Making Queensland Safer (Adult Crime, Adult Time) Amendment Bill 2025

Submission No:	8
Submitted by:	Justice Reform Initiative
Publication:	Making the submission and your name public
Attachments:	See attachment

SUBMISSION TO THE MAKING QUEENSLAND SAFER (ADULT CRIME, ADULT TIME) AMENDMENT BILL 2025

16 April 2025

INTRODUCTION

The Justice Reform Initiative appreciates the opportunity to make a submission to the Justice, Integrity and Community Safety Committee inquiry into the *Making Queensland Safer (Adult Crime, Adult Time) Amendment Bill 2025* (the Bill).

The Justice Reform Initiative **does not support** the inclusion of an additional 20 offences to the existing list of 13 'Adult Crime, Adult Time' offences, as proposed in the Bill.

The Justice Reform Initiative **is supportive** of the Queensland Government's focus on reducing the number of Queenslanders who are victims of crime. Every Queenslander deserves to live in a safe community, free from violence and crime. The Justice Reform Initiative understands and acknowledges that some Queenslanders do not feel safe in their community and are understandably calling for action from the Queensland Government to prevent serious and repeat offending. We acknowledge that serious offending causes significant harm to individuals, families and communities more broadly and we too are focused on increasing community safety.

To **prevent and reduce** victimisation and serious crime in Queensland, we must take a pragmatic approach and act on the evidence showing what will genuinely work to address the root causes of offending by children.

The Justice Reform Initiative urges the Queensland Parliament to consider and act upon the wealth of evidence that community sector experts, including the Justice Reform Initiative, have previously provided through various inquiries and consultation processes.[1] **The evidence provided to date has outlined the failure of imprisonment and punitive responses when it comes to building safer communities**. It has also outlined the substantial body of research showing 'what works' when it comes to controlling crime and protecting the community – especially when it comes to developmentally and age-appropriate responses for children.

There is no evidence to suggest that continuing to implement 'tough on crime' reforms that are not grounded in evidence and that fail to 'get tough' on addressing the root causes of crime will prevent or reduce victimisation in Queensland.

As highlighted in the Justice Reform Initiative Queensland Alternatives to Incarceration Report[1], the Justice Reform Initiative submission to the Youth Justice Reform Select Committee[2], and in countless other government and non-government reports, research, evaluation, and reviews[3], there are multiple proven, cost-effective reforms that can work together to make progress in Queensland, which is where the government should be prioritising resources and investment. We are pleased to see cross-party support for greater

[1] This evidence includes but is not limited to countless submissions made by experts to the Legal Affairs and Community Safety Committee inquiry into the Youth Justice and other Legislation Amendment Bill 2019, the Community Support and Services Committee inquiry into the Criminal Law (Raising the Age of Responsibility) Amendment Bill 2021, the Legal Affairs and Safety Committee inquiry into the Youth Justice and Other Legislation Amendment Bill 2021, the Stronger Laws inquiry launched by then Premier Palaszczuk in 2023, the Economics and Governance Committee inquiry into the Strengthening Community Safety Bill 2023, the Youth Justice Select Committee parliamentary inquiry into youth justice reforms in Queensland 2024, the Community Safety and Legal Affairs Committee inquiry into the Queensland Community Safety Bill 2024, the Justice, Integrity and Community Safety Committee inquiry into the Making Queensland Safer Bill 2024; and the Expert Legal Panel's consultations around Adult Crime, Adult Time legislation.

investment in early intervention. We also acknowledge the Queensland Government has also committed to investing in programs that show promise in steering children away from the current failed youth detention system such as the Staying on Track Program and alternative sentencing options through circuit breaker sentencing. However, these programs are yet to be implemented and it is unclear whether they will have the desired therapeutic components and outcomes. Expanding punitive responses that are not grounded in the evidence of what works risks compromising the Queensland Government's return on investments in solutions that are founded in the evidence of what works to improve community safety and reduce victimisation.

