JUSTICE, INTEGRITY AND COMMUNITY SAFETY COMMITTEE

Members present:
Mr MA Hunt MP—Chair
Mr MC Berkman MP
Hon. DE Farmer MP
Mr RD Field MP
Ms ND Marr MP
Hon. MAJ Scanlon MP

Staff present:
Ms F Denny—Committee Secretary
Ms K Longworth—Assistant Committee Secretary

PUBLIC HEARING—INQUIRY INTO THE MAKING QUEENSLAND SAFER (ADULT CRIME, ADULT TIME) AMENDMENT BILL 2025

TRANSCRIPT OF PROCEEDINGS

Monday, 28 April 2025

Brisbane

MONDAY, 28 APRIL 2025

The committee met at 11.29 am.

CHAIR: Good morning. I declare open this public hearing for the committee's inquiry into the Making Queensland Safer (Adult Crime, Adult Time) Amendment Bill 2025. My name is Marty Hunt. I am the member for Nicklin and chair of the committee. I would like to respectfully acknowledge the traditional custodians of the land on which we meet today. Other committee members with me here today are Di Farmer MP, member for Bulimba, who is substituting for the deputy chair, Peter Russo MP, member for Toohey; Russell Field MP, member for Capalaba; Natalie Marr MP, member for Thuringowa; Michael Berkman MP, member for Maiwar; and the Hon. Meaghan Scanlon MP, member for Gaven, who is substituting for Melissa McMahon MP, member for Macalister.

This hearing is a proceeding of the Queensland parliament and is subject to the parliament's standing rules and orders. Only the committee and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath or affirmation, but I remind witnesses that intentionally misleading the committee is a serious offence. I also remind members of the public that they may be excluded from the hearing at the discretion of the committee.

These proceedings are being recorded and broadcast live on the parliament's website. Media may be present and are subject to the committee's media rules and the chair's direction at all times. You may be filmed or photographed during the proceedings and images may also appear on the parliament's website or social media pages. Please remember to press your microphone button to on before you start speaking and off when you are finished and please turn all mobile phones off or to silent mode.

BROWN, Mr Anthony, Director, Policy and Legislation, Queensland Police Union of Employees

PRIOR, Mr Shane, General President, Queensland Police Union of Employees

CHAIR: I now welcome representatives of the Queensland Police Union of Employees. Good morning, gentlemen. Mr Prior, would you like to make an opening statement before we proceed to questions?

Mr Prior: Thank you, Chair, for the opportunity to appear here today. The Queensland Police Union represents over 13,000 members, the majority of whom are on the front line providing policing and emergency responses for the Queensland community. While my role is primarily about obtaining the best industrial outcomes and entitlements for Queensland Police Union members, I also have a responsibility to contribute to the law and order debate to ensure police have the best available laws to help them combat crime and protect our community.

The Queensland Police Union supports this bill, which delivers on the government's election commitment to restore safety in our communities and make Queenslanders feel safe. The first tranche of the government's Adult Crime, Adult Time laws legislated 13 serious prescribed offences to immediately boost public perceptions about public safety. Our observation is that those laws have been received very well by Queenslanders.

We note that this bill delivers the second tranche of Adult Crime, Adult Time reforms based on a detailed examination of juvenile offending and sentencing by an Expert Legal Panel. Among the 20 additional offences proposed in the bill, we are especially pleased to see the inclusion of the following Criminal Code offences: section 328C, 'Damaging emergency vehicle when operating motor vehicle', and section 328D, 'Endangering police officer when driving motor vehicle'. These offences were first included in the Criminal Code through the Queensland Community Safety Act 2024. Police and other emergency service workers perform difficult jobs in the service of the Queensland community. They deserve the very best protection we can give them through laws which provide a strong deterrent effect against those who contemplate endangering them through unlawful and reckless behaviour or depleting the availability of vital public safety assets.

According to the Queensland crime report 2023-24, the proportion of child offenders proceeded against for unlawful use of a motor vehicle was 12.8 per cent in the 2023-24 year, making it the third most prevalent offence committed by youth offenders. It is in this context of the unlawful use of motor vehicles that offences against sections 328C and 328D of the Criminal Code are most likely to occur. However, combined, these offences still accounted for three in 10 youth offenders actioned in 2023-24.

We also know that parts of the bill are not compatible with the Human Rights Act. However, we agree with the government's approach of putting victims at the centre of youth justice as being necessary to restore community confidence. Since the inception of the Human Rights Act, the human rights of offenders have trumped those of victims when it comes to criminal laws. For the first time, we are seeing our law-makers put the human rights of victims at the very forefront. Everybody in the community has the basic right to live freely, securely and safe from crime, and we commend the government for looking out for victims. As I said earlier, these laws are widely supported by the Queensland community.

Finally, in our submission to the committee we did flag the potential for increased or sustained detention capacity issues at police watch houses. Youth offenders remanded in custody or sentenced to a period of detention are held in QPS watch houses until there is an ability to take on that youth offender at a detention centre. Youth detention centres are routinely over capacity and young offenders are often held in QPS watch houses for lengthy periods of time. There is universal agreement that police watch houses are not suitable for the extended detention of youths. Police watch houses are unable to provide the level of care and support that is present in a youth detention centre. However, the recent opening of the Wacol Youth Remand Centre may alleviate any impacts on QPS watch houses. In fact, at 6 am on 24 April, which is the latest published data from QPS, there were only eight children being held in police watch houses. We also acknowledge the government's commitment to monitor the demand and impacts of the legislative amendments and respond appropriately through the normal budget processes. Thank you, Chair. We are now happy to take any questions members may have on our submission.

CHAIR: Thank you, Mr Prior. Out of an abundance of caution, I will just disclose that I have been a member of the Queensland Police Union of Employees for some 33 years during my service. I am no longer a member as a result of not being in the service. I say that just for disclosure purposes. Obviously you have been a serving police officer and as president of the Police Union you get around the state and talk to a lot of police officers. As this bill seeks to address youth crime, can you comment in general about the frustration of police around this area and how that might contribute to mental health issues or attrition rates et cetera in your experience in what you have observed or been told?

Mr Prior: Over the last 20 years since I joined this job there has been a very notable increase in crime within our community. There are no two ways about it. In that time we have seen an increased level of frustration in our membership across the board, make no mistake. Over the last 20 years we have seen a significant increase in work for our members, and that has a knock-on effect. The knock-on effect is huge. The frustration levels amongst our membership are significant, and bills such as this which are starting to hold youth offenders to account will go somewhat to addressing that. Make no mistake, though: this is a very complex problem. Attrition at this time is sitting at around 5.8 per cent—that is, 5.8 per cent of employees are leaving this organisation—and we need to decrease that significantly. That is why we have called for significant reform in domestic and family violence in an effort to alleviate that to make sure that police are available to deal with these kinds of situations.

CHAIR: Will this bill add to the work of the police or do you see this bill as being welcomed by police as you move around the state?

Mr Prior: I absolutely see this bill being welcomed by all of our members. Our members are dedicated to community safety. They want to be out in the community protecting the community. If there is a place that I can point to right now where I know there is an acute level of frustration, it would be a place like Cairns. Every time I go to Cairns, the topic of youth offenders is at the top of the list; the topic of stolen vehicles is at the top of the list. When speaking to members in Townsville and Cairns, I am routinely spoken to about how cars are stolen from either location and raced between Townsville and Cairns or Cairns and Townsville, thereby putting our members at significant risk. That is why we welcome this bill but in particular the two sections I have nominated in 328. The safety of our people working in these jobs is of the utmost importance to me and to see that included in the new tranche is a fantastic development.

Ms FARMER: Thank you for appearing today and for your submission and also thank you for the great work of our police. I know there will not be any disagreement in this room about the important role police play. I just wanted to ask you about the Expert Legal Panel. Did you make a submission to the Expert Legal Panel and are you willing to share if you did? Also, have you seen the report or any recommendations from the Expert Legal Panel?

Mr Prior: No, we did not make a submission to the Expert Legal Panel and, to my knowledge, we have not seen a report directed to us from the Expert Legal Panel.

Ms MARR: Thank you for being here today. I am from Townsville, so I do understand the frustration of the police officers and how happy they are with some of these changes. I have spoken to a lot of them, so thank you for being here today and for being their voice at this panel. You said in your submission and also here today that putting victims at the centre of youth justice is necessary to restore community confidence. I totally agree with you, but I ask you to elaborate on how that benefits the police officers and how that is also going to benefit the community moving forward and how they accept these changes, given the job that police do.

Mr Prior: Every day our police go into our communities and do an extraordinarily difficult job in protecting our communities. Currently, as it sits right now, in any one week we have 12 police officers either assaulted or seriously assaulted in this job. The level of violence presented to our members has exponentially increased over the last decade. This bill goes to returning victims to the forefront and being the focus, and that has to happen. That has to happen in the community for community confidence, but police are also victims of these crimes. In my opening statement I spoke about how vehicles are often used as weapons towards police and ramming police vehicles. Those police officers are also victims of these crimes. They also need to front up and if their vehicle is rammed they may be injured or killed as a result of that interaction with that offender. What I say is that this is well overdue. We needed to put victims first in Queensland and we have done so.

