

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

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Justice, Integrity and Community Safety Committee
Parliament House
George St
Brisbane Qld 4000

Submitted via web-portal

Dear Committee Members

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

Thank you for the opportunity to provide feedback in relation to the above.

About QCOSS

Queensland Council of Social Service (QCOSS) is **Queensland's** peak body for the social service sector. Our vision is to achieve equality, opportunity, and wellbeing for all Queenslanders.

QCOSS' position

QCOSS strongly opposed the *Making Queensland Safer Act 2024* (Qld) that established a process where children are subject to the same sentencing regime as adults for 13 specific offences ("Adult Crime, Adult Time"). The scope of this submission is limited to the expansion of the "Adult Crime, Adult Time" policy to include an additional 20 offences as proposed by the Bill. We note that this includes the addition of some non-violent offences to fall within scope of the policy.

QCOSS does not support the Bill.

The "Adult Crime, Adult Time" policy will not make the community safer and is likely to result in the detention of more children for longer. Further expansion of the policy will cause harm to some of the most disadvantaged children in Queensland. The youth justice system in Queensland has a particularly disproportionate impact on Aboriginal and Torres Strait Islander children and their families, and these laws will compound this.

While we welcome commitments from the Queensland Government to invest in early intervention, diversion and rehabilitation, the expansion of the "Adult Crime, Adult Time" will undermine those policies and investments.

We also raise concern regarding the timeframe that the Bill is passing through parliamentary processes. The Bill follows other rushed youth justice laws that have been introduced in Queensland that are not compatible with the human rights of children. The legislative amendments proposed by the Bill are significant and should go through proper consultation processes.

In developing this submission, QCOSS has drawn upon our ongoing research and engagement with members of the community service sector and other stakeholders who have a deep understanding of best practice in supporting young people and families. QCOSS also works with our community service sector to coordinate the Queensland Raise the Age campaign, which calls for the minimum age of criminal responsibility to be raised to 14. Additionally, on Wednesday 9 April, QCOSS held a submission discussion session with a wide range of community service providers who continue to express grave concerns on the likely impact of the Bill.



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Children should be treated differently from adults in the justice system

The United Nations Convention on the Rights of the Child outlines that children in contact with the justice system should be "...treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society."¹

Legislative changes relating to youth justice should be guided by a human rights framework to ensure children are afforded special care in the protection of their human rights. Among other rights, the *Human Rights Act 2019* (Qld) ('the Human Rights Act') includes the right to protection needed by the child, in the child's best interest; the right to privacy; the right to freedom from torture and cruel, inhuman or degrading treatment; and a child's right to treatment that is appropriate to the child's age when they are convicted of an offence.²

By expanding "Adult Crime, Adult Time", the Bill disregards the human rights of children in Queensland. The government has resolved to proceed with the Bill despite the insights reflected in the Statement of Compatibility accompanying the Bill:

"It is likely that Aboriginal and Torres Strait Islander children will be impacted more by these amendments, due to their overrepresentation in the criminal justice system. The Bill could result in more Aboriginal and Torres Strait Islander children being imprisoned for longer periods of time."

...

"I recognise that there may be less restrictive options available to achieve the stated purpose, such as by increasing maximum penalties for specific offences to mirror the maximum penalties for adults, but, consistent with the current law, only exposing children who have committed particularly heinous offences which involve the commission of violence against a person to mandatory minimum non-parole periods.

I also recognise that, according to international human rights standards, the negative impact on the rights of children likely outweighs the legitimate aims of punishment and denunciation. The amendments may lead to sentences for children that are more punitive than necessary to achieve community safety. This is in conflict with international law standards, set out above, which provide that sentences for a child should always be proportionate to the circumstances of both the child and the offence."³

In order to facilitate greater transparency on why an expansion to "Adult Crime, Adult Time" is being pursued, we call for the public release of the advice provided by the Expert Legal Panel who were tasked with reviewing expansion of the policy.

