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

Submission No: 23

Submitted by: PeakCare

Publication: Making the submission and your name public

Attachments: See attachment

Submitter Comments:



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

PeakCare's Submission to the Justice, Integrity and Community Safety Committee

16 April 2025

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INTRODUCTION

PeakCare welcomes the opportunity to provide this submission to the Justice, Integrity and Community Safety Committee about the Making Queensland Safer (Adult Time Adult Crime) Amendment Bill 2025. As Queensland's peak body for child protection, PeakCare maintains a strong interest in the youth justice system, recognising the significant overlap between children involved in the child protection system and those who come into contact with youth justice.

Our concern is not only with how the youth justice system responds to offending but also with how it prevents harm, promotes wellbeing, and ensures community safety through effective, evidence-informed approaches. At the heart of our work is a commitment to listening to children and young people, their voices shape our advocacy, inform our priorities, and have informed our position on this Bill.

This submission draws on insights shared by young people during previous visits to Queensland youth detention centres. While these reflections were not gathered specifically for this inquiry, they remain central to understanding the real-world impact of proposed reforms and must inform the design of any legislative or policy framework that affects them.

Over the past 12 months, PeakCare has written several submissions on youth justice, consistently calling for long term, preventative strategies that address the root causes of youth crime. Across Australia, we continue to see punitive responses positioned as solutions to community safety, despite strong evidence that such approaches are ineffective. Queensland must move beyond rhetoric and invest in smart, early interventions that work.

PeakCare remains committed to working alongside government to deliver reform that focuses on early intervention and prevention strategies to reduce children's contact with the justice system and improve outcomes for children and young people. Detention as it currently operates in Queensland is failing and there needs to be a strong commitment to doing detention differently if we are to expect better outcomes for young people and safer communities.

ABOUT PEAKCARE

PeakCare is a not-for-profit peak body for child and family services in Queensland, providing an independent voice representing and promoting matters of interest to the non-government sector. Across Queensland, PeakCare has more than 100 members including small, medium, and large local, state-wide, and national non-government organisations which provide prevention and early intervention, generic, targeted, and intensive family support to children, young people, families, and communities. Member organisations also provide child protection services, foster care, kinship care and residential care for children and young people who are at risk of entry to, or who are in the statutory child protection system and youth justice systems.

A large network of associate members and supporters also subscribe to PeakCare. This includes individuals with an interest in child protection, youth justice and related services, and who are supportive of PeakCare's policy platform around the rights and entitlements of children, young people and their families to safety, wellbeing, and equitable access to life opportunities.



PEAKCARE'S SUBMISSION

Expanded Section 175A: Risks to Children and Community Safety

PeakCare is concerned about the proposal to include 20 additional offences under section 175A of the Youth Justice Act 1992. These legislative amendments would significantly increase the likelihood of longer sentences for children, raising serious concerns about potential breaches of human rights and undermining long-term community safety.

Many of the proposed offences, while serious, are not behaviours that children necessarily understand the legal consequences of, social harm or implications. More than a decade since the release of the 2013 Smallbones Report "Preventing Youth Sexual Violence in West Cairns and Aurukun" (Smallbones report) and the 2017 Final Report from the Queensland Youth Sexual Violence and Abuse Steering Committee, there remains a documented pattern of normalised peer-to-peer sexual violence in some remote and discreet communities. These reports identified entrenched harmful sexual behaviours, particularly among young people aged 12 to 16, with children frequently appearing as both victims and perpetrators. Such behaviours are often linked to early school disengagement, substance misuse, general delinquency, and nonsexual violence".

Sexual violence must never be excused or minimised, nor can we ignore the complex and often intergenerational circumstances that contribute to harmful behaviours. Expecting a child who has lived with violence and instability their entire life to fully comprehend the impact of replicating that harm is unrealistic and risks perpetuating further trauma.

