

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

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## INQUIRY INTO MAKING QUEENSLAND SAFER (ADULT CRIME, ADULT TIME) AMENDMENT BILL 2025: A SUBMISSION FROM SOROPTIMIST INTERNATIONAL BRISBANE INC

**TO: The Committee Secretariat**  
**Justice, Integrity and Community Safety Committee**  
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**Ms Lou De Castro Myles** - Convenor, Program/Advocacy & UN Liaison

### 1. INTRODUCTION

- Soroptimist International Brisbane Inc. (SI Brisbane) is a volunteer-led organisation committed to advocating for gender equality and improving the lives of women and girls. Our membership includes business, community, and professional women who work collectively to advance the rights and well-being of all women and girls.
- As part of the global network of Soroptimist International (SI), we are connected to approximately 66,000 members across 118 countries. Together, we work at local, national, and international levels to educate, empower, and create opportunities for women and girls. Founded over a century ago, SI aligns its mission with Sustainable Development Goal 5: Achieve gender equality and empower all women and girls (UN Women, 2023).
- SI Brisbane welcomes the opportunity to contribute to the discussion on the **Making Queensland Safer (Adult Crime, Adult Time) Amendment Bill 2025** (the Bill). We strongly support the Queensland Government's commitment to improving community safety and addressing the trauma and harm caused by serious violent and sexual offences—particularly those committed against women and children.
- However, we are deeply concerned that the Bill's punitive extension to children risks undermining their rights and compromising long-term community safety. This submission outlines our concerns and recommendations, seeking to support justice for victims while upholding the rights and rehabilitation of children in conflict with the law.

## 2. ACKNOWLEDGING THE IMPACT OF SERIOUS CRIME ON WOMEN AND CHILDREN

- We acknowledge the profound and lasting harm caused by serious crimes—particularly rape, attempted rape, sexual assault, torture, assault of a pregnant person, and kidnapping. These offences disproportionately affect women and girls and are frequently linked to broader patterns of gender-based and domestic violence.
- We support efforts that deliver justice for victim-survivors, including:
  - Trauma-informed court processes
  - Improved access to specialist support services
  - Victim impact statements
  - Respectful and safe restorative justice options, where appropriate.
- Victim-survivors deserve justice, accountability, and safety. Equally, children in the youth justice system—many of whom are themselves survivors of abuse, neglect, and systemic disadvantage—also deserve support, dignity, and pathways to rehabilitation.

## 3. CONCERNS ABOUT THE EXPANSION OF ‘ADULT CRIME, ADULT TIME’ TO CHILDREN

- The Bill proposes to expand section 175A of the *Youth Justice Act 1992*, adding 20 serious offences that would subject children to adult sentencing regimes, including:
  - Mandatory minimum sentences
  - Mandatory non-parole periods of up to 15 years
  - Potential life detention.
- We raise the following concerns:
  - **Mandatory sentencing** undermines judicial discretion, preventing courts from considering a child’s age, developmental maturity, trauma history, or capacity for rehabilitation.
  - **Neuroscience confirms** that children’s brains—especially areas governing impulse control and risk assessment—are not fully developed. This is reflected in international standards (UN Committee on the Rights of the Child, 2019).
  - **Many young offenders are victims** themselves. Over 80% of girls in Australian youth detention have experienced family violence (Baldry et al., 2018).
  - **Life detention for children violates international law**, including the *UN Convention on the Rights of the Child* (CRC), which Australia has ratified.

*“The imprisonment of children should be a measure of last resort and for the shortest appropriate period of time.” — UN Convention on the Rights of the Child, Article 37*

## 4. DISPROPORTIONATE IMPACT ON ABORIGINAL AND TORRES STRAIT ISLANDER CHILDREN

- Aboriginal and Torres Strait Islander children are already vastly overrepresented in Queensland’s youth justice system. The Bill risks deepening this inequity.
  - Indigenous children represent 65% of those in detention in Queensland but comprise only 7% of the population aged 10–17 (*Queensland Family and Child Commission, 2023*).
  - Structural racism, intergenerational trauma, and systemic disadvantage increase the likelihood of contact with the justice system.

- Punitive laws risk further entrenching cycles of incarceration, trauma, and marginalisation for First Nations children.