Mr BERKMAN: Thanks for your time this morning. I appreciate it. You mentioned just now and in your opening statement how you see the purpose of this bill as to centre victims and to prioritise community safety, and I very much appreciate those sentiments. They are important notions. I just wanted to contrast that with the paperwork. The statement of compatibility that the minister has put forward says explicitly that 'the purposes of the proposed amendments are punishment and denunciation', in contrast to centring victims and community safety. Do you have any reflections on that as the purpose—that is, having 'punishment and denunciation' as the primary purpose of legislation like this?

Mr Prior: There has to be a consequence for action. We have offenders engaging in some abhorrent behaviour in the Queensland community and it is our members who front up every day to act as that thin blue line between the community and those offenders. Should there be punishment for those actions in the community? Absolutely. I am the first to say that it absolutely is appropriate that offenders should be punished. If these kinds of scenarios would act as deterrents or this bill would act as a deterrent to stop a youth offender from engaging in behaviour, then it is a good day.

Mr FIELD: No doubt everyone in the room is aware of my opinion in relation to what is required as far as juveniles are concerned. Unfortunately, I cannot vent my opinions here. I do agree with what you are saying: everybody has to be held accountable for their actions. The police force and all emergency services are to be commended. They do what they have to do. That being said, I cannot understand why anybody in the state of Queensland would not support changes to these laws in order to make them better and safer for the average Queenslander and provide more protection for victims than for juveniles and perpetrators. Given the potential increase in the number of youth on remand if this bill is passed, do you believe it is necessary to support QPS staff? Every time there is an accident first responders are there, including police, who are being chased down by these perpetrators. Do they also need support, not only the victims?

Mr Prior: That is a very good question. Absolutely. We are seeing such a significant increase in crime in our community. It is the people who work on the front line, and I am not talking about just police here: I am talking about frontline workers. I am talking about firies, police and obviously ambulance workers. They are going to all of these jobs. I will pick an example you just used: the road toll. Last year on Queensland roads 302 people died. That is the worst road toll since 2009, I believe. Of those 302 deaths on the roads, police went to every single one of them. Police were subjected to the trauma that going to that incident would have caused. I have no doubt that going to these jobs day after day would have a cumulative effect. That is just one part of the business that we do every single day.

We obviously have to deal with youth offenders. We deal with domestic and family violence, which makes up 60 to 80 per cent of our work. The vicarious trauma and trauma that our people are exposed to in those kinds of situations is significant. Are we seeing an increase in mental health issues in police and frontline emergency service workers as a result of the work they are doing? Absolutely. Can we do better to address that decline in mental health? I absolutely think we can do better and we should do better for our people.

Mr Brown: It is also important to note that the government has announced $13 million through an election commitment for the safety and wellbeing of serving and former police officers, so that is a step in the right direction.

CHAIR: I welcome that as well.

Ms SCANLON: Are you aware of any modelling on projected watch house and/or youth detention capacity as a result of these new laws? If not, do you believe the government should have completed that work on this bill and the previous bill?

Mr Prior: We are not aware of any modelling, but I suppose common sense would tell you that if you are arresting more people then more people are going to be in watch houses. I am a firm opponent of youth offenders being in watch houses for extended periods of time. Frankly, it is not the place for them. They need to be in a youth detention centre. What this bill does address is that anyone in Queensland has the right to live freely and securely in their own home. If that means we have to detain and lock of up more youth offenders in order to effect that, then I think that is a good thing.

CHAIR: Mr Prior, the director-general specifically made some observations around the going armed so as to cause fear offence and how dangerous an offence that can be, particularly in relation to gel blasters et cetera and police confronted with those situations. Do you have any comments around that particular offence and the impacts that can have on police on the front line?

Mr Prior: If the panel would just indulge me for a moment, if you were to play out a scenario where an offender goes out into the community with a machete and uses that in a manner so as to cause fear, it can quickly evolve into a situation where a police officer may be required to use lethal force. The use of that lethal force stays with that police officer for the rest of their life. Out of 13,000 people, you will not find one who wanted to use to use their firearm that day. You will not find one person employed by the Queensland Police Service who puts on their uniform and goes to work thinking they are going to use their firearm that day. In fact, we do not want to use them. We are seeing an increased level of violence in the community where people—and youth offenders—are quite willing to take edged weaponry like machetes out into the community and use them to cause fear or hurt others. The result of that is going to be police intervention, and more often than not it is going to result in the lethal use of force. It is exactly the same proposition with gel blasters. You are talking about something that looks like a firearm. When presented with something that you think is going to end your life you respond with the appropriate use of force, and that is going to be a firearm.

CHAIR: We have run out of time. Thank you for attending today and thank you for your contribution.

MERLEHAN, Ms Natalie, Youth Crime Victim and Victim Advocate, Voice for Victims

READING, Ms Trudy, Victim Advocate, Voice for Victims

CHAIR: Would you like to make an opening statement before we go to questions?

Ms Reading: Firstly, thank you for inviting Voice for Victims to present today. Out of the 53 submissions received by this committee, only a handful gave meaningful consideration to the rights of victims. While there are countless advocates supporting children within the justice system, very few speak for the victims, particularly the child victims whose lives have been permanently altered by repeat juvenile offenders. What about the children woken in the middle of the night by an armed intruder or those randomly and violently attacked in public spaces while they go about their day? These traumatic events are real, yet they are largely absent from the discussion. This lack of attention is disappointing and helps explain why many in the community are calling for tougher penalties.

Too often we hear of crimes committed by a young person known to police, frequently while out on bail for multiple and increasingly serious offences. This cycle must be broken. We must stop excusing repeat offenders and start ensuring young offenders are held accountable whilst also offering them structured, meaningful pathways away from a life of crime. Accountability and rehabilitation must go hand in hand. The current government has inherited a broken youth justice system that has failed both young offenders and victims. It neither deters criminal behaviour nor effectively rehabilitates. Meanwhile, offences continue to grow in both frequency and severity, leaving victims with lifelong consequences.

The idea of detention as a last resort has failed to protect both young offenders and the community. For that reason, Voice of Victims rejects proposals to this committee to reintroduce detention as a last resort into the Youth Justice Act. Instead, we must focus not only on the length of detention but also on the purpose and quality of that time. Keith Hamburger's model provides a thoughtful and structured alternative. Under this approach, a young person taken into custody is sent to a security assessment centre. Over several weeks they undergo a thorough evaluation, including mental, physical and social. This forms the basis of a tailored pathway plan presented to a magistrate. Progress is monitored through control orders and regular court reviews.

Ms Merlehan: When repeat offenders are taken into custody they must be assessed and directed to meaningful programs, not simply jailed without a plan. Mr Hamburger's model has been presented to all political parties several times in different forums, including committee hearings such as this one; however, we have not been able to see that model implemented even after Mr Hamburger secured a community and elders willing to assist in the engagement of this model as a trial.

Children turning to crime should not mean that victims are left to carry the burden alone. As a society we must stop turning a blind eye and start enforcing a balanced, evidence-based approach. There is a middle ground that is not overly lenient nor excessively punitive. Some young people have demonstrated such dangerous behaviour that their continued presence in the community poses a serious threat. Assessment centres must be the first step, not an afterthought.

The Human Rights Commission's submission focuses heavily on the rights of children whilst seemingly overlooking those of victims. This omission raises serious concerns: how can we expect the system to reflect the needs of victims if our leading human rights institution does not? Voice for Victims supports the expansion of Adult Crime, Adult Time legislation in serious cases, but we also believe that detention must be reformed to focus on rehabilitation. That is why we endorse the trial of Keith Hamburger's locally-based secure assessment centres as a pathway towards real change. Detention alone will not reduce future victimisation. A justice system that balances accountability with genuine opportunity to reform is the only path to long-term safety and justice.

CHAIR: We will now move to questions. You quite rightly pointed out that the vast majority of the published submissions centred on the rights and trauma of offenders and that victims are absent from many of them. Can you comment on the mental impact and trauma on victims if they observe a young person who has offended against them get a very lenient sentence or no sentence whatsoever?

Ms Reading: We have assisted many victims over the last almost two years since we formed. I think it adds to the trauma when they feel the juvenile has escaped any form of consequence. We constantly hear from our victims that they are frustrated there are no consequences for actions. I should point out that I am yet to meet a victim who says they just want this person to be locked up and the key thrown away. Every victim we speak to accepts that something has led them to this point, but they have also said there needs to be a line in the sand. There has to be consequences for actions and a pathway given to those children if they choose to take it.

CHAIR: Would it be fair to say that trauma can be long-lasting?