We urge the Queensland Parliament to prioritise focus on **evidence-based youth justice policies and community-led solutions** that address the root causes of serious and repeat offending by children. There are ways to hold children accountable for their offending that work to maintain public safety **as well as** break cycles of disadvantage and offending.

We strongly recommend that the Queensland Government commissions comprehensive and independent periodic reviews of the 'Adult Crime, Adult Time' legislative changes to measure whether the impact of the changes and any unintended consequences.

We also recommend that the Queensland Government releases the report produced by the Expert Legal Panel and submissions made to this panel to ensure there is transparency and accountability around the decision to include an additional 20 offences in the 'Adult Crime, Adult Time' legislation.

The following submission highlights the advice we provided to the Expert Legal Panel in the lead up to this legislative being introduced. We also refer the Committee to our submission made to the Making Queensland Safer Bill 2024 Inquiry process, which provides further information relevant to the passage of this bill.

ADDITIONAL OFFENCES

The Justice Reform Initiative did not support the first tranche of the 'Making Queensland Safter Laws' that introduced tougher penalties for children for the following offences:

- **Murder:** Increased from 10 years' imprisonment (with the possibility of life imprisonment) to mandatory life imprisonment with a minimum period of 20 years non-parole).
- **Manslaughter:** Increased to a maximum penalty of life imprisonment.
- **Unlawful striking causing death:** Increased from a maximum penalty of 10 years' imprisonment to a maximum penalty of life imprisonment with a minimum non-parole period of 15 years, or 80% of the sentence imposed (whichever is lesser).
- **Grievous bodily harm:** Increased from a maximum penalty of 7 years imprisonment to a maximum penalty of 14 years imprisonment.
- **Wounding and serious assault**: Increased from a maximum penalty of 3.5 years imprisonment to seven years imprisonment.
- **Dangerous operation of a vehicle:** Increased from a maximum penalty of 1.5 years imprisonment to a maximum penalty of 3 years' imprisonment, or a fine of 200 penalty units.
- **Dangerous operation of a vehicle causing death or grievous harm:** Increased from a maximum penalty of 7 years imprisonment to a mandatory imprisonment with a maximum term of 20 years.
- **Robbery:** Increased from a maximum penalty of 7 years imprisonment to a maximum penalty of 14 years imprisonment.

- **Burglary:** Increased from a maximum penalty of 7 years imprisonment to a maximum penalty of 14 years imprisonment.
- **Unlawful use of vehicle, vessel or aircraft:** Increased from a maximum penalty of 5 years where a judge imposed the sentence or 1 year where the matter was dealt with by a magistrate to a maximum penalty of 10 years imprisonment.
- **Break and enter premises:** Increased from 10 years' imprisonment or up to life if particularly heinous to maximum life imprisonment with a non-parole period of 15 years
- **Acts intended to cause grievous bodily harm:** Increased from a maximum penalty of 10 years' imprisonment to maximum life imprisonment (with a minimum non-parole period of 15 years imprisonment).

The Justice Reform Initiative does not support the inclusion of the following additional 20 offences in the second tranche of legislative changes:

