

Making Queensland Safer Bill 2024

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The violence of 'Making Queensland Safer'

Submission to the Inquiry into the Making Queensland Safer Bill 2024

To the Justice, Integrity and Community Safety Committee,

The 'Making Queensland Safer Bill' introduces a host of legislative changes that will intensify state violence against the most marginalised children in Queensland. It is our recommendation that this Bill should not be passed. Disregarding the state's own evidence and human rights laws, this legislation promises to intensify racist and ableist violence against a new generation of children. It ignores justice policies that create genuine community safety and protect children – two aims that are deeply interconnected, not separate as this Bill suggests. By rushing the Bill through parliament, this government demonstrates its willingness to overlook best practice lawmaking, choosing political point-scoring at the expense of young lives.

The LNP government justifies this violence on the back of a manufactured 'youth crime crisis' that relies on racist dog-whistling, sensationalist reporting and fearmongering about community safety. Despite the relentless repetition of the 'youth crime crisis' narrative on billboards and letterbox flyers throughout the election campaign, the Government's own statistics tell us there is no 'crime wave'. In fact, data from the Queensland Police Service, Queensland Statistician's Office and the Australian Institute of Criminology show a consistent decrease in youth crime in Queensland, with the Australian Bureau of Statistics demonstrating that youth crime in Queensland has halved over the last 14 years.¹ While these statistics show near-record low youth crime rates, the Government has used the supposed 'exceptional crime rates' to justify overriding the Human Rights Act.²

This follows the previous government's trend of suspending the Act to introduce youth justice laws that are so punitive they are in opposition to the rights that are designed to protect Queenslanders from violence and discrimination.³ The Bill's adjoining Human

¹ Kenji Sato, [Criminologists debunk claims of 'youth crime crisis' as data shows dramatic declines](#) ABC, 13 October 2024

² Ben Smee, [Queensland police data shows youth crime at near-record lows. So why the 'tough on crime' election talk?](#) The Guardian, 2 August 2024

³ Ali MC, [Australian state suspends human rights law to lock up more children](#), Al Jazeera, 18 September 2023

Rights Compatibility Statement makes multiple admissions of incompatibility with both the Queensland Human Rights Act and international standards. The Compatibility Statement outlines how the Bill is likely to impact Aboriginal and Torres Strait Islander children with time in prison (rather than community-based alternatives) and longer sentences. Quickly dismissed as ‘not discriminating based on race’, these admissions demonstrate the readiness of this government to trade the safety of primarily Black children for political popularity. The statement omits any mention to children with disability, who will be particularly harmed by this legislation. Representing anywhere between 37% and 100% of children in prisons, children with disability will be further criminalised and neglected by these changes.⁴ Discrimination against people with disability in the justice system was a focus of both the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability and the Queensland Disability Reform Framework.⁵ However, the Statement offers no evidence that the government has undertaken its responsibility to protect children with disability from discrimination or consider how their rights will be affected by the Bill. This government’s first legislation being incompatible with human rights raises serious concerns about who it is claiming to make ‘safe’ and whose rights it will consider disposable throughout its term.

The introduction of this Bill is a reminder that so-called ‘justice’ in Queensland holds strong to its colonial roots. Whether in the form of missions, reserves, police or prisons, carceral systems have been used to impose and maintain colonial control over Indigenous people on this continent since first colonisation. ICRR Elder in Residence Uncle Dr Shane Coghill, reflects on incarceration as an tool of ongoing genocide.⁶

“When white people came here, they took the chains off their own people and put them on us. This enabled them to demoralise, punish and murder us inside. Criminalised from the age of eight, I was continually harassed and intimidated by police. It did not matter if I was right or wrong: as a Black person in white-fella eyes I would always be guilty. I was eventually locked up in Westbrook Boys Home and I remember the horrors of being treated like an animal. What’s changed? Our kids inside today are still treated as less than human.”⁷