Children do not have the same decision-making capacity as adults, are at a different developmental stage of their lives, and experience different vulnerabilities. This is why it's important to have different approaches for young people in contact with the criminal justice system compared to adults, including different approaches to rehabilitation that incorporate therapeutic supports to meet their specific needs. Adult sentencing regimes are not fit for purpose in the context of children engaging in criminal behaviour.

Children who interact with the youth justice system have high rates of physical, cognitive, neurological disabilities, cognitive impairments, ADHD, autism spectrum disorder, traumatic brain injury, learning difficulties and mental health issues. National and international research indicates that more than 50 per cent of children in youth detention have severe speech, language, auditory,

¹ United Nations Convention on the Rights of the Child, Article 40.

² *Human Rights Act 2019* (Qld).

³ State of Queensland. (2025). *Making Queensland Safer (Adult Crime, Adult Time) Amendment Bill 2025 Statement of Compatibility*. The Hon Laura Gerber, Minister for Youth Justice and Victim Support and Minister for Corrective Services.

<https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5825T0284/5825t284.pdf>

and literacy difficulties. These conditions are found to compromise a child's capacity to understand the consequence of their actions. Offending behaviours can be driven by issues relating to impulsivity, hyperactivity, risk-taking, and emotional regulation as symptoms of underlying, and possibly undiagnosed, disabilities and neurological conditions.

Children committing serious crime in Queensland are more likely to have been exposed to domestic violence, used drugs, and had limited access to education, housing and healthcare. Adverse childhood experiences result in physical changes to the brain and interrupts the brain's normal development.⁴ Research suggests that children are more likely to commit offences, and re-offend, if they have experienced early childhood trauma and adversity. Studies indicate that developmental delays caused by domestic and family violence are compounded by a child's inability to understand that violence they may be exposed to in their home is inappropriate or illegal in public.⁵

Presuming longer prison sentences or other tough measures will deter children from engaging in offending behaviour is flawed, particularly for children whose decision-making is impacted by their age, disability and exposure to violence and trauma.

As coordinators of the Queensland Raise the Age campaign, it is our view that children under the age of 14 should not be subject to the criminal justice system. Additionally, the laws proposed by the Bill should not apply to any child.

"Adult Crime, Adult Time" and its proposed expansion represent an unprecedented step in the wrong direction. The policy will not make communities safer, and is not consistent with Queensland's human rights obligations to children, nor international best practice.

The Human Rights Act outlines a child's right to treatment that is appropriate to the child's age when they are convicted of an offence.⁶ The United Nations Committee on the Rights of the Child provided guidance on the application of the child justice system in their *General Comment No. 24 (2019) on children's rights in the child justice system*. They outlined "...the child justice system should apply to all children above the minimum age of criminal responsibility but below the age of 18 years at the time of the commission of the offence."⁷ The Committee recommended that any governments that limit the applicability of their child justice system should "...change their laws to ensure a non-discriminatory full application of their child justice system to all persons below the age of 18 years at the time of the offence."⁸ In the same General Comment, the Committee also urged governments to raise the age of criminal responsibility to at least 14 years based on established findings regarding brain development in children and young people.

"Adult Crime, Adult Time" sentencing framework applies to children as young as ten years old, due to the low minimum age of criminal responsibility in Queensland. The sentencing framework can result in lengthy minimum periods of detention for children found guilty of murder, or sentenced to life imprisonment, and limits judicial discretion to make orders suitable to the circumstances of the situation. Our members have previously raised concern that young children who are charged as an accessory to a crime are already swept into the youth justice system far too often. We therefore raise additional concern about how the sentencing framework will interact with children who may have simply been at the wrong place at the wrong time, or whose actual role in an offence was very small.

