

Making Queensland Safer Bill 2024

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Cygnets

Centre for Peacebuilding
& Transformation

**Submission to the Inquiry into the
'Making Queensland Safer Bill 2024'**

DECEMBER 2024

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Acknowledgement of Country

Cygnnet Centre for Peacebuilding & Transformation Ltd. (Cygnnet) honours and respects the spiritual and cultural connections of the First Nations Peoples of this earth in all that we do.

We express our deepest respect and gratitude to the First Peoples of Australia as the custodians of the country on which our work emerges and express our deepest gratitude to them for the safe passage and generosity of wisdom given in undertaking this work.

We recognise their continuing unceded connection to land, water, culture, community and Spirit.

We pay our deepest respect to the old people who have walked before us and to the wise ones who guide us in the present, as we collectively take a stand beside and protect the young ones who will guide our future.

General Comments relevant to the inquiry as a whole

Cygnnet prefaces this submission to the inquiry on *Making Queenslander Safer Bill 2024*, by starting at the point that the approach taken by the Queensland Government in this instance to limit the time to 2.5 business days available for critical stakeholders to make submissions to the Inquiry is inadequate and will have direct consequences upon the ability of those with the expertise necessary to adequately support the Government in its intention to *Make Queensland Safer*.

The *Making Queenslander Safer Bill 2024* will result in greater harms that will impact upon Queensland communities for decades to come. It will deliver outcomes in direct contrast to the stated intentions of the Queensland Government. These outcomes are fact, known and intentional if the Queensland Government ignores the evidence. The Crisafulli Government will in this context be entirely culpable.

A legislative reform of this magnitude requires meaningful consultation, careful and detailed consideration and a holistic collective approach across a range of Government Departments and community settings.

Cygnnet urges the Queensland Government to recognise the importance of this pivotal point and potential opportunity to truly transform the response to youth crime and extend the time of this inquiry to ensure that it acts with integrity and rigour, listening to the voices of those who can provide real and tangible solutions, providing sufficient time and engaging in appropriate consultation and collective decision-making processes to ensure this occurs.

Cygnnet is committed to supporting the Queensland Government and most importantly the communities of Queensland in the endeavour to take a transformative approach to building safer, stronger and more resilient communities through considered, evidence based, trauma informed, healing aware, developmentally appropriate, culturally responsive and informed measures that result in real change and do no further harm.

Cygnnet does not support the *Making Queenslander Safer Bill 2024*. It is an act of systemic violence that is both racial and gendered against the very members of our society we should be protecting. It will fail people who are harmed by crime, and it will not lead to the perceived or realised safety of our communities.

Cygnnet's overarching recommendation is that the Queensland Government take a holistic, collective and transformative approach prioritising a reform agenda that is centred on human rights and evidence based.

This includes having regard to academic research, program evaluation, practice based evidence and the collective expertise of community based organisations and individuals, including Aboriginal and/or Torres Strait Islander community controlled organisations who have been working at the coalface for decades. It includes taking the necessary time to get this right and deliver meaningful change.

Cygnnet advocates for a wholistic collective human rights based approach that responds to the complexity of balancing the needs of victims and the requirement to hold young people who

commit crime accountable in a manner that has not yet been realised in the Queensland context. One does not need to be at the cost of the other. Effective leadership can deliver upon both.

The Queensland Government has a moral obligation to deliver on both, do no further harm and to create the conditions where the perception of competing needs can be better understood in an environment where all needs are met and to create community conditions where every member feels safe and connected.

Empowering lived experience, listening to experts and adopting a human rights evidence-based approach

Meaningful and sustainable approaches to community safety and solutions to youth crime must be grounded in the communities most affected by youth crime.

The Queensland Family and Child Commission's "Yarning for Change"¹ study highlights the importance of listening to and valuing the voices of young people in contact with the youth justice system to support meaningful change and addressing the causative factors.