- **Going armed so as to cause fear:** Increased from a maximum of 1.5 years imprisonment to a maximum of 3 years imprisonment (depending on the circumstances).
- **Threatening violence:** Increased from a maximum of 2.5 years imprisonment to a maximum of 5 years imprisonment (depending on the circumstances).
- **Attempt to murder:** Increased from a maximum of 10 years' imprisonment (unless particularly heinous then life imprisonment) to a maximum of life imprisonment.
- **Accessory after the fact to murder:** Increased from a maximum of 10 years' imprisonment (unless particularly heinous then life imprisonment) to a maximum of 14 years' imprisonment.
- **Assaulting a pregnant person and killing, or doing grievous bodily harm to, or transmitting a serious disease to the unborn child**
- **Torture:** Increased from a maximum of 7 years imprisonment to a maximum of 14 years imprisonment.
- **Damaging emergency vehicle when operating motor vehicle:** Increased from a maximum of 7 years imprisonment to a maximum of 14 years imprisonment.
- **Endangering police officer when driving motor vehicle:** Increased from a maximum of 7 years imprisonment to a maximum of 14 years imprisonment.
- **Rape:** Increased from a maximum of 10 years' imprisonment (unless particularly heinous then life imprisonment) to a maximum of life imprisonment.
- **Attempt to commit rape:** Increased from a maximum of 7 years imprisonment to a maximum of 14 years imprisonment.
- **Assault with intent to commit rape:**
- **Sexual assault, if the circumstance in subsection (2) (involving any part of the mouth):** Increased from a maximum of 7 years imprisonment to a maximum of 14 years imprisonment for s352(2).
- **Sexual assault, if the circumstance in subsection (3) (while armed, in company, or involving penetration) applies:** Increased from a maximum of 10 years' imprisonment (unless particularly heinous then life imprisonment) to a maximum of life imprisonment for s352(3).
- **Kidnapping:** Increased from a maximum of 3.5 years imprisonment to a maximum of 7 years imprisonment.
- **Kidnapping for ransom:** Increased from a maximum of 7 years imprisonment to a maximum of 14 years imprisonment (depending on the circumstances).
- **Deprivation of liberty:** Increased from a maximum of 1.5 years imprisonment to a maximum of 3 years imprisonment.
- **Stealing, if item 12 (a vehicle) or 14 (a firearm for use in another indictable offence) applies:** Increased from a maximum of 7 years imprisonment to a maximum of 14 years imprisonment.

- **Attempted robbery, if the circumstance in subsection (2) (armed or in company):** Increased from a maximum of 7 years imprisonment to a maximum of 14 years imprisonment.
- **Attempted robbery, if the circumstance in subsection (3) (armed and with violence) applies:** Increased from a maximum of 10 years' imprisonment (unless particularly heinous then life imprisonment) to a maximum of life imprisonment.
- **Arson:** Increased from a maximum of 10 years' imprisonment (unless particularly heinous then life imprisonment) to a maximum of life imprisonment.
- **Endangering particular property by fire:** Increased from a maximum of 7 years imprisonment to a maximum of 14 years imprisonment.
- **Trafficking in dangerous drugs:** Increased from a maximum of 10 years' imprisonment to a maximum of life imprisonment.

The Justice Reform Initiative is very concerned that the inclusion of 33 offences in the 'Adult Crime, Adult Time' legislation will pull children deeper into a criminal justice system that is failing to reduce reoffending and prevent victimisation. Although it is tempting to invoke the threat of harsher penalties when tragic events occur, we need to be very realistic about the likely impacts of these legislative and policy changes. We reiterate that it is very clear that prison is ineffective when it comes to preventing or controlling crime and protecting the community.[4] Evidence shows that sending children and adults to prison does not reduce offending behaviours and increasing the length of a sentence does not reduce the likelihood of occurrence either. In summary, **imprisonment often leads to more crime – not less**. As we have previously noted, studies have shown **recidivism and re-incarceration rates are higher when children spend longer periods incarcerated**.[5] Pre-sentence detention **(remand) has also been associated with a 33% increase in recidivism for children**.[6] In Qld, 93% of children who leave detention reoffend within 12 months. We understand the Department has reported small decreases in the seriousness and number of offences for some children 12 months after leaving detention. Using this as a basis for expanding the use of detention fails to recognise the evidence showing the effectiveness of community-based programs and supports, and it fails to look at other factors that may have contributed to a reduction of seriousness and number of offences. As outlined in the Justice Reform Initiative's Alternatives to Incarceration report, early intervention and prevention programs can reduce crime at a population level by up to 31% and community-led programs lower reoffending rates among children by 50%. Post-release support alone can reduce recidivism by more than 60%. First Nations led Place based programs have also significantly reduced crime and increased school engagement.

Rather than adding additional offences, we urge the Committee to consider recommending investment and resourcing towards evidence-based and community-led responses that will have a far greater effect on preventing, reducing, deterring and disrupting future crime.