#### 5. RISKS TO COMMUNITY SAFETY AND LONG-TERM OUTCOMES

- While the Bill aims to deter crime, research shows that punitive approaches for children do not enhance community safety.
  - Harsh penalties and incarceration often **increase reoffending** by disrupting family and community ties and exposing children to criminogenic environments.

*“Custody itself is criminogenic, particularly for children. Early and repeated incarceration is associated with higher rates of recidivism.”*

— Australian Institute of Criminology (Cunneen, 2018)

*“Tragically, by not addressing their human rights early on, and instead taking a punitive approach to their offending, we are essentially criminalising some of the most vulnerable children in Australia.”*

— National Children’s Commissioner Anne Hollonds (2024)

#### 6. INTERNATIONAL AND DOMESTIC HUMAN RIGHTS OBLIGATIONS

- The *Human Rights Act 2019 (Qld)* affirms children’s rights to protection, humane treatment in detention, and age-appropriate justice. Section 175A(12) already suspends key rights. The Bill further erodes these protections.
- Australia has been repeatedly urged by international bodies to:
  - Raise the minimum age of criminal responsibility to at least 14 (UN CRC, 2019)
  - End mandatory sentencing for children
  - Address concerns about harsh youth detention conditions (UN Special Rapporteur on Torture, 2016)

#### 7. INTERNATIONAL BEST PRACTICE: REHABILITATION-FOCUSSED MODELS

*(See Appendix A: International Case Studies – Youth Justice Responses to Serious Offending)*

- Many countries are responding to serious youth offending with evidence-based, rehabilitative models rather than punitive ones:

Country	Primary Approach	Serious Crime Response	Unique Element
Japan	Court-led rehabilitation	Rare transfer to adult court	Reformative education via training schools
South Korea	Legal reform	Education over incarceration	The minimum age has been raised to 14
New Zealand	Restorative, culturally responsive	Family Group Conferences	Māori/Pasifika courts
Taiwan	Tiered prevention strategy	Correctional schooling and court discretion	Three-tiered national crime prevention strategy

- **Key Takeaways:**
  - These systems emphasise *early intervention, judicial discretion, cultural responsiveness, and rehabilitation.*
  - They recognise that serious offences by youth require serious responses but not adult punishment.

## 8. A BALANCED PATH FORWARD

- We urge the Committee and the Queensland Government to pursue a balanced approach that delivers justice while preventing reoffending:
  - **Invest in trauma-informed early intervention**, especially for children with histories of abuse and neglect.
  - **Support Aboriginal- and Torres Strait Islander-led healing programs**, rooted in community, culture, and strength.
  - **Expand restorative justice processes**, empowering victim-survivors and fostering accountability from young offenders.
  - **Preserve judicial discretion**, ensuring sentences reflect the individual child’s circumstances, not just the offence.

## 9. RECOMMENDATIONS

- We respectfully recommend the following actions:
  - a. Remove the application of mandatory minimums and adult sentencing to children; restore judicial discretion in all youth cases
  - b. Increase investment in culturally safe, trauma-informed victim support services—particularly for women and children
  - c. Expand community-led diversion and rehabilitation programs, with a focus on evidence-based outcomes
  - d. Ensure full compliance with the *Human Rights Act 2019 (Qld)* and Australia’s obligations under the *UN Convention on the Rights of the Children*
  - e. Commission an independent evaluation of the impacts of the *Making Queensland Safer Act 2024* before enacting further legislative changes.

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## APPENDIX A: INTERNATIONAL CASE STUDIES – YOUTH JUSTICE RESPONSES TO SERIOUS OFFENDING

This appendix outlines international approaches to serious crimes committed by children and adolescents. These case studies demonstrate how rehabilitative and developmentally appropriate responses can reduce reoffending while aligning with international human rights standards.

### Comparative Overview

Country	Primary Approach	Serious Crime Response	Unique Element
Japan	Court-led rehabilitation	Rare transfer to adult court	Reformatory education in training schools
South Korea	Legal and policy reform	Education replaces incarceration	Raised minimum age of criminal responsibility
New Zealand	Culturally responsive and restorative	Family Group Conferences, youth courts	Māori and Pasifika-led processes
Taiwan	Tiered prevention and systemic reform	Correctional schooling with court discretion	National three-tiered prevention strategy

#### Japan: Rehabilitation Through Family Courts and Selective Transfers

Japan’s juvenile justice system is structured around the principle of rehabilitation, even in cases involving serious crimes such as homicide. The Family Court has jurisdiction over all juvenile cases and prioritises reform through education and psychological support rather than punishment.