The National commitment to the Closing the Gap² recognises and insists that meaningful engagement with Aboriginal and Torres Strait Islander communities ensures their voices and knowledge are central to the design and implementation of programs and policies. That co design and collective decision making are foundational to any effective policy and program implementation. That structural change in the way governments work with Aboriginal and Torres Strait Islander people is needed to close the gap, including in justice reform priority areas and actions.

Equally the voices of those harmed by crime brings wisdom and insight into what works and what doesn't. The Independent Victims Commissioner³ must play a pivotal role in coordinating these voices to ensure they are seen, heard and responded to. The Queensland Statisticians Office crime research report "The victim offender overlap among young people in Queensland"⁴ examines the victim offender overlap among young people, given the relative higher prevalence of victimisation in the cohort of young people who commit crime. Recognition that children and young people constitute a significant proportion of the victim cohort requires careful consideration to deliver meaningful measures that balance healing and accountability.

Cygnnet believes transformative solutions are possible when centred around placed based community programs, fuelled by justice reinvestment and an enduring commitment to address underlying causative factors to crime that are considered, evidence based, trauma informed,

¹ <https://www.qfcc.qld.gov.au/sector/monitoring-and-reviewing-systems/young-people-in-youth-justice/yarning-for-change>

² <https://www.closingthegap.gov.au/>

³ <https://www.victimscommissioner.qld.gov.au/about/the-victims-commissioner>

⁴ <https://www.qgso.qld.gov.au/issues/12151/victim-offender-overlap-among-young-people-qld.pdf>

healing aware, developmentally appropriate, culturally responsive and informed measures that result in real change and do no further harm.

Alongside and equally important to the living experience voice is the contribution of academics, researchers and practice based experts, individuals and organisations including Aboriginal community controlled organisations. There is a plethora of evidence that supports what works. There are small scale programs having significant impact in community contexts and these require a focused effort to increase their impact and share their wisdom. The Queensland Government simply needs to listen and then take action to redirect resources into community based solutions that demonstrate what works.

Improving responses and support for victims of crime

“The Making Queensland Safer legislative amendments are intended to hold young offenders who commit offences (particularly serious offences) to account by ensuring that courts are considering the impacts of offending on victims and can impose appropriate penalties that meet community expectations”⁵. Penalties imposed by courts do not directly address the impacts on those who have been harmed by crime.

The Queensland Government must invest in real and tangible measures that support victims of crime to experience a sense of justice, recover and heal. This includes a reform agenda that adequately resources and supports mechanisms that enable people harmed by crime to receive holistic trauma informed supports efficiently.

Developing a reform agenda that truly responds to the impacts on those harmed includes examining and addressing the entire systemic response to crime including the role police play as first responders in either supporting this healing journey or exacerbating the impact of harm through practices and procedures which are not helpful to victims, whether this impact is intended or not.

Submission Number 1 made by Ken Cunliffe⁶ highlights for example the common practice of the QLD police in breaching the confidentiality provisions of the legislation and providing information pertaining to juveniles directly to victims – a practice which Cygnet has witnessed perpetuates the harm being experienced by victims. This practice must stop – there are alternative ways to support people harmed by crime in keeping them informed of justice processes. The manner in which information is provided and the timing are critical factors in the supporting the healing journey of a person harm by crime.

⁵ Parliamentary Committee briefing note Making Queensland Safer Bill 2024
<https://documents.parliament.qld.gov.au/com/JICSC-CD82/IMQSB2024-B002/241129%20Written%20breifing%20-%20DoJ%20-%20Making%20Queensland%20Safer%20Bill%202024.pdf>

⁶ <https://documents.parliament.qld.gov.au/com/JICSC-CD82/IMQSB2024-B002/submissions/00000001.pdf>

Those who are harmed by crime have the right to have their living experiences recognised and supported appropriately. No one single person experiences crime in the same way. The occurrence of crime in the life of an individual sets in motion a rollercoaster of emotions and experiences that are widely influenced by a range of factors in the life of the person who has been subjected to this type of harm.