FURTHER STRENGTHENING OUTCOMES FOR VICTIMS

The Justice Reform Initiative acknowledges the significant impact that crime and victimisation have on individual victims, their families and the wider community. We support the Queensland Government's focus on reducing the number of victims in Queensland, and are equally concerned with preventing victimisation across Queensland. It is important to acknowledge that victims are not a homogenous group, and victims of crime have different needs, experiences and perspectives. Not all victims of crime support tougher penalties, longer sentences and/or use of imprisonment.[7]

Victims' voices have acknowledged that accountability/consequences for action **and** evidence-based rehabilitation/healing for people who commit crime do not have to be mutually exclusive. Accountability and restoring harm caused are key features of many

evidence-based holistic and therapeutic programs that also address the root causes of offending – and it has been acknowledged that such responses benefit not only the people who participate in these programs, but also victims of crime and the wider community, in a way that is much more cost-effective than repeated imprisonment.[8]

Victims of crime are often failed by the criminal justice system, particularly when it comes to having their voices and experiences acknowledged. Many victims of crime who contact the Justice Reform Initiative talk about the need for a justice system that reduces the likelihood of further crime or further harm being committed. The Justice Reform Initiative shares this vision and we seek to work alongside people with lived experienced of crime victimisation to ensure there is choice for victims of crime, and to build safer communities. This includes promoting justice processes that ensure people who commit crime are held accountable for their actions **in ways that work** to address the root causes of offending, and that people with lived experience of crime victimisation have the ability to participate in a way that is meaningful, trauma-informed and healing (for example through evidence-based mechanisms such as transformative and restorative justice processes). Prior research has shown that there are a number of supports that can put in place, alongside access to transformative and restorative processes, to strength outcomes for victims. This includes ensuring all victims have access to:

- a strong and trusting relationship with a caseworker;
- support and assistance (whether emotional, psychological, financial, physical and indirect) before, during and after legal proceedings;
- connection and support with people who have been through similar experiences;
- long-term, flexible and accessible individual and family support (including on weekends and out of business hours);
- regular and timely information on the criminal justice system processes and the progress of their case.[9]

The Justice Reform Initiative understands that a community rally was held in Cairns on Sunday 2 March calling for government action in response to sexual violence and crime.[10] We understand that there was a statement written by the alleged victim in the aforementioned alleged offending in Cairns (read by a member of the public) also calling for investment in evidence-based and community-led programs that prevent future offending:

> *"To me, it means that sexual violence ... is highly gendered and primarily committed against women. It means that perpetrators of sexual violence are held responsible ... and it's not just about accountability and justice, it's also about putting evidence-based policies in place for community-led diversion programs that stop this before it starts.*
> *"It's about justice programs that include historic injustice, and it's about seriously tackling the societal issues that lead to people's offences.*
> *"I don't believe we can just jail our way out of this if we truly want a safe and just community. True justice goes beyond retribution.*
> *"It is about fairness, accountability, and creating a society where harm is not just punished, it is prevented."*[11]

The Justice Reform Initiative Queensland Alternatives to Incarceration report sets out multiple proven and cost-effective solutions that could be expanded and sustainably funded including evidence-based responses to sexual offending such as the Griffith Youth Forensic Service.[12] Our recommendation to invest in proven and cost-effective solutions that sit outside of the criminal justice system is consistent with recommendations made in previous government-commissioned reviews, including the 2018 Queensland Youth Sexual Violence and Abuse

Steering Committee's Final Report. The 31 recommendations in this report focused on recommending a comprehensive and holistic response to youth sexual violence and abuse through:

- local level solutions which provide co-designed, tailored interventions that are implemented based on appropriate locational risk assessments and the identification of service delivery gaps, and are responsive to local community needs and engagement;
- data and evidence to strengthen the youth sexual violence and abuse knowledge base through data collection, research and evaluation, and to provide vision and information to inform future action;
- raising awareness among individuals, communities and organisations to promote and increase understanding of youth sexual violence and abuse, ensure the referral of young people and parents to appropriate services, and equip professionals with tools to effectively target and respond to youth sexual violence and abuse;
- tackling the underlying causes of youth sexual violence and abuse, in particular through addressing disadvantage and its associated impacts on child development.