Ms Reading: Absolutely. It goes without saying that everybody knows there are consequences for their actions and that the most basic action we perform every day will have a consequence. They are living with the consequences of those juveniles' actions and that is where they see there is an imbalance. They have to carry that burden and not the juvenile.

Ms SCANLON: Thank you very much for coming in. As you know, David Crisafulli has said that victim numbers are the numbers that matter. Would you be supportive of monthly reporting to the parliament of victim numbers, both adult and youth crime, reported separately, so that Queenslanders can genuinely see the impact of laws and whether they are working effectively?

Ms Merlehan: I have previously addressed this committee and I have also appeared to listen to evidence from other committees. If we are going to look at publishing more frequent data, we first need to look at how statisticians measure the data. I am not even considered a victim. I carry lifelong personal injuries, both mentally and physically, from what I went through; however, I still do not count as a victim. I find sometimes the numbers challenging to balance. We first need to streamline what a victim is and how we measure that before we start reporting. I do not think the reporting data can be appropriately used without understanding how that data is being captured by statisticians.

Ms MARR: Thank you for being here today. You did say in your opening comment that the former government has let down victims of crime. Thank you for being their voice today. One change we have seen that I do not think people understand enough is the eligible persons register. A victim can nominate someone to receive custody updates on their behalf so they do not have to go to court or deal with anything like that. Can you please tell us about the importance of being able to nominate someone on your behalf when you are going through that process?

Ms Reading: Something that has come to light through the work we have been doing is that victims are at various stages of the trauma process and there are instances where they would prefer to have an advocate represent them. I think that will help some victims get support earlier. You may want to comment, Natalie, in terms of the process as a victim. There comes a point where you feel ready to get support through the court process and there are periods where you are not ready for that yet. Is that the question you are asking?

Ms MARR: What I am asking is: it allows the victim to recover and get help but it also allows the process to effectively go on and not be burdened by them not being able to appreciate it.

Ms Reading: Yes, that is essentially why we support that amendment and wholeheartedly agree that somebody should be able to be that victim's advocate.

Ms MARR: Thank you.

Mr BERKMAN: My question is similar to the one that was put to QPU. Did Voice for Victims make a submission to the Expert Legal Panel? If so, is that something you might be able to share with the committee? On the other side of that, have you seen any of the advice that has come out of the panel's work?

Ms Reading: Voice for Victims did not make any submission to the Expert Legal Panel. We are not aware of any information and we certainly have not seen anything at all.

Mr BERKMAN: Thank you for the clarification.

Mr FIELD: Natalie, I understand your situation and agree that there is not enough help for victims. We also were left without any assistance by the former government. In your submission you suggest that youth offenders in detention should receive education. I totally agree that they need to be re-educated, in a sense—whether it be opportunities to have training and/or a better skill set for future release. Is there anything you would like to add or comment on as far as that is concerned?

Ms Merlehan: I think it is very important that we do assessments of those children to see what point they are at and holistically address what has driven them to the point that they have done these things and ended up in one of these centres. Education and health are definitely a fundamental part of that, but understanding the steps that led them there will inform committees such as this as to how to make improvements for the future as well.

Ms FARMER: Thank you both for your submission and for appearing before this committee and a number of others. Natalie, I acknowledge your situation. Lobbying for other victims after experiencing what you have is very brave. The submission from the Victims' Commissioner makes quite a lot of the support that is still required for victims in the system. These laws bring in legislative changes which make victim impact the primary sentencing principle but, in terms of the support for victims engaging in that process and more broadly, there is a lot of other work to be done. Would you agree and what further support would you like to see for victims?

Ms Merlehan: Yes, I have read the Victims' Commissioner's submission. We agree with the submission as a whole. Probably the first step forward would be getting a definitive definition of 'victim' and having that consistent across legislation. I think that would be the easiest way to move forward and have fewer victims feel like they are being left behind. I think, as well, it is about giving victims those tools and the ability to engage in services to help them from the initial incident. As we know, this is already provided to juveniles. Something we hear from victims and something I have experienced firsthand is that if you do not fall under that definition you do not get any assistance. I think having a consistent understanding of what a victim is across legislation would assist.

Ms Reading: Immediate support for victims is crucial. We have sat in front of committees, with both the former government and the current government, and brought that to attention. Too many victims—still now—are being left behind and they are receiving no support. Some of these victims are victims of really horrendous crimes. I think there is still such a long way to go. I am encouraged that the government is moving forward with a victims advocacy service. We are grateful to be a part of that stakeholder group in forming a pathway forward, but it is crucial, and it is only fair—if we are going to put victims on the same playing field as the offenders—that they get the same support that the offender is getting. It is simply not good enough that there is someone there to assist the juvenile from the moment they have committed that crime while a victim is left on their own to navigate the system themselves. It is totally inappropriate.

CHAIR: In your submission you suggest a habitual offender network. Can you explain why you believe that that structure is necessary and how it would improve justice outcomes for victims?

Ms Reading: It allows for some clarity around who the habitual offenders are and it puts in place the events that are needed to lead them into the path of the youth justice system. It could be diverting them from the youth justice system. We do not want to see kids coming up with 80 charges and a victim saying, 'How did I become a victim? Why wasn't it stopped sooner?' I think the sooner we can do that, the more victims will be supportive of a range of services being available to rehabilitate the children as well.

CHAIR: Is it fair to say that some of the frustration you hear from victims is that they find that they are the 80th victim of this crime—

Ms Reading: Absolutely.

CHAIR:—and they do not understand how it got to this point?

Ms Reading: And that it has been allowed to get to this point, that the seriousness of the offences has been allowed to escalate. That is the thing that victims cannot put up with. They are frustrated because so often they have found there has been no conviction recorded. It is almost like a clean slate and they are like, 'How does this kid keep getting a clean slate time and time again? At what point do we say we have met the threshold for detention?' I think that is how we have managed to get to this point over the last few years. We have allowed everything to slip and now everybody wants to pull it back into balance.

CHAIR: Thank you very much for your submission and for appearing before the committee today. I appreciate your time.

KAY, Ms Sarah, Executive Director, Office of the Victims' Commissioner

O'CONNOR, Ms Beck, Victims' Commissioner, Office of the Victims' Commissioner

THOMS, Ms Dimity, Director—Policy and Systemic Review, Office of the Victims' Commissioner

CHAIR: I invite you to make an opening statement before we move to questions.

Ms O'Connor: Good morning, Chair and members of the committee. I begin by acknowledging the lands of the Turrbal and Yagara people and pay my respects to elders past and present. I also respectfully recognise all victims of crime and acknowledge the vital role of those who support and advocate for them. I offer my deepest condolences to the loved ones of those who have not survived. Thank you for the opportunity to speak today on behalf of many of these individuals.

This bill reflects a sincere intent to respond to both community concern and victim harm. I appreciate the difficult task before you and, like my own role, the serious responsibility that you carry to consider the diverse needs and expectations of all victims across Queensland. I have provided a number of recommendations in my written submission that are intended to help strengthen the bill's focus on victim recognition, long-term safety and accountability based on the best available evidence and direct engagement with victim-survivors, agencies and community leaders.

As Victims' Commissioner, my role is to uphold and promote the rights of all victims including their right to be heard, to be treated with dignity and to have this harm meaningfully recognised in the justice system. One victim's experience is not more valid than another but each requires a justice response that reflects the nature of the harm. That is why my recommendations call for a stronger recognition of victim harm in sentencing, improved processes for victim impact statements, better access to information and support, and a justice system capable of responding proportionately and meaningfully across this spectrum of experiences.

Victims have told us clearly that they want accountability. They want the harm they have experienced to be recognised and prioritised in sentencing and they want assurances that their voices will be heard in courtrooms. This is their right. They seek choice and agency in the decisions that affect them, including access to justice options that are meaningful to their experience. This is their right. Advocacy for victims must be delivered with the same seriousness, investment and coordination as is afforded to alleged offenders. This should also be their right. This bill makes steps towards delivering that accountability and agency, but we must also confront an uncomfortable truth: crime, particularly youth crime, is often a symptom of deeper issues. Trauma, poverty, neglect, intergenerational violence, sexual abuse and cognitive disability are not excuses, but they are an important part of why offending occurs. Many young people dealt with by this legislation are themselves victims of serious harm.

I have considered the experiences of both children and young people as offenders and as victims in their own right and in many cases they overlap, but I also acknowledge that for some victims, particularly where the harm they have endured was extreme, targeted and repeated, this is an impossible ask. It can feel deeply unjust to be told that the person who caused you such harm is also vulnerable. That pain is real and it must be honoured. Recognising the complexity of youth offending must never come at the expense of acknowledging the trauma experienced by those they have harmed; however, our justice system must be capable of holding both truths—responding to harm with compassion and care while still ensuring accountability and consequence.