This includes a range of factors that were in motion prior to the harm of crime occurring becoming entwined with the impact of the crime upon their life and often of the lives around them, including children, partners, siblings and extended family, friends and neighbours. With social media the ripples can often extend out into communities in a way that those with non direct relationships are affected by the way the crime has occurred, been reported and responded to by authorities.

The legal classification of a crime does not directly correlate to a formulated experience of the harm by a victim. The level of harm is not necessarily determined by the severity of the crime, but is shaped by a range of factors including the nature of, lived experience and circumstances of the person harmed. Meaningful responses to people harmed by crime need to be person centred and trauma informed and understand this fundamental principle to ensure that people are met, supported and able to heal in way that is determined by their unique individual needs.

Those who are responsible for responding to and supporting those harmed by crime need to be highly skilled and have a clear framework for the way in which they respond.

Victims have a right to be heard. Not all who have been harmed wish to inflict harm on others through tougher penalties. In fact, Cygnets experience of working alongside people who have been harmed by crime for over 20+ years is that they first need to feel seen and heard and have agency in the way that they heal and move forward after the events that have taken place. Many express a need for understanding and a deep desire to create the necessary changes and conditions to prevent this harm occurring again in the future.

Examples of where those who have been harmed by crime undertaking meaningful action to prevent further harm include the work being undertaken by the Balin Stewart Foundation⁷, Grace Tame Foundation⁸, the Luke Batty Foundation⁹, Jack Beasley Foundation¹⁰. There are many others.

Submission Number 1 made by Ken Cunliffe¹¹ highlights the need of victims to be included in the justice process.

The LNP introduced restorative justice in response to the needs of victims to be balanced against holding young people accountable. However, over the history of this program there have been

⁷ <https://www.balinstewartfoundation.org.au/>

⁸ <https://www.thegracetamefoundation.org.au/>

⁹ <https://probonoaustralia.com.au/news/2018/02/luke-batty-foundation-close-rosie-batty-steps/>

¹⁰ <https://www.jackbeasleyfoundation.org/pages/fight-for-change>

¹¹ <https://documents.parliament.qld.gov.au/com/JICSC-CD82/IMQSB2024-B002/submissions/00000001.pdf>

a range of factors that have hindered the full realisation of this program to deliver on this intended vision.

These hinderances include but are not limited to the lack of understanding of the nuanced power of this program to balance and respond to what is often perceived as competing needs of the justice system. Further significant barriers to the realisation of this vision have been hampered by the administration of the program by successive governments including resourcing.

One of the critical principles and factors which has been hindered through the life course of this program is the fundamental need for the program to administered in an impartial way. One of the core principles of practice is impartiality and it is a principle that must be considered in the administration of the program. Locating the program within the same administrative arena as other youth justice interventions whilst having benefits has undermined significantly this tenant and often resulted in young people being centred in program administration at the cost of those who are harmed by crime.

The Making Queensland Safer reform agenda must recognise the impacts of these administrative failures and ensure through this reform that the program is resourced and administered in a manner that realises the vision it held at its conception to balance the needs of victims with holding young people accountable.

Delivering a restorative justice program administered impartially in the community could have the potential to resolve some of the criticisms levelled at the Queensland Government through its introduction of the Making Queensland Safer Bill 2024. In order to achieve this there must be an extensive review of the failings of this program over its history of administration and a robust approach taken to resetting its course.

Cygnnet would welcome the opportunity to work alongside the Queensland Government and community organisations to achieve this aim. Due to the limitations of time of this submission process Cygnnet is unable to expand upon particulars that would make this approach successful.

Improving legal responses to offending by children and young people

Of greater priority to the question of “how do we best respond to crime committed by young people?” is the question “what causes young people to commit crime?” and this question must be the focus of our collective efforts to the contribution of building community safety. There is significant evidence that the causative factors to youth crime are also factors that contribute to members of the community feeling unsafe. An example of this is access to affordable housing.