⁴ Numbers vary due to a lack of consistent data collection and diagnosis of disability among children in custody. Department of Children, Youth Justice and Multicultural Affairs, [Youth Justice Census Summary](#), 2023; Queensland Advocacy for Inclusion, Submission to the Youth Justice Reform Select Committee, 2024 p.4

⁵ Royal Commission into Violence, Abuse Neglect and Exploitation of People with Disability, [Final Report, Volume 8: Criminal justice and people with disability](#), September 2023; Queensland Government, [Queensland Disability Reform Framework: The Next Chapter](#), 31 July 2024;

⁶ Uncle Dr Shane Coghill, [The secret life of an Aborigine](#), 2013.

⁷ Uncle Dr Shane Coghill, personal communication, 3 December 2024.

The government introduced the ‘Making Queensland Safer’ Bill on the same day it repealed the ‘Path to Treaty’ Act. This means it has committed to silence truth-telling about historical colonial violence – like Uncle Dr Shane Coghill’s story – on the same day it introduced legislation to perpetrate violence against another generation of Indigenous children. By introducing a Bill that it knows will traumatise, isolate and lock up Black kids, the Queensland Government tells us that racial violence is alive and well in Queensland lawmaking.

Any legislation that requires the state to build more prisons for children, that puts more armed police on the streets and erodes human rights is not about making us ‘safer’. In fact, this type of legislation puts us all at a greater risk of harm. In Australia and around the world, inquiries, research and practice have consistently shown the failure of incarceration to change behaviour and prevent reoffending.⁸ Instead, carceral responses are likely to perpetrate harm and increase recidivism. This Bill represents an expansion of the carceral system and the amount of children it has potential to harm. Far from making anyone ‘safer’, carceral systems exacerbate the root causes of harm: marginalisation and criminalisation. Instead of addressing marginalisation by meeting children’s basic needs for food, education, healthcare and NDIS access, carceral systems perpetrate harm by overpolicing poor and racialised communities and funnelling people into punitive courts, bail conditions and incarceration. This cycle necessitates the carceral system’s growth to cope with a ‘problem’ of its own making. More arrests and punitive legislation mean full watchhouses and remand beds, which in turn lead to the ‘need’ for prison expansion – happening already in Woodford, Cairns and Wacol.

Genuine community safety requires addressing the social conditions that lead to offending, while dismantling the structural violence perpetrated by this type of legislation. The violent cycle attending policing and incarceration calls for a non-violent approach to support children who need it – abolition. Abolition focuses on addressing the social issues that are at the root causes of children’s contact with the legal system. An approach is needed that examines harm in all its forms (particularly that enacted by the state) in order to address the conditions that produce violence and marginalisation.

Indigenous communities in the past and in the present show us that an abolitionist future is not only possible, but necessary for genuine community safety. Blackfulla civilisations thrived without prisons for thousands of generations before colonisation, and today Indigenous communities are at the forefront of abolitionist approaches to

⁸ Justice Reform Initiative, [Alternatives to incarceration in Queensland](#), 2023; Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory, [Report Overview](#), 2017; Walsh T, Beilby J, Lim P and Cornwell L. [Safety through support: building safer communities by supporting vulnerable children in Queensland's youth justice system](#) (2023).

community care and accountability that avoid state harm. Facing both overpolicing (excessive patrolling and responses to incidents) and underpolicing (police not answering calls for help) Black communities are responding to incidents and community needs without a carceral approach. Local community organisations in South East Queensland, such as Inala Wangarra and Strong Women Talking, focus on meeting community needs and breaking cycles of harm – including harm inflicted by state legal, child protection and education systems.

Far from ‘Making Queensland Safer’, this Bill represents an intensification of state violence towards Black communities and their children. This government’s commitment to carceral responses, the erosion of human rights and truth-telling is a warning that none of our rights are ‘safe’ under this government.

Sincerely,

Institute for Collaborative Race Research