There is understandably a strong desire for safety. Incarceration can possibly provide that in the short term, but we must not lose sight of the long term. These children will re-enter society as adults, having spent formative years in detention. Moreover, a generation of children are growing up behind them who are right now being subjected to the same neglect, abuse and trauma that is likely to lead them down a path of criminal behaviour, so short-term solutions will keep none of us safe. It is now the responsibility of this committee to find that balance—to craft a response that delivers swift justice for victims, ensures accountability and builds a path forward that prevents further violence and trauma for all. Thank you. I welcome your questions.

CHAIR: Thank you, Commissioner. On page 10 of your submission you state—

> Many victims of youth crime want young offenders to be held accountable for their actions, and the imposition of penalties which match the severity of the harm is integral to their sense of justice and safety.

Can you comment on the feedback you have had from victims in relation to the importance of this in assisting them to recover and heal from the crimes committed against them?

Ms O'Connor: Yes. The range of sentences that can be imposed for different offences really signals a community's acknowledgement of the seriousness of what has happened to them, and it can impact their feelings of the offence and the harm that has been caused. The perception that a sentence is too light can adversely impact the community's confidence in the criminal justice system and reporting behaviour of criminals. I support ongoing reviews of sentences such as those undertaken by the Queensland Sentencing Advisory Council to ensure that sentencing practices remain aligned with contemporary expectations and understanding of harm that has been caused by offending behaviour.

CHAIR: Is that common feedback you receive from victims—their current dissatisfaction with sentences imposed in relation to the harm that has been caused to them?

Ms O'Connor: Yes, I would say that that is a common response, as is the timeframe that it takes for them to actually receive an outcome.

Ms SCANLON: Commissioner, have you seen the independent expert panel advice—the report?

Ms O'Connor: No, I have not.

Ms SCANLON: We have the Police Union, the Victims' Commissioner and Voice for Victims all saying they have not seen the report on which these laws were allegedly drafted. Chair, I move that the expert panel be summonsed to provide their report and appear in a public hearing before the committee and that all of those documents generated by the panel be produced to the committee. I think Queenslanders deserve to know—

CHAIR: Thank you, member. If you are moving a motion, we will have to go into a private meeting.

Ms SCANLON: I am happy to do that if government members do not want to vote in public.

CHAIR: I move that we do not move to a private meeting. All those in favour? All those against?

Ms SCANLON: Can you put the motion again? Sorry, Chair, what are you moving?

CHAIR: We need to have this discussion in private. I will close the hearing for a moment and we will move into a private meeting. My apologies, everybody.

Proceedings suspended from 12.17 pm to 12.19 pm.

CHAIR: My apologies for that interruption. We will move to a question from the member for Thuringowa.

Ms MARR: Thank you for your patience. If we can just move the focus back to the victims once again, you have touched on a lot of things that I was going to question. Just so that we can get a really good understanding of what these changes are, can you talk to us about the difference it will make to know that youth offenders are going to suffer real consequences for their actions? You spoke about how victims feel when youth offenders do not get the right sentencing. How do you think this will impact victims in their recovery? It is important for children to understand that there are consequences for actions. How is it going to make a difference for victims of crime to know that sentences are adequate for the behaviour they have experienced?

Ms O'Connor: The most common feedback that I receive when talking to victim-survivors and their supporters is that they often feel invisible and dismissed, they feel like they are just another number and when interacting with the system they feel like their matter is not being taken seriously. It is important that, as one element of their experience within the criminal justice system, this improves their sense of being seen and heard.

Mr BERKMAN: Commissioner, your submission touches on the removal of restorative justice avenues as a consequence of the bill. My understanding of restorative justice is that it is well recognised to offer significant benefits to both victims and offenders in terms of improved outcomes. Could you speak further to the consequences from a victim's perspective of having that option removed?

Ms O'Connor: One thing that is really important in a trauma informed criminal justice system is choice. It is about people feeling as though there are options in terms of what justice means for them. Justice in terms of punitive action and heavy sentencing is absolutely what some victim-survivors have spoken to me about. Conversely, others have spoken about the power and the choice to be able to have a different and alternative justice approach, particularly when it comes to the offences of a young person. It can be a very therapeutic and cathartic healing approach. Obviously it needs to be appropriate for the circumstances, but it is very important, particularly for victim-survivors in prioritising their needs, that their actual needs are considered when thinking about options for justice.

Mr BERKMAN: In the interests of clarity, your submission says that you think the government should reconsider the removal of restorative justice. To be clear, you would support the retention of restorative justice avenues being available across the board?

Ms O'Connor: Yes, I would.

Mr FIELD: Today is all about the victims—nobody else. I, like many—and some are in this room—have been a victim. We should be No. 1—the first priority. Every victim needs assistance from day one. We, like many others under the previous government, were left behind. We did not get one ounce of support—not one little bit. After all of the debris was taken from the crash scene, we felt like we were left lying in the gutter waiting for the first responders to turn up. That has to stop. It is gradually getting to a point now where we are starting to bring that around, where victims should be and are being treated as the first priority.

It does not matter what anybody says and does—it does not matter what I say and do. It is not going to change the outcome. We are here for a reason: to help victims. There are going to be more victims to come—everybody knows that—while youths and people in general are not punished severely enough and taken off the roads after they commit one or two offences. In our situation the individual had 130-odd offences and I think 30 of them were for stealing a car. It beggars belief that anybody in the justice system feels it is okay to release them on bail again or to let them out or to not incarcerate them or put them into detention—whatever terminology you want to use.

Youth understand what they are doing. They do understand. Restorative justice will work for some people; it will not work for others. It had no bearing whatsoever in our situation. I know there are others who I will not say are insulted by it but it has no effect. For others it may well have an effect. Across the board, there has to be some sort of I will not say 'arrangement' but agreement that the victims always have to come first. Do you agree that the victims of crime and their families and the communities feel let down? What else do you see needs to change to get victims the support they need?

Ms O'Connor: Thank you for your question. I just want to acknowledge the significant impact of your situation and your loss. I think there is a lot of opportunity for there to be an increase in the way that victim-survivors are supported, from the moment the crime occurs to well beyond sentencing. We know that sentencing is one end to one part of the process, but victim-survivors carry the harm that is done to us for the rest of our lives.

I absolutely agree that there can be more done for us to enhance how we are there to support someone immediately. You can be walking along minding your own business and then the very next day you are impacted by life-changing serious violence and harm, being thrust into a system which is complicated, which is intimidating, which uses very technical terms, where your position and role and visibility as a victim-survivor can change depending on who you are talking to. I think there are some really tangible and practical opportunities ahead of us, particularly with the victim advocacy service that is currently being designed and proposed, for us to make significant changes to that experience.

It is absolutely a fundamental right that exists for victims of crime at the moment for them to be referred to suitable practical support services. It is their right under the charter. At the moment it is confusing to know where to turn to get help or where to get answers. Often the burden is on the victim-survivor and their families to know where to go. I think there are opportunities for us to change that. Support is currently fragmented depending on where you live. There is inequity within geographies across this broad state as to what sort of support you have access to, particularly when it comes to specialist and therapeutic services. They are critical but particularly at the time the offence has occurred. I think we underutilise peer-led and community support. It is really valuable in terms of how we can engage that.

What we do not have is victims having their own independent legal advocacy. The general feeling and experience is that the criminal justice system is more focused on the needs and the rights of offenders than those of victims. I agree with you entirely. An alleged offender has a defence attorney and the state has a Crown prosecutor, but a victim of crime needs to navigate all of this as a witness or a complainant on their own. I think there is a lot to do in terms of getting the balance right. I hope that answers your question.

CHAIR: Thank you for your appearance today. I apologise that it was interrupted.

BICKNELL, Ms Lauren, Senior Policy Officer (Youth Justice and Human Rights), Queensland Council of Social Service

McVEIGH, Ms Aimee, Chief Executive Officer, Queensland Council of Social Service

CHAIR: I welcome representatives from the Queensland Council of Social Service. Thank you for attending today. I invite you to make an opening statement.

Ms McVeigh: Thank you, Chair, for the opportunity to come and speak to you today. I would like to begin by acknowledging that we are on the land of the Turrbal and Yagara people and paying my respects to elders past, present and emerging and to our First Nations colleagues in the room and online. QCOSS is the peak body for community organisations in Queensland. We have hundreds of members spanning the state providing essential frontline services to the most vulnerable families and children in Queensland and it is that intelligence gained from frontline experience working with vulnerable Queenslanders that we bring to our comments and to our submission today.

We did of course make a submission in relation to the Making Queensland Safer Bill last year and appeared before the committee on 2 December. Our position in relation to the Adult Crime, Adult Time sentencing framework has not changed. We do not support this bill. We do know that community safety and improving community confidence should be of utmost importance to the Queensland government, but what we know is that treating children as adults in the justice system will not work to make the community safer. Most of the children in this system are children who have experienced significant trauma, have been exposed to domestic and family violence and housing insecurity and have potentially used drugs and alcohol. Many of these children have impairments such as intellectual impairments, cognitive impairments or mental health issues that are either undiagnosed and/or poorly treated.

