Kidsⁱ, has shown that many young people only begin committing offenses after being removed from their families and placed in care. This aligns with cases we see in our communities, like that of a young woman who was an A-grade student and a promising athlete. At the age of 10, she was removed from her mother's care due to unaddressed mental health issues in the family. After being placed in and out of residential care, she became disconnected from her community and support systems. Lacking the stability and guidance she needed she began committing petty crimes. Over time, this lack of support escalated into more serious offenses, resulting in further entrenchment within the criminal justice system. Her story highlights how systemic failures – in addressing family mental health, providing stable care, and intervening early – contribute to a cycle of disadvantage and increasingly severe criminal behaviour.

Cases like hers emphasize the urgent need for proactive, community-led approaches to address the root causes of youth offending. Punitive measures like those proposed in this Bill will only deepen these cycles, rather than break them.

We have witnessed firsthand the cycles of trauma and systemic neglect that push young people toward crime:

- Children raised in environments of intergenerational trauma, with limited access to support services.
- Young people struggling with undiagnosed disabilities like FASD and developmental delays, compounded by inadequate schooling and healthcare.
- Families, such as grandparents raising grandchildren, overwhelmed by caregiving without sufficient community support.

The current approach places overwhelming emphasis on crisis intervention rather than prevention. For example, in Cairns, support services heavily favour reactive responses over early interventionⁱⁱ, leaving many young people without the help they need before crises escalate.

Why Incarceration Fails

Incarcerating children as adults will not reduce crime; instead, it will exacerbate the very issues it seeks to solve:

- **Economic Costs:** The financial burden of increased incarceration could be better invested in grassroots rehabilitation and prevention programs.
- **Evidence of Harm:** Research consistently shows that incarcerating young people increases the likelihood of adult incarceration, perpetuating cycles of crime and disadvantage^{iii iv v}.
- **Human Rights Concerns:** The government's acknowledgment that this Bill is incompatible with human rights underscores the ethical failures of this approach.

Our Recommendations

To create safer communities and brighter futures for Queensland's youth, we urge the Committee to consider the following:

1. Raise the Minimum Age of Criminal Responsibility

Increase the age to 14 years to align with international standards and address the root causes of youth offending through early intervention.

2. Differentiate Non-Violent Offenses in the Bill

Remove non-violent offenses, such as non-violent burglary or being a child passenger in a stolen vehicle, from sections defining violent crimes.

3. Reform the Use of Cautions

Ensure that cautions do not remain part of a child's permanent criminal record, allowing young people the opportunity to rehabilitate and thrive.

4. Prioritise Allied Health Assessments whilst in detention

In our experience, assessments are frequently delayed or deprioritised in detention. Improving access to allied health professionals in detention centers and prioritising assessments during this stable period could help to address underlying issues decreasing risk of recidivism.

5. Detailed Review every 6-12 Months

Provide the public a detailed review every 6-12 months showing evidence that the Bill has resulted in a decrease in crime and not just an increase in incarceration.

A Call for Proactive Solutions

This Bill is a reactive measure that overlooks the potential of preventative, community-led solutions. Aboriginal and Torres Strait Islander people know what works in our communities, but we have rarely been given the resources or autonomy to implement these solutions at scale.

Programs like ours demonstrate the power of grassroots initiatives. With greater investment and trust, we can expand our impact, addressing the causes of youth crime before they take root.

We implore the Committee to reject this Bill in its current form and work collaboratively with communities to develop humane, effective, and sustainable approaches to youth justice.

Yours sincerely,

Merrissa Nona & Stacey Ketchell
CEO & Chairperson of DIYDG

ⁱ Sentencing Advisory Council (2020). *'Crossover Kids': Vulnerable Children in the Youth Justice System Report 2: Children at the Intersection of Child Protection and Youth Justice across Victoria*.

ⁱⁱ Furst et al (2024). Evaluating Aboriginal and Torres Strait Islander Social and Emotional Wellbeing services: A collective case study in Far North Queensland. *Australian & New Zealand Journal of Psychiatry*. 58 (6): 506-514.

ⁱⁱⁱ Chen et al (2005). The Transition from Juvenile to Adult Criminal Careers. *Crime and Justice Bulletin: Contemporary Issues in Crime and Justice*. 86

^{iv} Dodson & Hunter (2006). Selected Crime and Justice Issues for Indigenous Families. *Family Matters*. 75: 34-75.

^v White (2015). Youth Justice and the Age of Criminal Responsibility: Some Reflections. *Adelaide Law Review*. 40.