Victims of crime and the general community in Queensland have a legitimate need for reassurance that the Queensland Government is taking action to keep the community safe and reduce victimisation. Government rhetoric that suggests punitive responses and tougher sentences will keep the community safe perpetuates a false narrative; that prison works to prevent and reduce crime. 'Tough on crime' responses may appear to be politically and publicly popular in the short-term but there is a very real risk to both sides of politics that community confidence and perceptions around community safety will remain unstable in Queensland if decision-makers continue to invest in and prioritise the use of ineffective and expensive prisons for children.

The Bob Atkinson 2022 youth justice reform review recommended 'engaging with the Queensland community to build balanced public awareness of the drivers behind youth offending and evidence-based prevention and response actions.'[13] We would welcome a recommendation from the Committee for the Queensland Government to work collaboratively with the Queensland Victim's Commissioner and the community sector to help build public understanding, awareness and support for community-led and evidence-based alternatives to prison that meet community expectations around community safety and work to address the root causes of crime.

THE MYTH OF SENTENCING DETERRENCE

Proposals such as mandatory sentencing for particular offences and proposals advocating for increases in sentencing severity are usually justified on the basis that more severe sentencing furthers the deterrence purpose of sentencing (in other words that a more severe sentence is more likely to deter criminal behaviour). This position is based on Deterrence Theory, that people can be deterred from certain modes of behaviour by establishing punishments for those acts. The theory has an underlying expectation that people who have the potential to commit criminal offences will compare the expected benefit of committing a crime with the benefit of not committing a crime. According to the theory, by imposing a severe sentence for criminal acts, a rational actor would conclude that the cost of committing the criminal act would outweigh any potential benefit from the act.[14]

The fact that Deterrence Theory heavily relies on the rationality of the actors that commit criminal acts illustrates the failing of the theory and explains why there is little evidence to support the effectiveness of severe sentencing regimes in deterring criminal behaviour.

Deterrence assumes that people will know the specifics of particular offences, the likely penalties attached to particular offences, and that they will be apprehended, prosecuted and convicted of those offences. The over-representation of people (children and adults) with trauma, alcohol and drug use, mental illness and neurodiversity in the criminal justice system immediately creates significant doubt as to whether such people have the requisite knowledge or capacity to undertake the rational deliberations required to deter from criminal conduct. In addition, for criminal behaviour that occurs in the context of rage, anger or passion, people are not deliberating in a rational way as to whether the severity of the punishment outweighs the benefit of the conduct.[15] It is also well established in the scientific literature that the pre-frontal cortex (the part of the brain that controls executive functioning) is still developing for children and adolescents. This means that children and young people are still developing the cognitive processes required to plan, control impulses and weigh-up the consequences of decisions before acting.[16]

The assumptions underlying Deterrence Theory also fail to acknowledge the contextual factors that increase the likelihood of criminal justice system involvement. These include (but are not limited to) having been in out of home (foster) care; receiving a poor school education; having early contact with police; systemic discrimination and disadvantage; experiencing homelessness or unstable housing; and coming from or living in a disadvantaged location.[17]

While deterrence remains one of the commonly identified legislative purposes of sentencing, the Justice Reform Initiative is concerned that the purpose of deterrence is often given disproportionate attention, given the limited effectiveness of punitive sentencing in achieving deterrence and in reducing reoffending.

PRACTICAL SECTOR IMPLICATIONS

Despite the overwhelming evidence presented to the Queensland Parliament about the failures of incarceration and harsher penalties, this inquiry process will likely result in a recommendation that the legislation is passed – based on prior inquiry processes where the majority of submissions have opposed the proposed legislative changes and the inquiry report has recommended the passage of legislation regardless of strong opposition to the bill.