The antisocial and harmful behaviour that we are talking about today is connected to those underlying root causes. Unless we address those root causes, we will not see a significant change in youth offending in Queensland. We know this because Queensland already incarcerates more children than any other jurisdiction in Australia. In fact, we incarcerate more children than New South Wales and Victoria combined and yet we have one of the highest reoffending rates.

We know that the statement of compatibility refers to the Expert Legal Panel advice as the basis for expanding this framework and as evidence that these measures will improve community safety, yet we have not had the benefit of reviewing or considering that advice in order to then provide feedback in relation to the bill. We are asking the government to release the advice provided by the Expert Legal Panel.

In addition to that, we refer to the Queensland Audit Office report last year that looked at investment into frontline responses to youth crime. It found that there has not been a proper comprehensive review of the service system that responds to children and their families who are connected to the youth justice system. We think comprehensive service mapping needs to be done and investment should follow that.

Finally, we think it is incredibly important that if this bill is passed the implementation of these laws is coupled by an independent evaluation. Queenslanders deserve to have proper information that shows what the impact of these laws is in terms of incarceration rates and cost and the harm they will cause. Thank you. We are happy to take any questions.

CHAIR: Thank you for your submission and thanks for attending today. Do you believe there are any circumstances in which a custodial sentence for a young person is appropriate and under what circumstances would that be?

Ms McVeigh: There is absolutely a case for protecting the community from harmful behaviour and that then means that there are times when children should be incarcerated. What we do not support is treating children as adults in the justice system.

CHAIR: As a follow-up to that comment in terms of treating children as adults in the justice system, you would concede, though, that there are still the Childrens Court and there are still quite a number of provisions in the Youth Justice Act in terms of sentencing principles—I think it is 150—that a judge must take into consideration and under sentencing they have to consider their age, abilities, understanding and all of those things? You concede that they are not being treated as adults by the justice system but this bill just increases the maximum sentences available to a judge to take into consideration and puts victims at the forefront?

Ms McVeigh: With respect, Chair, this policy has been called adult time for adult crime. The intention is to treat children the same as adults in the justice system. There is plenty of evidence as to why children should be treated differently to adults in the justice system. They are at a different

developmental phase, they have a different ability to understand the consequences of actions and, in addition to that, the trauma and adverse childhood experiences that these children have experienced means that the way their brains are responding to consequences is different to an adult.

CHAIR: Without arguing the point, part of the title of the bill in terms of adult time refers to the extension of maximum penalties, but you would concede that children are still treated as children in the justice system according to the Youth Justice Act; would that be right?

Ms McVeigh: With respect, Chair, we do not support this bill on the basis that it does not adequately take into consideration—

CHAIR: No, I get that, but the question is that children are still treated as children by the Childrens Court with the sentencing principles—there is a whole page of them—in the Youth Justice Act. That is right, isn't it?

Ms McVeigh: With respect, Chair, the explanatory notes make it clear that the intention is to change the way children are treated in the justice system so that they have sentences more comparable to those which adults would have and we do not support that sentencing framework.

CHAIR: With respect, my question was that those sentencing principles are still there; yes?

Ms McVeigh: Thank you, Chair.

CHAIR: Yes? Is that a yes—those sentencing principles are still there?

Ms McVeigh: I have nothing further to add to your question. Thank you, Chair.

CHAIR: Okay; thank you.

Ms FARMER: It is great to see you and thank you for, as usual, your excellent submission to this committee. I want to go to the matter of the Expert Legal Panel. You make much of this in your submission, as do a number of other stakeholders. We are talking a lot about how important it is to consider impacts on victims, and I imagine for victims they will want to be very confident that whatever measures the government puts in place are actually going to work. In your submission you express concern about the lack of access to the deliberations of the Expert Legal Panel in order to give confidence that these laws are going to work. Can you take us through those concerns and can you think of any reason we would not all be able to see the deliberations of the Expert Legal Panel? What would be the problem with us not seeing it?

Ms McVeigh: Member, the best response I can think of is that I think the legitimate purpose of this bill is to improve community safety and community confidence and so then the question is: does this bill get us further toward that legitimate aim? All of us have not had the opportunity to look at the evidence the government is relying on to argue for this policy and, on the face of it, all evidence points to this not improving community safety. What is the evidence the government is relying on to say that it will improve community safety? They are referring to advice provided by the Expert Legal Panel and yet none of us have had access to that advice. In order for us to properly understand and provide feedback on this bill, we should have access to that advice.

Ms FARMER: Just to go back to the other part of my question, can you think of a reason we should not be given access to that legal advice? What do you think would be the reason we should not be given access to it?

CHAIR: Member, that is not a relevant question.

Ms FARMER: I think a lot of stakeholders, Chair, with respect, have raised the issue about access to that advice.

CHAIR: You are asking the witness for the reason that the government—

Ms FARMER: I am asking her opinion.

CHAIR:—did not give that advice. She cannot give an answer to that. She is not privy to that.

Ms FARMER: I am asking for the witness's opinion.

CHAIR: On what, member?

Ms FARMER: On why the expert legal advice should not be released. What would be the reason for it not to be released?

CHAIR: Member, she cannot answer that. I will move on, thanks. Member for Thuringowa?

Ms MARR: Thank you for being here today. In your submission you challenged the position that tougher sentencing laws can reduce youth crime. Over 10 years we have experienced increasing crime, increasing the aggressiveness and the violence towards victims. Can you explain how tougher sentencing is not going to reduce crime and to consider that sometimes allowing violent offenders to remain in the community is not always the right thing to do?

Ms McVeigh: Thank you, member, and I do acknowledge that coming from Townsville you would be hearing the members of your community often approaching you about these issues. I think the question of the data around youth crime is complex because some datasets would show that over the past decade we have had a downward trend in relation to youth crime and then other datasets show that in relation to particular crimes and in relation to particular children we are seeing an increase in crime, so I think there is a need to look at the data. There is complexity around the data.

What we do know is that we have one of the highest reoffending rates in the country and we already do have the most punitive laws in the country. We are locking up more children than any other jurisdiction already and we are not getting better outcomes. It is the case that we need a much longer term view of this issue. We need to address the underlying root causes of crime. We need to make sure that children have access to health services and that disabilities are diagnosed and appropriate services provided. It is also important to acknowledge that right now we are in the grip of a housing crisis and a cost-of-living crisis which does have a particular impact on the most vulnerable families in our community.

Ms MARR: Thank you for identifying that I am from Townsville. I can assure you that there is enough data to show that there are children who have stolen a car 12 and 13 times going to court and having the same slap on the wrist. Do you not think it is time for change—that we need to find something different and to help these children? We are not just talking about incarceration; we are talking about early intervention, detention and rehabilitation. We need to do something different. Do you agree on that?

Ms McVeigh: Public safety and community confidence should always be a central focus of any government, and we know right now that there are plenty of Queenslanders who do not feel safe. There are crimes being committed by children and community confidence needs to be restored and so of course more needs to be done. What we are talking about today is a sentencing framework which seeks to change the way that children are treated in the justice system in relation to particular crimes so that they have sentences which are more akin to those that adults would have. We do not support that. There is not evidence to suggest that treating children in that way will reduce crime and make our communities safer.

Mr BERKMAN: I am very grateful for your time this morning. I just wanted to quickly ask for clarification following the chair's line of questioning earlier. There were concerns raised around the last tranche of Adult Crime, Adult Time legislation that removing the detention as a last resort principle for children while it remains in the Penalties and Sentences Act for adults actually leaves children with a harsher sentencing regime than adults. Is that your understanding? Does that concern you?

Ms McVeigh: Yes, that is our understanding, and of course that is very concerning to us.

Mr BERKMAN: The substantive question I wanted to ask is: do you have any views you could share with the committee about the fact that we have not yet seen the implementation, the funding and the rollout of early intervention and diversion programs before the legislation of these harsher penalties for children?

Ms McVeigh: We certainly welcomed part of the government's announcement that surrounded this legislation, in particular a further investment into early intervention and services for young people connected to the youth justice system. Our comment remains that there has not been a comprehensive systems-wide analysis of the services and supports that are available for children and vulnerable families to make sure they have access to the services and supports they need where they live. For example, to my knowledge there are only two services in Queensland that can provide a 24/7 response. There are two beds in Townsville and a similar service in Mount Isa. We do need to do comprehensive mapping of the service system, and investment should follow.

In relation to the announcements that have been made and the investment that will be made, these are yet to be implemented. We do not know yet whether they will include the therapeutic components that are required to deal with the root causes of crime. We would like to see more investment into community services and for the government to work in genuine partnership with the community controlled sector to make sure First Nations people are at the centre of designing a response to deal with the root causes of crime.

Mr FIELD: QCOSS suggests that detention is harmful, but do you accept that sometimes the greater harm is allowing violent offenders to remain in the community? If a repeat offender who steals cars or commits any crime is not detained after the 20th or 30th offence and goes on to commit another 130 offences, would it not be better to detain them after they committed 20 or 30 offences? That would make the community safer.