We recommend prioritising investment and support for processes that have been demonstrated to help achieve good outcomes for both children in contact with the criminal justice system and victims. Restorative justice conferencing provides a safe environment for the victim to discuss the impacts of

⁴ Walsh T, Beilby J, Lim P, Cornwell L. (2023). Safety through support: building safer communities by supporting vulnerable children in Queensland's youth justice system.
<https://espace.library.uq.edu.au/view/UQ:55d7b70>

⁵ Ibid.

⁶ *Human Rights Act 2019* (Qld) s 33(3).

⁷ United Nations Committee on the Rights of the Child. (2019). *General Comment No. 24 (2019) on children's rights in the child justice system*. CRC/C/GC/24.
<https://digitallibrary.un.org/record/3899429?v=pdf>

⁸ Ibid.

crime. The child has the opportunity to take responsibility, learn from their mistakes, and understand the impacts of their behaviour. A 2018 evaluation of restorative justice conferencing over a twelve-month period in Queensland found that 59 per cent of young people who completed a conference in the first six months of the program did not reoffend within the six months following their conference and a further 18 per cent showed a decrease in post-conference offending magnitude. The report also found that restorative justice contributed towards more efficient court processes and found that both young people and victims reported high levels of satisfaction with the conference process.⁹ These are much stronger results compared to outcomes following periods of time served in detention. It is concerning that the Bill will limit access to restorative justice processes.

“Adult Crime, Adult Time” is just one element within a concerning pattern of harsh youth justice policies in Queensland, and throughout other parts of Australia. This was explored comprehensively in a recent complaint to the United Nations Committee on the Elimination of Racial Discrimination (‘the Committee’).¹⁰ The complaint calls on the Committee to review the state of Australia’s youth justice laws, policy and state agency conduct under the Committee’s Early Warning and Urgent Action procedure. The Complaint outlines:

“Too many Aboriginal and Torres Strait Islander children are being subjected to extensive trauma, cruel, inhuman and degrading treatment, segregation from society, exclusion from their own community, exclusion from culture and loss of life because of the criminal legal system. No more can be lost or harmed.”¹¹

It is our view that the youth justice system in Queensland must operate in a human rights respecting way to be effective. It is possible to improve community safety while also meeting the needs and rights of victims of crime and respecting the human rights of children.

The Bill will disproportionately impact Aboriginal and Torres Strait Islander children, children with disability, and culturally and linguistically diverse children

The criminal justice system has a disproportionate impact upon Aboriginal and Torres Strait Islander children and their families. Of the children and young people who were incarcerated in the 2023-24 financial year in Queensland, nearly 70 per cent identified as Aboriginal and/or Torres Strait Islander. Within the 10–13-year-old age group, over 80 per cent identified as Aboriginal and/or Torres Strait Islander.¹² The right of First Nations Peoples to self-determination, which is acknowledged in the preamble of Queensland’s Human Rights Act, must shape the way forward.

Children with a disability are also disproportionately impacted by the youth justice system. While current figures suggest that 44 per cent of children in the youth justice system have one or more disabilities,¹³ our members often reflect that this figure may be an underestimate due to undiagnosed needs.

QCOSS members have also emphasised the disproportionate impact of the youth justice system upon children who are culturally and linguistically diverse, noting that their needs are also not being met within the youth justice system and who need targeted, community-led support.

The Bill will place further strain on an already over-burdened youth justice system

⁹ State of Queensland. (2018). Restorative Justice Project: 12-month Program Evaluation. Department of Youth Justice.

https://www.publications.qld.gov.au/ckan-publications-attachments-prod/resources/a8a36920-c6d9-4017-bfa7-84fb9da75570/17443_restorative-justice-evaluation-report-1.pdf?ETag=e4e930b31c430f9f592614c08f1d90be

¹⁰ McGlade H, Davis M. (2025). International Convention on the Elimination of All Forms of Racial Discrimination – Early Warning and Urgent Action submission. Accessed 14 April 2025.

<https://www.hrlc.org.au/reports-news-commentary/urgent-un-complaint>

¹¹ Ibid.