Queensland court data shows an alarming increase in family and domestic violence, with the number of male defendants for domestic violence related offences nearly doubling since 2019-20.4

Children who offend often do so in the context of their own unmet needs and unresolved trauma. Legislative responses must reflect this complexity. Punitive approaches that fail to address root causes are not only ineffective, but risk further entrenching the very behaviours they seek to prevent. A more considered, developmentally appropriate response is essential if Queensland is to reduce reoffending and build safer communities.

Recommendation 1:

PeakCare recommends that the proposed amendments to Section 175A be revised to include a clear and consistent judicial definition for each offence listed. We further recommend that judicial discretion be retained to consider the impact of adverse childhood experiences, particularly for children who are both victims and alleged perpetrators of offences involving domestic, family, or sexual violence.

⁴ https://www.couriermail.com.au/news/queensland/youth-crime-crisis-qld-has-nations-highest-kid-crim-rates/news-story/1eb71325a4d346efd9cfd4faeb88d2af



¹ Smallbone, S., Rayment-McHugh, S., & Smith, D. (2013). Preventing youth sexual violence and abuse in West Cairns and Aurukun: Establishing the scope, dimensions and dynamics of the problem. Griffith University. https://nla.gov.au/nla.obj-2742545253

² Youth Sexual Violence and Abuse Steering Committee. (2017). *Final report: Youth sexual violence and abuse in Queensland. Queensland Government.* https://documents.parliament.qld.gov.au/com/CSSC-0A12/IDCPOHWR-FA50/Report on Youth%20Sexual Violence%20and%20Abuse Steering CommitteeFinal Report%2030%20March 2017.pdf

³ Smallbone, S., Rayment-McHugh, S., & Smith, D. (2013). *Preventing youth sexual violence and abuse in West Cairns and Aurukun: Establishing the scope, dimensions and dynamics of the problem* (p. 5). Griffith University. Retrieved from https://nla.gov.au/nla.obj-2742545253/view

Tougher Sentences Risk Greater Harm

The Adult Crime, Adult Time approach relies on a youth justice system that is already overburdened and failing to deliver the outcomes Queenslanders expect. Data shows that detention is ineffective in reducing reoffending, with up to 90 per cent of children released from detention going on to reoffend. Increasing the number of children in detention, for longer periods of time, is unlikely to deliver different outcomes. Instead, it risks compounding the very factors that contribute to offending in the first place.

Expanding the use of detention without corresponding investment in early intervention, prevention and the supporting infrastructure of the legal and court systems will continue to result in more children being held in adult watchhouses for extended periods. These environments are inappropriate for children and contrary to principles of rehabilitation and child safety.

Being tough on youth crime will not make communities safer unless there is equal commitment to being tough on the causes of youth crime. The Youth Justice Census highlights the entrenched disadvantage faced by many young people who enter the youth justice system:

- Over half have been witnesses to or victims of domestic and family violence
- Over half identify as Aboriginal and Torres Strait Islander
- One third experience housing instability or unsafe accommodation
- One in four have had a parent incarcerated
- 44 per cent have a mental health condition or disability, often undiagnosed until they enter the youth justice system.⁵

There is significant clear evidence from jurisdictions in Australia and across the globe that the threat of harsher sentencing does not deter children from offending. Instead, longer sentences often result in increased rates of recidivism, as children are placed in environments that can reinforce harmful behaviours, contribute to institutionalisation, and sever connections with positive social supports.^{6,7} There is also little evidence to support the efficacy of mandatory minimum sentencing in deterring or reducing youth crime.⁸

Recommendation 2: PeakCare recommends that the formal advice provided by the Expert Legal Panel, established to inform this legislation and determine the offences to be included, be made publicly available. Transparency around the rationale for selecting specific offences, along with the Panel's expert opinions/views on how increased incarceration periods are expected to enhance community safety, is essential to ensuring public confidence and evidence-based lawmaking.