Ms McVeigh: We have never made a submission that says in no instance a young person should not be detained. We have never said there should not be measures put in place to protect the community where it is proven a young person poses a legitimate threat to community safety. What we are here to talk about today is a sentencing framework that proposes to expand the Adult Crime, Adult Time policy, which would mean that more children are treated as adults in the justice system in relation to more crimes. We do not support that.

Mr FIELD: An earlier witness this morning said that if youths are in detention longer, with the right services and rehabilitation when they come out of detention they have been re-educated to such a degree that they are better than when they went in. Based on that, would it not be better to have some juveniles detained after the first 20 or 30 offences and not let them go on to commit another 100 offences? In that time they would be educated to the point where they are no longer a threat.

CHAIR: Just for clarity, member, I think you are referring to the director-general's evidence in relation to offending rates after detention coming down in number and severity as opposed to prior to detention; is that right?

Mr FIELD: Yes.

Ms McVeigh: Of course any detention facility that is intended to detain children should have a therapeutic element. We welcome any approach which would mean that a child in detention has proper access to health care, diagnosis of disability, and that that follows the child outside of detention facilities as well as access to other supports such as family contact and education. Our members are working with these young people in detention. They are categorically saying that these young people are not receiving that level of support. Children are being moved between detention centres without their medication. Children are having very limited access to family. The feedback we get from our members strongly suggests that children are not getting proper medical attention, let alone diagnosis and then services following their exit from detention.

CHAIR: We have run out of time. We appreciate your attendance this morning.

BENTON, Mr Murray, Deputy CEO—Youth Justice, Queensland Aboriginal and Torres Strait Islander Child Protection Peak

WRIGHT, Ms Helena, Deputy CEO—Strategy, Queensland Aboriginal and Torres Strait Islander Child Protection Peak

CHAIR: Thank you for coming along today. Would you like to make an opening statement before we move to questions?

Mr Benton: I would like to start by taking the opportunity to thank you all for the opportunity to speak on the Making Queensland Safer (Adult Crime, Adult Time) Amendment Bill 2025. My name is Murray Benton and I am the Deputy Chief Executive Officer of Youth Justice of the Queensland Aboriginal and Torres Strait Islander Child Protection Peak—the peak body for youth justice in Queensland as well as Aboriginal and Torres Strait Islander child protection. As a proud Aboriginal Barkindji man from central western New South Wales, I am here today deeply grounded in the strength of my ancestors and the stories of my people. I honour and pay my deepest respect to the traditional owners, custodians and caretakers of the lands on which we gather, the Turrbal and Yagara nations. I wish to acknowledge their enduring connection to country, waters and skies as well as community. I honour their elders past and present as well as my own, whose courage, resilience and wisdom have paved the way for us all to walk here today. In the spirit of respect and shared journey, I now invite my colleague Helena to introduce herself.

Ms Wright: I would also like to acknowledge the traditional owners of the lands on which we are gathered here this afternoon and pay my respect to the people of the Turrbal and Yagara nations. I thank them for their ongoing custodianship and protection of this place. I would like to acknowledge and pay my respects to our elders past and present and thank them for their strength, resilience and the opportunities they have provided us. As a proud Gubbi Gubbi woman from the Sunshine Coast, I acknowledge this place as an important women's business place and thank all those who have gone before me here.

Mr Benton: Our overarching responsibility as the youth justice peak body is to help drive evidence-based approaches to improve community safety and change the trajectory for children and young people who are at risk of entering or who are experiencing the youth justice system. We achieve this by: enhancing effective intervention and prevention strategies; building the capability of service providers and the youth justice workforce; working with communities, state government and policymakers; and addressing the over-representation of Aboriginal and Torres Strait Islander children in the youth justice system.

QATSICPP continues to partner with the Queensland Council of Social Services, QCOSS, to ensure representation from across Queensland's communities and meet the needs of all children and young people interacting with the youth justice system. Together, we are committed to working with the Queensland government to ensure community safety and the most effective outcomes for the community. We welcome the opportunity to contribute to this discussion on the Making Queensland Safer (Adult Crime, Adult Time) Amendment Bill 2025.

We recognise the urgency of the current youth justice challenge and acknowledge the pain and fear that serious offending can cause families, victims and communities. Our submission does not seek to dismiss the seriousness of that harm. Instead, we seek to work with the government to ensure that our shared goal, safer communities, is achieved through the most effective, evidence informed and culturally responsive means possible. What we are asking is simple: that we invest in what works. Through our submission and extensive engagement with the sector it is clear to us what works (1) community-based early intervention services that can engage and motivate children and young people to take accountability for their own behaviour; (2) restorative responses that are tailored to the child's needs and behaviour; and (3) a justice system that balances accountability with rehabilitation and healing.

In preparation for this hearing QATSICPP sought input from youth justice funded community organisations working across the state. These are professionals with years and often decades of experience working directly with high-risk children and youth. Service providers told us that they are already stretched. Many raised concerns that the proposed expansion of section 175A of the Youth Justice Act will lead to more children, particularly Aboriginal and Torres Strait Islander children, entering detention for longer periods of time—a fact also acknowledged in the explanatory notes.

We know this environment is not rehabilitative. Due to a range of ongoing issues such as severe shortages in the detention centre workforce, we know these environments are not equipped to support healing and change. One provider told us this is a bandaid fix that risks creating more social issues in

the long run. We need to focus on what will reduce offending, not just react to it. Others warned us that the amendments risk reinforcing criminal identity among children who may otherwise disengage from offending with support. Another provider told us that, for young people early in their offending, this may accelerate their criminal identity. We risk taking a preventative solution and escalating it unnecessarily.

We know that there are some types of offending that can be serious and dangerous; however, the Youth Justice Act already enables the courts to respond to serious harm. The bill proposes to significantly increase the severity and possible penalties for a range of offences, including some offences that vary widely in their level of severity. This creates the risk that children will spend longer in detention in cases where intensive community support would create better chances for rehabilitation. We need to ask what happens to the 10-year-old child who enters custody today to serve an eight-year detention order and is released at age 18. What quality of adult can detention centre security and public servants raise in a custodial environment? We know that in all likelihood they are more disconnected from their community and from their responsibility to society. They will have accrued more trauma and developed maladaptive social behaviours in response. They will be unlikely to function fully or to thrive outside a custodial environment. In saying this, we do acknowledge and reiterate that all communities have the right to be safe and we acknowledge the often serious and lasting impacts of crime on victims.

Ms Wright: The recommendations made in our submission are not about dismantling accountability: they are about strengthening outcomes. We have asked that: property related and nonviolent offences be removed from section 175A; restorative justice options remain available for magistrates to consider both pre and post sentencing; the advice of the expert legal panel be publicly released to guide any future amendments; the government commit to working in genuine partnership with youth justice organisations.

Like QCOSS, we call for a review of Queensland's youth justice and youth justice service systems. There does not appear to be a cohesive strategy that identifies how each funded program interacts with each other and with the broader responses from QPS and other government services to meet the needs of youth who offend and the government's commitment to gold-standard prevention. Currently, in addition to the number of new programs the government is rolling out, there are 34 different youth justice related programs being funded or delivered by the state government. The feedback we hear from the sector is that this is a patchwork of programs that have been bolted together over the years that can often result in illogical outcomes, for example, a young person released from detention being case managed by a number of organisations around the same issues that they have presented with.

As identified by the Queensland Audit Office last year, the Department of Youth Justice has not undertaken a statewide service mapping exercise since 2015, meaning the identification of current gaps, overlaps or misaligned services is not easy or contemporary. There needs to be a review to identify immediate opportunities to streamline and improve the effectiveness of responses across the continuum from early intervention to post release detention and prevention of recidivism. We acknowledge that the government is significantly increasing funding across the number of new programs announced, but we call for the government to pause and engage in some proper planning with the sector before further rollout of programs so those working in the space, our frontline workers, can provide advice about what works and what does not work, and what suite of programs are needed and how they fit together. As QCOSS also said, this must start by engaging with our First Nations people and the diverse range of organisations to provide a way forward.

In closing, we want to reiterate our willingness to work with government to build a better, fairer and more effective youth justice system, one that protects children's rights, victims' rights, reflects community expectation and ultimately leads to fewer victims and community safety. Thank you for the opportunity to speak today.

CHAIR: Thank you. I draw your attention, please, to page 8 of your submission in relation to scenarios you provide to case studies. I assume they are hypothetical case studies, not actual case studies. You said that these scenarios reflect the kind of cases regularly encountered by your member organisations and legal services. It goes on to say in case study 1, 'A 10-year-old Aboriginal and Torres Strait Islander child is persuaded by older peers to drive a stolen car. Under the proposed law, this child could be detained for up 14 years if sentenced by a judge, despite likely being a first-time offender and playing a peripheral role amongst older peers.' Would you concede that that is very unlikely under the proposed laws? It does not remove the obligation on police to consider taking no action and administering cautions. It does not remove the extensive sentencing principles in section 150 of the Youth Justice Act. Would you concede that that is an almost impossible scenario for a first-time offender at 10 years of age?