Queensland has seen an unprecedented number of legislative changes relating to youth justice in the last 4 years, with the *Queensland Human Rights Act 2019* overridden three times to enable such changes to occur. The passage of this legislation will be the fourth time this act has been overridden for youth justice changes. These legislative and policy reforms have progressed despite widespread calls for a different approach and a wealth of evidence presented at the numerous parliamentary inquiries about alternatives to incarceration and tougher penalties.[18]

Alongside such legislative changes, only a small percentage of the $1.38 billion spent by the department responsible for youth justice between 2018-19 and 2022-23 on youth justice services was allocated to community-led organisations ($134 million, 10.72% of the total spent).[19] Of this $134 million, 32% (or $42 million) was allocated to First Nations-led organisations (which equates to 3.36% of total funding for youth justice services in this time frame). And yet, the majority of children that the Queensland Government incarcerates are First Nations children.[20]

For First Nations children, the most effective early intervention, prevention, and diversion responses are those that are culturally responsive, designed and delivered by local First Nations communities and organisations, and which foster a genuine sense of community ownership and accountability.[21] Many First Nations people have intergenerational and/or

personal experience of mainstream services working against them.[22] Engaging with First Nations communities ensures programs are more effectively targeted to local priorities and needs, and are aligned with local systems and circumstances.[23] Community involvement and local decision making should occur at each stage of the process, including at the feedback stage to ensure that the feedback methods used align with First Nations communication and knowledge.

First Nations communities across Queensland continue to advocate for true self-determination and for decision making authority to be handed back to communities to better resolve structural disadvantage, systemic racism, and the ongoing impacts of colonisation (especially when it comes to child and adult justice). **A whole-of-government funding approach that provides First Nations communities with sustainable, long-term, and flexible funding is needed in Queensland to improve both social and justice outcomes for First Nations peoples.** Breaking down complicated, restrictive, and siloed funding mechanisms that currently exist will enable First Nations communities to better provide holistic community-controlled and placed-based responses that meet the needs of their community. Elders and First Nations Communities across Queensland have put forward several polices that could instead be implemented to support children to comply with bail conditions and including: 24/7 First Nations led therapeutic and culturally-modelled assessment centres; First Nations designed and run healing centres, and well-resourced kinship caring models as part of a response in the youth justice system. Similar First Nations-led models have been implemented overseas with demonstrated success.[24]

'Tougher' legislative and policy responses that pull children further into the criminal justice system also create greater capacity and resourcing constraints on the community-sector (alongside putting pressure on the criminal justice system). The community-led sector (especially First Nations-led organisations) remain significantly under-resourced and underfunded. As noted in the Queensland Audit Office report on serious youth crime, there is opportunity to undertake investment mapping against crime data in Queensland to identify gaps and opportunities for expanding investment in community-led organisations (especially First Nations-led organisations).[25] **We would welcome a recommendation from the Committee for the Queensland Government to undertake investment mapping against crime data and in collaboration with the community sector and First Nations communities identify investment priorities to expand the capacity and capability of non-government and First Nations-led organisations.**

REDUCING THE NUMBER OF CHILDREN ON REMAND

Remanding children (and adults) in custodial settings should only be used as a last resort. When a child is charged with a criminal offence, a decision must be made as to whether that child is held in custody on remand to wait their hearing or trial, or released into the community on bail. Queensland currently has the highest percentage of children on remand in the country, **with 92% of children in Queensland prisons yet to be sentenced**.[26] The Justice Reform Initiative is curious to know whether the Queensland Government has developed a long-term strategy and approach to reducing the number of children on remand given the focus on expanding maximum sentences under these legislative changes.

In addition to high numbers of children on remand in prison, there are longstanding and serious concerns in Queensland about the number of children who are held in police watch houses on remand as a result of overflowing prisons, as noted earlier in this submission.[27] In 2023-24, Queensland Police Service held 7,806 children in police watch houses and stations, with many children spending extended periods in these facilities without access to exercise, family visits, programs and other supports. Queensland Police Service held over 1000 children in a

watch house for a period longer than five days and 259 children for a period of 15 days or more (compared to 146 children for a period of 15 days or more in 2022-23). [28]

Queensland's prisons for children are the most crowded in the country, with 99.6% of beds utilised in 2023-24. No other jurisdiction in Australia has a centre utilisation rate this high for children's prisons and Queensland continues to incarcerate the highest number of children in the country.