⁸ Australian Law Reform Commission. (2017). *Pathways to Justice – Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples (ALRC Report 133): Impact of Mandatory Sentencing*. <a href="https://www.alrc.gov.au/publication/pathways-to-justice-inquiry-into-the-incarceration-rate-of-aboriginal-and-torres-strait-islander-peoples-alrc-report-133/8-mandatory-sentencing/impact-of-mandatory-sentencing/



⁵ Queensland Government. (2024). Youth Justice Pocket Stats 2024. Department of Youth Justice. https://www.publications.qld.gov.au/ckan-publications-attachments-prod/resources/8d9a8f59-c70f-4ee3-9798-a7c39879d018/23581_yj-pocket-stats-2024.pdf

⁶ Human Impact Partners. (2023). *Juvenile Injustice: Charging Youth as Adults is Ineffective, Biased, and Harmful.* https://humanimpact.org/hipprojects/juvenile-injustice-charging-youth-as-adults-is-ineffective-biased-and-harmful

⁷ National Institute of Justice. (2022). *Five Things About Deterrence. U.S. Department of Justice, Office of Justice Programs.* https://nij.ojp.gov/topics/articles/five-things-about-deterrence

Incarceration Is Not the Path to Safer Communities

PeakCare supports the importance of community safety, however this must include the safety and wellbeing of all children, including those who come into contact with the youth justice system. Many children who offend are often also victims of crime, family violence, neglect, or trauma. Their behaviour often reflects unmet needs and systemic failure, not criminal intent.

Punitive responses risk further marginalising these young people and damaging their self-esteem, sense of worth and connection to community.⁹ In contrast, evidence-based strategies that build identity, belong and supportive relationships are far more effective in reducing offending and improving long-term community safety. ¹⁰

Youth incarceration across Australia has well documented, long-term negative effects on children, their families, and the community. It disrupts children's development, limits future opportunities, and increases their risk of mental health, substance misuses and self-harm. ¹¹ Most concerningly, it does not reduce reoffending, with over 90 per cent of children released from detention in Queensland reoffending within 12 months. ¹²

"When I was inside, the other boys used to refer to it as TAFE because we can learn crime from other, more experienced kids."

child who was in youth detention

Queensland detains children at higher rates than any other Australian jurisdiction and maintains some of the harshest detention conditions. In 2021-22, 470 children, some as young as 10, were held in adult watchhouses for up to 14 days. These environments are inappropriate for children and risk compounding trauma.

Nationally, almost 90 per cent of children in detention on any given day are unsentenced, often held for extended periods on remand. ¹⁴ The average time in unsentenced detention has increased by 22 days over the past three year, now averaging 51 days. Many of these children receive a custodial sentence that does require additional time in detention, raising serious questions about the necessity and harm of prolonged pre-sentence remand. ¹⁵

At the same time, children remain disproportionately affected by crime. Nearly 50 per cent of personal offence victims were aged under 18, with boys aged 10 to 14 among the most common victims of robbery and related offences. ¹⁶ This reinforces the need for responses that protect, not further harm, children.

PeakCare urges the Queensland Government to reject punitive sentencing reforms and instead invest in evidence-based strategies that priorities early intervention, family-focused prevention, and community reintegration. While the Bill aims to enhance public safety, evidence from multiple jurisdictions consistently shows that punitive measures will fail achieve this outcome.

¹⁶ https://www.qgso.qld.gov.au/issues/12151/victim-offender-overlap-among-young-people-qld.pdf



⁹ https://www.tandfonline.com/doi/full/10.1080/10304312.2024.2313565#d1e204

 $^{^{10}\,\}underline{\text{https://www.aic.gov.au/sites/default/files/2020-05/what-works-in-reducing-young-peoples-involvement-in-crime.pdf}$

¹¹ Locking up kids has serious mental health impacts and contributes to further reoffending (uwa.edu.au)

¹² Queensland Government. (2024). *Youth Justice Pocket Stats 2024. Department of Youth Justice*. https://www.publications.qld.gov.au/ckan-publications-attachments-prod/resources/8d9a8f59-c70f-4ee3-9798-a7c39879d018/23581_vj-pocket-stats-2024.pdf

¹³ Ibid.

¹⁴ Ibid.

¹⁵ https://policy-futures.centre.uq.edu.au/files/20548/Policy-Futures-Kate-Bjur.pdf

Recommendation 3: PeakCare recommends stronger government investment in evidence based, early intervention and prevention programs and implementing longer rehabilitative approaches with intensive wrap around supports to effectively address youth crime and create a safer community for all.