Key features:

- Family Court Jurisdiction: All cases begin in the Family Court, including serious offences such as murder.
- Selective Transfer: For juveniles aged 16 and older, serious cases must be transferred to adult prosecution only if legally required under Article 20 of the Juvenile Act. Transfers are rare and subject to strict judicial review (United Nations Asia and Far East Institute [UNAFEI], 2023).
- Reformatory Education: Juvenile training schools provide behavioural rehabilitation through education, vocational training, and counselling.
- Mental Health Assessments: Courts consider psychological evaluations to assess capacity for rehabilitation.

Impact: Japan reports low rates of juvenile recidivism attributed to this structured, reform-focused approach (UNAFEI, 2023).

#### South Korea: Legal Reform and Education-Focused Justice

South Korea has introduced significant reforms to ensure its juvenile justice system reflects adolescent development and prioritises rehabilitation.

Key features:

- Minimum Age of Criminal Responsibility Raised: Increased from 10 to 14 based on neuroscientific evidence about cognitive development (Korea Legislation Research Institute [KLRI], 2023).
- Education Over Incarceration: Courts are encouraged to impose reformatory education and conditional release in place of prison sentences.
- Specialised Youth Courts: These courts design tailored rehabilitation plans involving therapy, family counselling, and school support.
- Interdisciplinary Case Management: Social workers, psychologists, and school counsellors help identify risk factors early and offer intervention strategies.

Impact: The reforms have led to a more rehabilitative approach, though public debate continues over responses to violent youth crime (KLRI, 2023).

### New Zealand: Restorative and Culturally Grounded Justice

New Zealand's youth justice system is internationally recognised for its restorative justice focus and cultural responsiveness, particularly toward Māori and Pasifika youth.

Key features:

- Rangatahi and Pasifika Courts: These specialist courts integrate cultural practices and community leadership to guide sentencing (New Zealand Ministry of Justice, 2023).
- Family Group Conferences (FGCs): Legally mandated before most court cases, FGCs allow families, victims, and the offender to jointly develop a restorative plan.
- Trauma-Informed Practices: Psychological support and wraparound care are embedded in the justice system.
- Community-Based Alternatives: Sentences often involve supervision, community service, or placements in youth-focused residential facilities.

Impact: New Zealand has significantly reduced youth detention rates, with its model widely regarded as a global benchmark (New Zealand Medical Journal [NZMJ], 2023).

### Taiwan: Tiered National Prevention and Rehabilitation Strategy

Taiwan has adopted a national strategy in response to rising youth involvement in crimes such as digital fraud and gang activity. The focus is on prevention, rehabilitation, and reintegration.

Key features:

- Three-Tiered Prevention Plan (2025–2028):
  - *Primary*: Legal education and digital literacy programs in schools
  - *Secondary*: Targeted support for at-risk youth
  - *Tertiary*: Rehabilitation and reintegration services for convicted juveniles (Executive Yuan, 2025)
- Judicial Discretion: Courts assess psychological and environmental factors before sentencing.
- Correctional Education: Youth involved in serious offences may be placed in institutions such as Chengjheng High School, which offers structured education and therapy.
- NGO Collaboration: Community organisations like Prison Fellowship Taiwan provide mentoring, family support, and post-release reintegration assistance.

Impact: Taiwan's model is promising, though youth recidivism remains high among those recruited into organised crime. Reforms continue to evolve in response (Executive Yuan, 2025).

### Conclusion

These case studies offer valuable insights into how juvenile justice systems can respond to serious offences while:

- Maintaining judicial discretion
- Prioritising developmental needs and trauma-informed care
- Avoiding the harmful consequences of adult sentencing
- Enhancing public safety through rehabilitation, not retribution.

Policymakers in Queensland may draw from these international models to develop a justice system that both supports victim-survivors and invests in meaningful outcomes for children in conflict with the law.

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