Adding to this, many children who are held prison in Queensland are spending extended periods in isolation as a result of staffing levels in prisons (particularly within the Cleveland prison). For example, the 2022-23 Children's Court Annual Report provides an example of a 13 year old child with foetal alcohol syndrome and attention deficit hyperactivity disorder who was confined in their cell for 20 hours or more on 78 days and for 24 hours a day over 10 days (across an 88 day period in custody).[29] As demonstrated throughout this submission, any period of incarceration (short or long) is likely to have a criminogenic effect and increase the likelihood of future offending and incarceration (which is only exacerbated by holding children in such inhumane conditions).

As noted in the Queensland Audit Office review of serious repeat offending, 'in March 2023, the Department of Justice and Attorney-General implemented the Fast Track Sentencing Pilot to identify the causes of court delays, reduce the number of young offenders on remand, and reduce the time taken to finalise court cases and reduce the length of time young offenders spend on remand. The department reports that the median time to finalise cases for young offenders has improved at 2 (Cairns and Townsville) of the 4 court locations. The pilot will finish in late 2024.[30]" Despite this trial being in place, the majority of children in youth detention centres across Queensland continue to be held on remand. Additional pressures on the courts and criminal legal systems will likely further exacerbate this problem. The Justice Reform Initiative recommends that the Queensland Government considers the evaluation of this pilot program and develops a comprehensive plan for reducing the number of children on remand.

Furthermore, there is a particular opportunity in Queensland to increase investment in, and use of, community-based alternatives to remand (especially First Nations led alternatives), at both the point of police and court interaction, to support children to comply with their bail conditions. Two-thirds of children that the Queensland Police Service charges with breach of bail offences in Queensland are First Nations children.[31] A recent Queensland Family and Child Commission report found many children who were remanded into watch houses for lengthy periods did not have stable accommodation or family support that assisted them to comply with their bail conditions.[32] Police cited denying bail for reasons such as a child's parent being intoxicated, family or community fighting, family criminal history, and lack of parental supervision. Incarcerating children does not address these circumstances of systemic disadvantage and intergenerational trauma. Providing bail support to children and families (including properly resourced accommodation and kinship caring supports) serves to enhance both community safety and the interests of the children who are in conflict with the law. The Justice Reform Initiative understands some people in the community hold concerns about children reoffending while on bail. We agree that there is a need to protect the community from the risk of offences being committed on bail. This is best achieved through community-based alternatives to remand that work to support children to comply with their bail obligations and address the root causes of their offending. Incarceration, on the other hand, creates worse outcomes in terms of community safety and mitigating risks of further offending.

ABOUT THE JUSTICE REFORM INITIATIVE

The Justice Reform Initiative is an alliance of people who share long-standing professional experience, lived experience and/or expert knowledge of the justice system, further

supported by a movement of Australians of goodwill from across the country who believe jailing is failing and that there is an urgent need to reduce the number of people in Australian prisons.

The Justice Reform Initiative is committed to reducing Australia's harmful and costly reliance on incarceration. Our patrons include more than 120 eminent Australians, including two former Governors-General, former Members of Parliament from all sides of politics, academics, respected Aboriginal and Torres Strait Islander leaders, senior former judges including High Court judges, and many other community leaders who have added their voices to end the cycle of incarceration in Australia.

We seek to shift the public conversation and public policy away from building more prisons as the primary response of the criminal justice system and move instead to proven evidence-based approaches that break the cycle of incarceration. We are committed to elevating approaches that seek to address the causes and drivers of contact with the criminal justice system. We are also committed to elevating approaches that see Aboriginal and Torres Strait Islander-led organisations being resourced and supported to provide appropriate support to Aboriginal and Torres Strait Islander people who are impacted by the justice system.