Legislative Proposals Undermine Children's Rights

Children are entitled to special protections under international human rights law, reflecting their vulnerability to exploitation and abuse. The United Nations Convention on the Rights of the Child (UNCRC), which Australia has ratified, requires that detention be used only as a last resort and for the shortest appropriate period, that children be treated with dignity, and that they be separated from adults in detention. Article 37 of the UNCRC also prohibits cruel, inhuman or degrading treatment, and mandates that children deprived of liberty must be treated with dignity and kept separate from adults.

PeakCare is concerned that aspects of the Adult Crime, Adult Time approach risk breaching these obligations. Specifically, we raise concerns regarding:

- The potential for life sentences or lengthy incarceration periods that disregards age and developmental stage
- The use of adult sentencing without consideration of a child's capacity for rehabilitation
- The risk of children being incarcerated in, or near, adult correctional facilities
- The prioritisation of adult rights over children's rights and wellbeing.

In 2023, the Queensland parliament voted to override its own Human Rights Act to allow children to be detained in police watch houses and adult correctional facilities. This decision raised significant concerns about the treatment of children in detention, including the use of solitary confinement, restraints, and force – practices deemed cruel, inhumane, and degrading under international law.

Ongoing workforce shortages in Queensland's youth detention centres further exacerbates these issues, often resulting in children being confined to cells for extended periods due to insufficient staffing.¹⁷ This practice amounts to solitary confinement and disproportionately affects children with traumatic backgrounds, cognitive disabilities, and mental health conditions.

Queensland's continued use of police watchhouses further compounds the problem. In 2021–22, children were detained in watchhouses for up to two weeks on nearly 150 occasions, often in conditions lacking natural light, fresh air, or meaningful activity. These environments clearly contravene the UNCRC's requirements for child-appropriate, rehabilitative detention settings.

"Yeah, I've had to stay in the watchhouse before... The lights are always on, people are always yelling and there's no windows or proper food... I don't ever want to go back there..."

- child in a youth detention centre

¹⁸ Microsoft Word - NPM Network Joint Statement - Queensland law change and youth justice - FINAL (ombudsman.gov.au)



¹⁷ Preventing torture and other cruel, inhuman or degrading treatment of children in detention in Australia - Anita Mackay, 2023 (sagepub.com)

Additional legislative changes passed in March 2023, including creating offences for breach of bail, requiring courts to consider bail history in sentencing, and introducing serious repeat offender declarations further contradicted Queensland's human rights obligations for children.

Any further breaches to human rights legislation in Queensland will not only draw criticism from the Australian and international community but will also undermine the intended goals of the legislation. Queensland must ensure that its responses to youth offending are consisted with both domestic human rights law and international standards designed to protect children from harm.

Recommendation 4: PeakCare recommends that the Queensland Government ensure all youth justice legislation complies with the Human Rights Act 2019 (Qld) and Australia's obligations under the United Nations Convention on the Rights of the Child.

We further recommend that the Government prioritise investment in trauma-informed, developmentally appropriate responses to youth offending that uphold children's dignity and promote rehabilitation, rather than punitive measures that risk long-term harm and international condemnation.

Prioritising Prevention Over Punishment

The first five years of a child's life are widely recognised as critical in shaping their lifelong health, development, learning and behaviour. Prolonged adverse childhood experiences during this period, such as neglect, violence, or unstable environments, alters brain development and increases the likelihood of poor outcomes, including contact with the justice system.

Investing in early intervention is not only more effective but also more cost-efficient than attempting to remedy harm later. As the Brighter Beginnings: The First 2000 Days report shows, for every \$1 invested in early interventions, governments save \$13 across education, health, justice, and welfare supports. 19

Despite this, Queensland continues to pour resources into detention, where outcomes remain poor. The Queensland Audit Office report (June 2024) found that over five years, 90 per cent of the Department of Youth Justice's \$1.38 billion budget was spent on internal services such as detention centres. Only \$134 million – or 10 per cent – was directed to outsourced services, including early intervention programs and community-led supports.²⁰

The report also found that while the department uses youth crime data to inform investments, it does not map these investments to system gaps or assess how much is spent on prevention compared to detention. As a result, it cannot determine whether funding is going to the right types of programs in the right places.

