

## **Making Queensland Safer Bill 2024**

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**Submitted by:** Queensland Homicide Victims' Support Group  
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3 December 2024

Committee Secretary  
Justice, Integrity and Community Safety Committee  
Parliament House  
George Street  
Brisbane QLD 4001

Via email to: [JICSC@parliament.qld.gov.au](mailto:JICSC@parliament.qld.gov.au)

**Subject: Inquiry into the Making Queensland Safer Bill 2024**

Dear Committee Secretary,

The Queensland Homicide Victims' Support Group (QHVSG) recognises that the QLD Government is looking to advance the rights of victims of homicide through the 'Making Queensland Safer Bill 2024.

We are grateful for the opportunity to provide a submission to the inquiry, and for the invitation to add the perspectives of our members as a witness at the committee hearing on 2<sup>nd</sup> December, 2024.

**About QHVSG**

Established in North Queensland in 1995 by families affected by homicide, the Queensland Homicide Victims' Support Group (QHVSG) is an experienced team of case managers and peer supporters who offer education, advocacy, and support through the aftermath of homicide. Over the past 30 years, QHVSG has provided support to over 9000 individuals who were impacted by 1500 homicides.

Our unique approach begins within days of the homicide and offers 24-hour phone support, personal advocacy and education to all people affected by homicides in Queensland, regardless of age, gender, culture, or religion. We provide end to end guidance throughout the 'victims journey' via emotional and practical assistance. This includes court support and advice around parole submissions if needed.

QHVSG is not only an organisation that provides support for those who are attempting to piece their lives back together after the tragic and senseless loss of someone they love. It is also an organisation with strong ties to the community and a commitment to promote the rights of homicide victims.

We work closely with the Queensland Police Service, Office of the Director of Public Prosecutions, Victim Assist Queensland, Queensland Government, and numerous other services to ensure families access the help they need.

Our Vision is to be the leading organisation, providing high-quality support, education and reform for victims of homicide, which is achieved through the our specialised programs. These include our unique peer network, providing a family environment of empathy, compassion and understanding, our Family Support Coordination which provides both case management and counselling across Queensland our statewide court support program.

All our work is underpinned by education and awareness for members and the community by peer supporters and professional office staff. We will always offer advocacy for reform on behalf of our members.

## Our responses to the bill

Firstly, we urge the Government not to rush through key pieces of legislation. We recognise that the Government did state it would be a priority, but victims of crime have had a lifetime of Governments doing things to them and when legislation like this is rushed it can have unintended consequences and it can also trigger victims who already distrust Government.

Secondly, we know that not all victims are the same. They have different ideas about justice and want different things from the system. So, we need to make sure we're continually expanding the range of sentencing options available to victims, not reducing them.

Thirdly, while victims have different views, we would say most victims would agree that the first focus should be on stopping violent crimes from happening in the first place, and that all youth justice reform should be drawing from the evidence of what works in reducing youth crime. We urge the government to listen closely to the experts in these fields, and only implement evidence based early interventions.

As a membership-based organisation, we need to ensure that responses to legislative proposes represent the opinions of those we support. It is certainly the case that those views are wide ranging, and we will always respect right for victims to speak openly and provide their points of view.

Our approach to obtain feedback was to survey our members in relation to their opinions in relation to current sentencing **only specifically for murder and manslaughter**, and the fundamental concept of applying adult sentencing principles to children.

I will also allow those with expertise in corrective services to provide their insights into the effectiveness of rehabilitation in other areas.

As we did not have the specific details of the bill, we did not have time to consult around the many potential changes that may occur.

An essential aspect of our survey was to provide awareness and access to the Queensland Council of Social Services advocacy document '[Guidance on upcoming youth justice legislative reforms in Queensland](#)'. This document provides an evidence-based position that reforms to the youth justice system to be based on the evidence of what makes communities safer, and that any changes ensure the rights of children and victims are respected.

It was felt that we all need to make informed decisions, which must involve understanding all points of view. QCOSS is highly regarded organisation, and we urged members to consider their evidence based points of view.

## Our member responses

The questions posed are shown below. We had 130 responses in a 72-hour period. Members were also able to expand on their views via the option to add comments.

1. The penalty for the offence of murder in Queensland for an adult is mandatory life imprisonment with the prospect of parole after serving 20 years imprisonment. Does this meet your expectations?
  - 45% of respondent felt the current 20 years minimum mandatory sentence for murder, met their expectations.
  - 51% of respondent felt the current 20 years minimum mandatory sentence for murder, did not met their expectations.
  - Those impacted by a youth offender – 72% felt that 20 years was appropriate
2. The maximum penalty for the offence of manslaughter in Queensland for an adult is life imprisonment. The average head sentence is approximately 8 years with the prospect of parole after serving 1/3 of that sentence. Does this meet your expectations?
  - 85% felt that this did not meet their expectation.