In 2023 24 out of all Queensland children aged 10 17, only 0.6% had a proven criminal offence¹². The small group of young people, who face more serious charges and who are admitted to a

¹² <https://www.qfcc.qld.gov.au/sites/default/files/2024-07/Community%20Summary%20-%20Exiting%20Detention.pdf>

youth detention centre, have the most complex needs and are most likely to reoffend within 12 months from release. For this small group of young people, change can only be achieved through recognising and addressing the root causes of their offending.

We must recognise that a mere 0.6% of all of Queensland young people commit crime and therefore their contribution to unsafe communities is only one component of the formula needed to *Making Queensland Safe*.

Adopting a balanced approach ensures that the Queensland Government honours its commitment to protecting all its constituents, regardless of age or background.

A balanced approach is one that does no further harm whilst taking rigorous and meaningful action to address the causative factors of youth crime whilst recognising that actual and perceived community safety is far bigger than the issue of youth crime alone.

As is symbolised globally in the scales, justice requires a careful consideration of the evidence, balancing perceived competing interests to ensure due process, human rights, healing and accountability are central to delivering fair and just outcomes. Treating children as adults before the law is not just nor fair. It is in direct contrast to international standards of law.

In this context prevention, early intervention and diversion must play a central role, with a broad consideration of the life span of a young person from the time of conception to result in meaningful and real change. The obligations and responsibilities of Queensland Health, Education, Housing, Child Protection, Youth Justice, Police, Courts must be clear and their role in preventing youth crime and building safer communities articulated.

Police must be required to undergo relevant training to ensure that their dealings with children and young people are informed, safe and directed towards diversion where possible, healing and reparation. Specialist children's court magistrates must have the power to consider the contextual and contributing factors in sentencing children and young people to ensure that justice outcomes are successful.

The broader context of justice and the application of law must be considered and responses proportional to the reality of youth offending. The inequities in the application of the law are referred to in the submission number 4 made by Susan Prince¹³ which highlights inequities in the application of law. These inequities must be addressed and understood in the context of their contribution to perceptions of crime, justice and community safety.

Submission number 5 authored by Knowmore¹⁴ clearly outlines and indicates the heightened risk of child sexual abuse for children in detention environments and this must be taken seriously to ensure that the Queensland Government is not knowingly complicit in supporting the conditions for child sexual abuse.

¹³ <https://documents.parliament.qld.gov.au/com/JICSC-CD82/IMQSB2024-B002/submissions/00000003.pdf>

¹⁴ <https://documents.parliament.qld.gov.au/com/JICSC-CD82/IMQSB2024-B002/submissions/00000005.pdf>

Children are not adults even in circumstances where their choices and actions are catastrophic and harmful.

There is a swath of evidence that demonstrates the developmental differences including their capacity for high level cognitive function and executive thinking throughout the period of 10 years of old through to 18 and even up until the age of 25. This does not mean that they should not be held accountable.

In fact, there is a requirement for adults to act with understanding and ensure that appropriate boundaries and consequences are enacted to keep children and communities safe. It requires approaches that not only address the immediate harms but extend to ensure that the young people learn from and develop prosocial behaviours to prevent the harmful behaviour into the future. The foundation for this understanding can best be understood through neuroscience, developmental psychology and behaviour change theories.

The time implications for this submission prevent the comprehensive provision of this evidence however Cygnet is committed to working alongside those who wish to better understand measures that result in real change founded on these understandings.

Genuine approaches to building community safety

The notion of creating community safety is one that extends to strategies beyond mere reactions or responses to crime. To truly create safer communities Governments, organisations and individuals must consider and address a broad range of factors and have a clear and distinct understanding at how these factors intertwine to create actual and perceived sense of safety.