Most young people who come into contact with youth justice services have experienced trauma, including family violence, neglect, poor mental health, substance use, and educational exclusion. These challenges are disproportionately experienced by First Nations children and families, who remain significantly overrepresented in the youth justice system – a reflection of broader social and economic inequity.

Some of these issues, such as limited access to education, healthcare, and housing, are disproportionately experienced by First Nations families and young people. The over-

²⁰ https://www.qao.qld.gov.au/reports-resources/reports-parliament/reducing-serious-youth-crime



¹⁹ https://www.health.nsw.gov.au/kidsfamilies/programs/Factsheets/brighter-beginnings.pdf

representation of First Nations youth is not unique to Queensland; it is present throughout Australia and documented as a symptom of social and economic disadvantage. PeakCare strongly advocates for the growth of funding to local communities through justice reinvestment initiatives, including community-controlled organisations, private industries and interested community members.

Addressing the drivers of offending behaviour is critical. It requires evidence-based strategies and programs that target the specific needs of the young offender and their individual risks. Strategies and programs need to be delivered at the right intensity and frequency. These strategies, programs and relationships need to continue if the young person spends time in detention and when they transition back into the community.

Better models of youth detention exist, but a system-wide shift is needed to redirect investment into early, intensive, and ongoing supports. Programs must be evidence-based, appropriately targeted to individual needs, and sustained regardless of the child's path, these programs must continue through detention and reintegration. Reinvestment into local, culturally led solutions, particularly through Aboriginal and Torres Strait Islander community-controlled organisations, offers a path forward that is both cost effective and community informed.

Recommendation 5: PeakCare recommends that the Queensland Government adopts a system-wide approach to early intervention by significantly increasing investment in early childhood, family support and culturally led justice reinvestment initiatives. Redirecting funding from detention to evidence-based, community driven prevention and rehabilitation strategies is essential to achieving better outcomes for children and safer communities.

Collaborative, community-based alternatives are more effective than incarceration

Evidence consistently demonstrates that prevention, early intervention, and community-based alternatives to youth detention are more effective in promoting community safety than incarceration.²¹ PeakCare advocates for these approaches to be trialled and embedded as primary responses – rather than relying on detention as the default.

Successful community-based approaches share several key elements:

- Early intervention to address risk factors before a young person becomes involved in the justice system
- **Skill development** to strengthen educational, employment, and social outcomes, including impulse control and emotional regulation
- Restorative practices that support accountability, allow children to understand the impact
 of their actions, and make amends
- Place-based solutions such as justice reinvestment, which empower and resource First Nations communities to lead responses tailored to their local context
- Mentoring and relational support to help young people set goals and reconnect with their communities
- **Family-centred services models** such as Family Wellbeing Services, which recognise the importance of working with the whole family, not just the individual child

²¹ https://www.justicereforminitiative.org.au/reports

[№] PeakCare

• Alternative accountability mechanisms such as community conferencing or youth justice group conferencing, which offer meaningful, youth centred responses outside of traditional court processes.

These approaches address the root causes of offending, focus on rehabilitation and belonging and contribute to long-term community wellbeing.

Prevention Is Key to Sustainable Crime Reduction

The drivers of youth crime are well known and often mirror those contributing to involvement in the child protection system. These include early exposure of domestic and family violence, homelessness, parental mental illness, and substance misuse. Early identification of these risks, paired with timely support for children and families can significantly reduce reliance on Queensland's youth justice system.

International examples show that system-wide investment in prevention delivers long term reductions in crime. In the United Kingdom, the number of children in youth detention decreased from 2,800 young people to 750 between 2010 to 2020. Over the same period, child arrest rates declined annually, knife crime decreased, and recidivism following detention reached a 20-year low. These outcomes are attributed to a strong focus on preventative policing, early intervention, and non-custodial alternatives.