The Queensland Patrons of the Justice Reform Initiative include:

- **Sallyanne Atkinson AO.** Co-Chair of the Queensland Interim Body for Treaty and a member of the Queensland University Senate.
- **Adjunct Professor Kerry Carrington.** School of Law and Society, University of the Sunshine Coast, and Director of her own Research Consultancy.
- **Mick Gooda.** Former Aboriginal and Torres Strait Islander Social Justice Commissioner and former Royal Commissioner into the Detention of Children in the Northern Territory.
- **Keith Hamburger AM.** Former Director-General, Queensland Corrective Services Commission.
- **Professor Emeritus Ross Homel, AO.** Foundation Professor of Criminology and Criminal Justice, Griffith University.
- **Gail Mabo.** Gail is of the Meriam language group and clan of Mer (Murray Island) in the Torres Strait. She is an Australian visual artist who has had her work exhibited across Australia and is represented in most major Australian art galleries and internationally. She was formerly a dancer and choreographer. Gail is also deeply engaged with young people in her community as a mentor and is the daughter of land rights campaigner Eddie Mabo and educator and activist Bonita Mabo AO.
- **Professor Elena Marchetti.** Griffith Law School, Griffith University.
- **The Honourable Margaret McMurdo AC.** Former President Court of Appeal, Supreme Court of Queensland and Commissioner of the Victorian Royal Commission into the Management of Police Informants.
- **Dr Mark Rallings.** Former Commissioner, Queensland Corrective Services.
- **Greg Vickery AO.** Former President, Queensland Law Society and former Chair of the Standing Commission of the International Red Cross and Red Crescent Movement.
- **The Honourable Dean Wells.** Former Attorney General of Queensland.
- **The Honourable Margaret White AO.** Former Judge of the Queensland Supreme Court and Queensland Court of Appeal, former Royal Commissioner into the Detention of Children in the Northern Territory, and Adjunct Professor TC Berne School of Law UQ.

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[2] Justice Reform Initiative. (2024). Submission to the Youth Justice Select Committee inquiry into youth justice reform. https://documents.parliament.qld.gov.au/com/YJRSC-6004/YJRSC-54D8/submissions/00000129.pdf

[3] For example, as detailed in Australian Law Reform Commission (2018). 'Social determinants of incarceration', *Pathways to Justice–Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (ALRC Report 133), https://www.alrc.gov.au/publication/pathways-to-justice-inquiry-into-the- incarceration-rate-of-aboriginal-and-torres-strait-islander-peoples-alrc-report-133/2-context/social-determinants-of-incarceration/; Atkinson, B. (2022). Youth justice reforms review: Final Report. https://www.cyjma.qld.gov.au/resources/dcsyw/about-us/reviews-inquiries/youth-justice-reforms-review-march-2022.pdf.

[4] Productivity Commission. (2021). Australia's Prison Dilemma.

[5] See https://www.sentencingproject.org/reports/why-youth-incarceration-fails-an-updated-review-of-the-evidence/ for more evidence.

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[18] This evidence includes but is not limited to countless submissions made by experts to the Legal Affairs and Community Safety Committee inquiry into the Youth Justice and other Legislation Amendment Bill 2019, the Community Support and Services Committee inquiry into the Criminal Law (Raising the Age of Responsibility)

Amendment Bill 2021, the Legal Affairs and Safety Committee inquiry into the Youth Justice and Other Legislation Amendment Bill 2021, the Stronger Laws inquiry launched by then Premier Palaszczuk in 2023, the Economics and Governance Committee inquiry into the Strengthening Community Safety Bill 2023, the Youth Justice Select Committee parliamentary inquiry into youth justice reforms in Queensland 2024, the Community Safety and Legal Affairs Committee inquiry into the Queensland Community Safety Bill 2024, and the Justice, Integrity and Community Safety Committee inquiry into the Making Queensland Safer Bill 2024; the Justice, Integrity and Community Safety Committee inquiry into the Youth Justice (Monitoring Devices) Amendment Bill 2025.

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