- 6% felt that it did meet their expectation.
  - Those directly impacted by a youth offender – 86%.
3. The maximum penalty for the offences of murder and manslaughter in Queensland for a child is life imprisonment. However a sentence of greater than 10 years can only be imposed if the judge finds the offence is ‘particularly heinous in all of the circumstances’. Does this meet your expectations?
- 71% - did not meet expectation
  - 19% - did meet expectation
  - Those directly impacted by a youth offender – 86% not meeting expectations.
4. Children aged 10-17 should be sentenced for homicide the same as adults
- 64% said yes
  - 11% said No
  - 25% said they were undecided
  - Those directly impacted by a youth offender 68% Yes, 9% No, 23% undecided.

Prior to asking for this feedback, we knew that most people that we support do not feel that the punishment fits the crime in relation to murder by a person under 18. We also knew that the current sentencing lengths for manslaughter did not meet expectations, which was also a conclusion in the 2018 Queensland Sentencing advisory Council review of sentencing for criminal offences arising from the death of a child.

There was an overwhelming message from those we support, that youth who are found guilty of murder, should be sentenced to longer periods of incarceration, and in settings that provide ongoing evidenced based rehabilitation strategies.

They felt that there are people in our society who need to be kept away from us all. This small percentage of people are posing an unsatisfactory risk to community safety and should be managed as such. Those people who are proven to have shown intent to murder, are in this category.

### **Responses to specific aspects of the proposed bill**

As mentioned, we are concerned that we are not aware of all aspects of the bill or what unintended consequences may arise. Below are our responses to some specific legislation proposals.

1. For murder charges, we principally support the removal of the principle of detention as a last resort.
2. We principally support lifting the Victim Impact Statements (VIS) into the Youth Justice Act. Victim Impact Statements are sometimes the only opportunity a victim has to detail to the court the impact of the crime on them and we strongly support their inclusion.

### **Concerns**

a. The current arrangement in criminal courts is that the VIS are a process for victims to share with the Judge the impact. Currently, victims are not cross-examined and we would like to clarify with the Government whether this Bill would change that for a victim and whether they would need then to get their own representation in court.

b. Does not having anyone to provide a VIS mean that the killing is deemed less impactful and is treated as less significant? For example, will the murder of a person who has no family or wider social support be judged as less significant as a person who has significant social support?

3. For homicide sentencing, we principally support that the child’s criminal history reflects their full history; We feel that patterns of behaviour cannot be dismissed when intervening or when consequences of actions are applied.

4. For homicide related sentencing, we principally support a child's criminal history to be admitted when sentenced as an adult. If the patterns of behaviour are proved to exist at this level of risk to the community, then we feel it cannot be dismissed when intervening or when consequences of actions are applied.
5. For homicide related sentencing, we principally support the default to an 'opt out' mechanism for victims on the victim information register. QHVSG has previously advocated for this expanded registration.
6. For homicide related sentencing, we principally support altering the process relating to the transfer of 18-year-old detainees from youth detention centres to adult correctional centres.
7. The Bill will also amend the Childrens Court Act 1992 to ensure the victim, or a member of the victim's family can be present during criminal proceedings; and enable the media to be present during criminal proceedings by omitting the ability of a court to make an exclusion order under section 20(2).

We support victims being given access. QHVSG successfully advocated to opening up the court rooms to victims in 2024, as it something that the majority of our members have asked for. We neither support or oppose media access.

#### Concerns

- a. How does the court ensure that families have priority to seating over media representatives? There are numerous examples where in adult matters , families need to jostle to be able to have a seat. These situations arise in smaller courts and also where larger media and public attendance occurs.
- b. As a provider of court support across QLD, how do we increase our support team numbers to meet this important demand? Funding will be needed to achieve this.
- c. What are the provisions to have both the victim's family and the accused's family in the same courtroom

– how will that occur while also meeting the Government's obligations under the Victims Charter to keep them apart.

8. We do not support the removal of restorative type practices as an option for homicide related matters. And whilst being involved in a restorative process may not be of interest to some victims, there are some who would be wishing for such an opportunity. Such a decision may also disproportionately impact Aboriginal and Torres Strait Islander young people, victims and victim-survivors, as well as their families.

#### **Early intervention and effective rehabilitation.**

QHVSG supports the use of evidence based early intervention rehabilitation programs. There must be the opportunity for meaningful engagement which is culturally appropriate. There must be both individual and families support in place to address the causes of offending, to address the cycles of trauma, and to address the range of educational, socio-economic disadvantages that often exist in the lives of offenders.

Re-introductory programs must be improved, and we support the concept of robust and long term, support post incarceration.

We do request an extension to the consultation period.

Sincerely



Brett Thompson

Chief Executive Officer