Where prevention is prioritised, sustained crime reduction follows. Jurisdictions that have achieved this progress have done so through long-term, bipartisan government commitment and a clear shift away from punitive models toward early, community-based responses.

Queensland has an opportunity to learn from these examples and shift its focus toward strategies that not only reduce crime but also promote wellbeing and long-term community safety.

Recommendation 6: PeakCare recommends the Queensland Government invest in evidence-based programs that prioritise early intervention and crime prevention as the most effective means of improving community safety. This should include increased support for families and children during the critical first 2,000 days of life – including prenatal support – alongside access to secure and stable housing, culturally responsive family support programs, and early education services. These investments are essential to reducing future offending and building stronger, healthier communities.

Address First Nations over-representation in detention

Queensland's youth detention centres are at capacity, with children as young as 10 being held in adult watchhouses. Aboriginal and Torres Strait Islander children are significantly over-represented, making up 65 to 72 per cent of the youth detention population, despite comprising only five per cent of the Queensland's 10 to 17-year-old population. They are 23 times more likely to be detained than their non-Indigenous peers.²⁵

This over-representation is the result of intergenerational trauma, systemic racism, socioeconomic disadvantage, and over-policing of First Nations communities. Policies such as breach of bail disproportionately affect First Nations children, compounding existing inequalities.

²⁵ Changing the sentence | Queensland Family and Child Commission (qfcc.qld.gov.au)



²² Ministry of Justice. (2021, January 28). Youth Justice Statistics. Retrieved from https://www.gov.uk/government/collections/youth-justice-statistics

²³ Youth Justice Statistics: 2020 to 2021 (accessible version) - GOV.UK (www.gov.uk)

²⁴ Crime prevention - gov.scot (www.gov.scot)

Such incarceration rates breach the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and undermine efforts to close the gap in health, education, and justice outcomes. Culturally safe, community-led alternatives are urgently needed.

Programs led by First Nations organisations and Elders are proven to reduce recidivism and build resilience. However, the geographic isolation of detention centres creates further barriers, separating children from culture, family and Country.

"They didn't offer cultural programs when I was in primary school. That started in high school. Cultural programs are good, they're different than regular programs because they understand you more.

They know how you're feeling."

- child in a youth detention centre

Recommendation 6: PeakCare recommends that the Queensland Government reduce the over-representation of Aboriginal and Torres Strait Islander children in detention by investing in culturally led, community-based diversion programs and removing punitive polices that disproportionately affect First Nations young.



CONCLUSION

We cannot punish our way to community safety. While "tough on crime" policies may offer political appeal, they fail to address the complex, underlying causes of youth offending. The time has come for Queensland to embrace a Smart Justice approach – one that prioritises prevention, early intervention, and rehabilitation to create real and lasting community safety.

PeakCare continues to call for evidence-based reforms that address the root causes of youth crime. This includes safe and stable housing, responses to domestic and family violence, access to mental health and disability supports, healing from trauma and educational inclusion. Ensuring that children are connected to role models, supported in school and training, and engaged in meaningful activities is critical to reducing recidivism and strengthening communities.

Locking children up for longer will not make Queensland safer—it will do the opposite. We must rehabilitate the children already in the system and focus our efforts on preventing crime before it occurs, by supporting children and families when they need it most.

The drivers of youth offending closely mirror those that bring children into the child protection system. The high number of children involved in both systems reflects a systemic failure to respond early and adequately. Many of these same children have been excluded from education and denied the support they need to re-engage. Without a long-term, coordinated strategy to address these adverse childhood experiences, children, families, and communities will continue to bear the consequences.

Queensland now has an opportunity to refocus on what works: community-based, culturally responsive, family-focused strategies that support children to live crime-free, productive lives. This is how we build safer, stronger communities.

PeakCare stands ready to support the Committee and the Queensland Government in advancing these reforms. We urge you to commit to smarter justice solutions, making a safer Queensland for all.

Yours sincerely,

Ms Kate Bjur
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PeakCare Queensland Incorporated