Mr Benton: My initial thoughts would be, yes, unlikely, but not impossible. Depending on the severity of the situation, would this legislative change allow that to happen? Yes. From our perspective, this being a conversation we have with our member organisations, it is worth putting forward.

CHAIR: Do you think, though, that that puts unnecessary fear into your community? Those sentencing principles are still there, under section 150(ha) of the Youth Justice Act which states—

(ha) if the child is an Aboriginal or Torres Strait Islander person—any cultural considerations, including the effect of systemic disadvantage and intergenerational trauma…

All those things still have to be considered. Putting that in a submission to the committee, do you think that that might exacerbate unnecessary fears amongst the community and skew what the intention of this legislation actually is about—repeat, hardcore offenders?

Ms Wright: This is what we heard from the sector and these are potentially real-life scenarios. We have used these in the submission to demonstrate what we feel in the submission is important around the proportionality, around ensuring that there is judicial discretion available continuously, and consideration is taken into account around age and some of those contextual factors. In the statement of compatibility, it makes it clear that these amendments erode some of the fundamentals around providing quality youth justice and the principles that support it, including things like removing detention as a last resort.

CHAIR: That is certainly there. I agree with you: it would be disproportionate to sentence that young person to 14 years jail. As a former police officer, I can tell you that just would not happen. Anyway, we will move onto the member for Bulimba.

Ms FARMER: Thank you for your really excellent submission and for appearing before us today. Like many submitters, you have expressed concerns about there being no access to the advice of the expert legal panel. Could you please tell us why you believe it is important that we do have access to that advice?

Ms Wright: We made it clear in our submission as one of our recommendations because we believe that it is needed to be made public to ensure stakeholders and the Queensland community understand that decisions which will have significant impacts on the lives of children, young people and families across the state are made transparently, and that the decisions that the parliament makes are made on the best available evidence.

Ms MARR: Ms Wright, I agree with you when you say that over the last 10 years, there has been an ad hoc approach to rehabilitation. That is not working and has not been working for some time. You said in your submission that the bill risks compounding trauma and inequality, particularly for Aboriginal and Torres Strait Islander children. This government has continually said that we do also consider the offender in this with early intervention, detention and rehabilitation. We have also said that in those programs there is an element that we focus on Aboriginal and Torres Strait Islander children, even though all offenders are not. Crime has no colour. The focus on our rehabilitation programs are health, education, culture and family. We also want consistency and we want to make sure that they are result-driven. With that in mind, what are your concerns that we will not be doing in those programs that can help that cohort of youth offenders that you are representing today?

Ms Wright: For us, it is really about if we are doing this properly, we know what works. We know that the Aboriginal and Torres Strait Islander community controlled organisations in our sector have been making a difference for a long time in the children and family space, and we believe that the government should be engaging with our sector early to co-design, co-develop as well as co-deliver these initiatives, and to date we are yet to see that. So, that is why we have asked for the pause and for government to consider that engagement.

Ms MARR: Thank you for that. I can assure you there has been engagement, maybe not in some of the areas that you are saying. One thing I do want to stress, though, with these tenders that have gone out with these programs that we are encouraging people to put forward, they will be measured on result-driven programs. One of those is a $300,000, 12-month program for early intervention. The reason we are doing it that way is to allow us to see that these programs—

Ms FARMER: With respect, Chair, we only have limited time. I am wondering if we can limit the preamble.

CHAIR: If you can get to a question, please, member.

Ms MARR: For sure. To make sure we do not have these ad hoc programs that have continual funding and are not working, so in 12 months' time we will measure those to see if they are effective and, if they are, that funding is continued. Do you like that process to make sure we do have the engagement and we have programs that are actually working?

Ms Wright: Definitely, that is what we would see to be good practice. I do note that the director-general this morning said that the sector and the organisations that will be funded will need a lot of support to be able to deliver, and that means extended time before we see outcomes. I would ask that people are really conscious of that as well, that there needs to be time and grace given to providers to be able to do what they need to do, work in this different way before or while the evidence about success is being collected. Also, we are really conscious of the fact that what success looks like for one person looks different for somebody else.

Mr BERKMAN: It is really good to see you both. I especially value your evidence about the importance of those early intervention prevention diversionary programs. Can you elaborate for the committee on what are the consequences of increasing sentences in the way that this bill does before those programs are properly funded, rolled out and in place ready to provide support to young people?

Mr Benton: The first thing that comes to mind for me that I think is really critical is that we consider the disproportionality when it comes to Aboriginal and Torres Strait Islander children within the youth justice system, and you would have seen in our submission that Curtin University in Perth, Western Australia, highlighted that there is a 90 per cent higher likelihood of premature death for those who have been in youth detention. When we look at that within the Australian Institute of Health and Welfare research, their last data released in 2023-24 showcased that 71.8 per cent of young people in Queensland's detention are of First Nations descent. Knowing the disparities and health issues that we have for our kids and family long-term anyway, that would be my first response to the consideration. The longer we are locking up Aboriginal and Torres Strait Islander children who make up well and truly over half of the children in our system, they will die a lot earlier than the average Australian.

CHAIR: Thank you. I need to cut it there, I am afraid, as we have run out of time. Thanks for your appearance before the committee today.

BARTHOLOMEW, Mr Damian, Chair, Children's Law Committee, Queensland Law Society

BELL, Ms Kristy, Chair, Criminal Law Committee, Queensland Law Society

JOLLY, Mr Peter, Vice President, Queensland Law Society

CHAIR: Good afternoon, all. I invite you to make an opening statement.

Mr Jolly: Firstly, we respectfully acknowledge the traditional owners and custodians of the land on which we meet, the Yagara and Turrbal peoples, and we pay our respects to their elders past and present. We, too, acknowledge Aboriginal and Torres Strait Islander children and young people are over-represented in the youth justice and criminal justice systems. As you all are no doubt aware, the Law Society is the peak professional body for the state's solicitors. Our members are solicitors, but most importantly they are also community members, and their clients are community members. We are independent and apolitical, and we promote the creation of legislation that is based on cogent evidence and data. We stand with our fellow Queenslanders, peak bodies and government bodies to advocate for measures which will address the underlying causes of crime and provide long-term, sustainable measures to promote community safety.

As stated in our written submission, the society does oppose the passage of the bill. The introduction of the Adult Crime, Adult Time laws, we say, fundamentally undermine the integrity of the Criminal Code of Queensland, which stands as the strongest statutory instrument governing criminal justice in our state. The new laws and any further amendments not only disrupt established legal principles but also threaten to overlook the nuanced and complex nature of juvenile offending, particularly in the context of sexual offences. As such, it is critically important to evaluate these amendments and consider the unique vulnerabilities and circumstances intrinsic to causes involving children.

The society has also long expressed its opposition to mandatory sentencing regimes. The practical reality of the implementation of standard non-parole period schemes is that, in some cases, at least there is an erosion of judicial discretion and a mandatory component of sentencing to be applied. The society generally does not support such an approach.

Kristy is the chair of the Criminal Law Committee and Damien is the chair of the Children's Law Committee, and we are happy to take your questions.

CHAIR: I have a quick question to start with and then I will supplement it. I am interested in the processes of the society. I think you have 14,000 members; is that right? In relation to your members, what is your process in order to come to a position on a bill? Would you have members who support the bill? As a follow up, from your submission on page 2, under 'Comments on the Bill', you obviously oppose the passage of the bill. You go on to submit that additional offences in clause 5 are disproportionate and you list a few there. As a stand-alone paragraph you also state—

It is also the Society's strong view the offence of rape and sexual assault offences should be removed from Clause 5.

I am interested to know why that was mentioned with such strong opposition. Firstly, how do you come to a position on a bill and then if you could address that second point that would be great?

Mr Jolly: As you say, the society does have a wide variety and large number of members. There are actually 14,000 solicitors and about 11,000 are members of the society. Not all solicitors are members. Obviously, there is a wide disparity of views amongst our members. The society does have a strong internal policy division and their role is to effectively take the temperature of members on various issues, including this one. In a sense, those views coalesce—

CHAIR: Is there a voting process or is it just a general vibe?

Mr Jolly: There is no formal vote among members on this. It is based on feedback and approaches. Also, we have our strong committee system. Damian and Kristy are chairs of those committees—

CHAIR: So it is fair to say that there would be members who do not agree with your position on it?

Ms FARMER: With respect, Chair, I am not sure if this is relevant.

CHAIR: They have made a submission to the committee about the bill. I am just asking if there are members of their society, for whom they are purporting to speak today, who disagree with it; you would concede that?

Mr Jolly: Yes.

CHAIR: Can you move to the rape and sexual assault clause and why you strongly oppose that?

Mr Bartholomew: Perhaps I can best answer that question. I suppose like all of the witnesses today, we do not know the reason exactly why these particular offences were included because the Law Society has not had the benefit of reading the expert panel report so we are not sure of the reason why these particular offences were included.