A person's lived experience of trauma not healed can have devastating impacts upon that person's perceptions of and ability to feel safe no matter how tough the laws on crime are. A person's sense of safety can be affected for example by housing, poverty and access to appropriate human services. The narratives told in the media including those shared across social media can impact upon an individual's perception of safety. Crime rates alone are not the sole indicator.

In building community safety, the Queensland Government must turn its focus and investment to the causative factors of crime. It must take a wholistic approach to building actual and perceived safety.

About Cygnet

Cygnet is a not for profit community organisation and charity that holds extensive experience in balancing the rights and needs of persons who have been harmed by crime and holding those who have caused this harm accountable in trauma informed, culturally responsive and developmentally appropriate ways, resulting in real and demonstratable behaviour change. Our primary approach to balancing these needs is through clearly defined restorative justice processes facilitated by highly skilled practitioners who hold extensive experience in facilitating

matters across the entire continuum of crime and harm including matters which have resulted in death, serious and grievous bodily harm, sexual assault and family violence as well as matters that require a diversionary approach. Cygnet engages in a range of services including consultancy and direct service provision in community engagement, restorative justice and restorative practices.

Our Vision:

**Transforming relationships, conflict and adversity through
peacebuilding and restorative practices...**

Values: We Aspire to hold at the heart of all our work

Mutual and Respectful Relationships

We promote and cultivate mutual and respectful relationships with ourselves, others and the environment. We embrace diversity and difference as we seek to recognise and affirm our interconnectedness.

Empowering Authenticity

We seek to support the development of safe environments that foster connection, where people feel empowered towards responsibility and self determination. In connecting with each other we aspire to build authentic relationships where people feel free to express their own truth and to listen to the truth of others.

Communication

We value listening and dialogue for achieving mutually beneficial outcomes that are based on an understanding of our shared humanity. We seek to embrace the opportunities for growth and learning that conflict and adversity contains. We invite expression and difficult dialogue while holding in focus the wellbeing of all.

Courage

We strive to balance humility and listening with a courage that engages conflict, challenges harmful behaviour, and evokes accountability and responsibility, without blaming.

Enquiry

We challenge ourselves and others to enter into a spirit of enquiry that connects with and explores presenting needs and issues. Through reciprocity, we open ourselves to learning and reflection, which nourish the development of flexible responsive processes and solutions.

Community

We value a sense of belonging in fostering good will. We believe that community connection offers opportunities for participation and service of something greater than ourselves. We seek

to develop collaborative relationships where cooperation leads to viable sustainable communities.

Justice

We are committed to developing restorative cultures that value and respect the inherent dignity of all people. We advocate for equitable constructive social and political processes that allow everyone to be heard, especially those who are voiceless and powerless. In facilitating truth telling, self responsibility, forgiveness and reparation we are intent on creating a space where healing can occur.

Healing and Transformation

We aim, through the creative use of peacebuilding and restorative practices, to inspire vision of new ways of living together that will transform our society and open the door to healing. Through the lens of healing and transformation we acknowledge the past whilst looking to the future with a sense of hope and purpose.

The way we work is through co-creative emergent design processes that meet the needs of those with whom we work.

Our Objectives: Translate our vision and values into concrete actions ...

1. To advocate for the recognition of the fundamental social, political and human rights of all peoples, and for the identification and resolution of underlying systemic causes of violence, conflict and adversity.
2. To inspire awareness and understanding of the transformative potential of restorative and peacebuilding approaches, to advance their application across a range of settings.
3. To enhance and promote mutual and respectful relationships that nurture intrinsic awareness of interconnection.
4. To empower individuals and groups to enhance the viability of their communities through restorative and peace building principles and practices.
5. To develop and deliver restorative and peacebuilding skills and solutions that offer creative, collaborative approaches to resolving violence, conflict and responding to adversity.
6. To foster the growth of peaceful, inclusive societies and effective, accountable institutions that provide access to justice for all.

Of paramount importance to all of Cygnets work is ensuring psychological and cultural safety.

This means that everything we do is culturally sensitive, and trauma informed and responsive.