The reason rape and sexual offences received particular note in our submission is that we were aware of the context in which juvenile sex offending can occur. Offences of this type involving young people often involve same age offences. There are particular nuances that occur in relation to that type of offending. It is the view of the Law Society that there would need to be considerable evidence provided as to the benefit of the inclusion of that type of offence in this list of significant offences because we are aware that the type of offence that you see with children who are alleged to have committed these types of offences is very different in many cases from that which happens for adults.

CHAIR: We are still talking about quite serious assaults here; yes?

Mr Bartholomew: The Law Society deems that all matters of a sexual kind are obviously matters that need to be considered seriously and dealt with appropriately. What we are suggesting is that that does not necessarily merit them being included in the group of significant offences.

CHAIR: To follow up on that, you would agree that section 150 of the Youth Justice Act does still require sentencing principles be taken into account? Age, circumstances and a whole range of things are still in the youth justice sentencing principles.

Mr Bartholomew: That still certainly is the case. Reading the material from the police would indicate that a significant number of those matters, because of the nature in which they occur, are diverted and appropriately diverted. Of course, there is a concern that may arise that if, in fact, these are included in the list of significant offences then there may be some indication to the police that they are less likely to be referred for diversion where previously they would have thought that was the appropriate course to adopt.

Ms SCANLON: Following on from the chair's interest in how the QLS comes to its policy positions, does the QLS believe that, given the government has apparently come to the policy position based on the expert panel advice, it should be provided to the public so organisations such as yours that represents thousands of solicitors can see the basis for which these laws have been drafted?

Ms Bell: Yes, the society would support the disclosure of that report so that we can ensure that legislative change is evidence based and the basis for which these amendments are made is disclosed so that we can appropriately consider whether or not they are justified.

Ms SCANLON: As a follow up, has the QLS provided a submission to that process and if so are you able to make that public to the committee?

Ms Bell: I do not think we provided a submission to make the report public.

Mr Bartholomew: The society has made a submission to the Expert Legal Panel. I do not think that there is any difficulty in that being made available to the committee but that is something that perhaps I will need to defer to others to confirm. I imagine that certainly is available.

CHAIR: Would you be happy to provide that on notice?

Mr Bartholomew: Yes, it is a question that I will have to take on notice. As I say, we are a big organisation. We need to have appropriate consultations, as we do in the preparation of these submissions.

CHAIR: Was that submission intended to be confidential to that process? I do not want you to table something on notice that was intended to be confidential.

Mr Bartholomew: Again, those are questions that obviously I will need to take up with the Law Society but I can certainly confirm that we have provided a submission.

Ms SCANLON: It would be great to get some advice.

CHAIR: I would say that the committee would welcome that but not require it.

Mr Bartholomew: Thank you. I will certainly take that back.

CHAIR: The committee would welcome receiving any further submissions you have in relation to that but not require you to do that because that may have been a confidential process.

Mr Bartholomew: Thank you.

Ms MARR: In your submission you warn that the bill may cause additional strain on the criminal justice system. There is a strain on our police officers and the community every day with this violent offending. Can you identify where the strains would be most felt?

Mr Bartholomew: Obviously what we are concerned about is that, first of all, there is a complexity that is coming as a result of the range of changes that are happening, which is inevitably causing some delay in the resolution of matters. There is a starting point there. There is also, of course, the consequences of young people being held in detention and the strain that that then places upon the resources that are available. The Law Society certainly recognises that we want to address the issue of young people offending and that is very important. The Law Society's submission is that there is not any evidence that would indicate that this will be an effective method of doing that.

Mr BERKMAN: I do not think you were here before but there has been some additional questioning around the sentencing principles required to be taken into account under the Youth Justice Act and I also refer to the changes in the previous tranche that removed detention as a last resort for children. However, these remain as sentencing principles to be taken into account for adults under the Penalties and Sentences Act. Can the QLS offer any broad reflections or do you have any concerns that we have potentially ended up with a more punitive, harsher sentencing regime for children than we have for adults in the state of Queensland?

Mr Bartholomew: Yes, obviously we are concerned that that is a possibility. Indeed, we have seen some sentence reviews that are being handed down by the Childrens Court of Queensland in the past week. There was one handed down today. That might indicate that that could happen, that a young person does receive a tougher penalty than an adult for a like offence in the same position. That would be of considerable concern to the society.

Mr BERKMAN: As a follow up, and I think this falls along similar lines to my previous question: the statement of compatibility makes it really clear that the purposes of the proposed amendments are punishment and denunciation. Taking that against the backdrop of all the public discourse around community safety and what not, what does the society think about the idea of putting forward legislation like this for the primary purposes of punishment and denunciation?

Mr Bartholomew: The society, of course, has always been in favour of evidence-based legislation, what is working and also what is respecting, of course, the human rights of all the community and that includes victims. That is very important to the society. What the society wants to see is legislation that is effective in addressing the issues associated with youth crime. Unfortunately, some of those principles are not necessarily compatible with that.

Mr FIELD: I refer back to the society's strong view about the offences of rape and sexual assault being removed from clause 5. There was an event not so long ago in Cairns where that particular—

CHAIR: Is that before the courts?

Mr FIELD: Okay. Seeing as you have strong views about that offence being removed, isn't it the Queensland Law Society's role to support victims and fight for justice?

Mr Bartholomew: The Law Society has a very strong position that we want to see victims properly recognised and properly taken into consideration in the criminal justice system. Certainly that has always been the position of the society and remains it. One of the very core values, of course, is around the society's recognition that we want to ensure that we keep the community safe not just this week and not just this month but for the future—in the long term as well as the short term. That is why we are interested in what the evidence base says and what that would tell us about what keeps the community safe. What we do know is that lengthy and long periods of incarceration are more likely to lead to creating reoffenders.

Ms FARMER: Your submission makes strong statements about the need for a statutory review provision. Could you talk us through why you believe that is so important?

Mr Bartholomew: That is related to our earlier issue that we want to see things that are evidence based. Unfortunately, we have not had the benefit of the expert panel's decision-making process. Much of this legislation is new in terms of its format, in terms of its design, the notion of the primacy of the interests of victims. Whilst, as I said, the Law Society is very supportive of victims being involved in the criminal justice process, we do not know how this legislation is going to be interpreted. We think it is very important that there be a proper evaluation to consider any unintended consequences that might have arisen or, indeed, unexpected results.

CHAIR: Going to your comments in relation to your victims, I would like to focus on victims as we end the day's hearing. The member for Maiwar pointed out the punitive measures that this bill provides. Does the society believe that a victim has the right to justice and recognises the trauma that

can be caused by seeing their particular offender given a light sentence? We have got to the point now where the overwhelming feedback from victims is that they do not feel as though they have received justice from our system.

Mr Bartholomew: One of the things the Law Society does know and what we certainly value is the restorative justice processes that have been encapsulated in the Youth Justice Act. We know that that has been a very effective measure of victims being able to participate in processes with young people. One of the concerns that the Law Society has, of course, is that the widening of the significant offences under section 175A reduces the capacity of the court to be able to impose those restorative justice orders for all of the offences that are considered to be significant offences under section 175A.

One of the concerns that the Law Society has about this bill is in fact that it disempowers victims in that process of being able to participate in the processes and being able to have meaningful input into the outcomes that happen for young people involved in that offending. Certainly I think the information that the Law Society has is that victims feel most satisfied, of course, when they have been through those processes and they can see that young people are rehabilitating and that they have in fact opened to them the possibility of not offending and, therefore, keeping them safer in the future.

CHAIR: Is it also not important for victims to see that somebody is held accountable for the offence?

Mr Bartholomew: Of course it is important that victims are aware and are able to have input into that. That is what the restorative justice process does. It enables that—

CHAIR: It is what sentencing does, too.

Mr Bartholomew: Both of those processes. Certainly there has always been the capacity for a victim to attend the Childrens Court and participate in those proceedings. The experience, I think, of the Law Society is that judges and magistrates have always welcomed the input of victims in those proceedings. They have always been conscious of the provisions that have always been in the Youth Justice Act and take that into account. It would be erroneous to suggest that that has not always been a consideration of the court.

CHAIR: Still, there remains a high level of dissatisfaction among victims; would you concede that?

Mr Bartholomew: And perhaps that might be then about how, as a community, we respond to those victims' needs and how we are able to respond to that. It is very important, of course, that victims are made aware of what is happening. That of course is something that the Law Society has always advocated for.

CHAIR: Thank you very much for your time today. Thanks to all of our witnesses who attended the hearing today. Answers to questions taken on notice are required by 10 am on Thursday, 1 May so that we can include them in our deliberations. That concludes this public hearing. Thank you to everyone who participated. Thank you to our Hansard reporters. A transcript of the proceedings will be available on the committee's web page in due course. I declare this public hearing closed.

The committee adjourned at 1.31 pm.