¹² Australian Government. (2025). *Report on government services 2025: youth justice services*. Productivity Commission, Table 17A.9.

<https://www.pc.gov.au/ongoing/report-on-government-services/2025/community-services/youth-justice>

¹³ State of Queensland. (2024). *A Safer Queensland – Queensland Youth Justice Strategy 2024-2028*.

<https://www.youthjustice.qld.gov.au/our-department/strategies-reform/strategy>

“Adult Crime, Adult Time”, and any expansion to it, will place further strain on an already over-burdened youth justice system. As highlighted by the Queensland Audit Office:

“Queensland’s youth detention centres are consistently operating above their safe capacity. The department’s procedures state that a safe capacity is achieved when no more than 85 per cent of beds are utilised. It requires a ratio of one youth worker to 4 young offenders when in open spaces. Where a young offender is a threat to the safety of others in the centre, they may require one-on-one supervision.

Between April 2022 and March 2023, the average utilisation rates were:

- Brisbane Youth Detention Centre – 94 per cent
- Cleveland Youth Detention Centre – 88 per cent
- West Moreton Youth Detention Centre – 95 per cent.

Operating beyond the safe capacity increases the risk of safety incidents, including assaults on detention centre staff.”¹⁴

The Queensland Ombudsman, in their capacity as Inspector of Detention Services, released the *Cleveland Youth Detention Centre inspection report: Focus on separation due to staff shortages*. Among other things, they raised concerns on the use of ‘separation’ due to staff shortages that can impact children’s mental wellbeing and reduce access to services within the centre, including education.¹⁵ The Queensland Family and Child Commission have also raised concerns regarding youth detention centres operating above safe capacity, and concerns on staff shortages.¹⁶

The Statement of Compatibility accompanying the Bill acknowledges “...over time, the amendments may impose further strain on youth detention centres in Queensland and it is possible that this could result in increased numbers of children in watchhouses for extended periods of time.”¹⁷ We share the same concerns and argue that this outcome cannot be justified.

Our members include organisations who continue to witness the appalling conditions children are experiencing in watch houses. The Youth Advocacy Centre has noted in relation to watchhouses “...there are extremely limited facilities for visits by family; there are often no facilities for exercise or other age-appropriate activities; many children are staying for two weeks and in isolated incidents they may be staying for as long as five weeks; the children are being held in close proximity to adult prisoners; the police working in the watch houses often have no training in dealing with troubled young people.”¹⁸

Ongoing media coverage has shed further light on the damaging practice of holding children in adult watch houses. For example, reports of a 17 year old who had been incarcerated in a watch house for 32 days,¹⁹ reports of another 17 year old who was struck three times with a police baton,²⁰ and

¹⁴ State of Queensland. (2024). *Reducing serious youth crime (Report 15: 2023-24)*. Queensland Audit Office. <https://www.gao.qld.gov.au/reports-resources/reports-parliament/reducing-serious-youth-crime>

¹⁵ Queensland Ombudsman. (2024). *Cleveland Youth Detention Centre inspection report: Focus on separation due to staff shortages*. <https://www.ombudsman.qld.gov.au/detention-inspection/inspections-and-reports>

¹⁶ Queensland Family and Child Commission. (2023). *Who’s responsible: Understanding why young people are being held longer in Queensland watch houses*, pp 49-54. <https://www.qfcc.qld.gov.au/sector/monitoring-and-reviewing-systems/young-people-in-youth-justice/who%27s-responsible>

¹⁷ Making Queensland Safer (Adult Crime, Adult Time) Amendment Bill 2025 Statement of Compatibility.

¹⁸ Youth Advocacy Centre. (2019). *Orange Paper 1: The use of Queensland Watch houses to hold children*. <https://yac.net.au/wp-content/uploads/2022/10/YAC-Orange-Paper-1-QLD-Watch-Houses.pdf>

¹⁹ Smee, B. (27 August 2023). ‘I’ll never forget’: after 32 days without sunlight in a Queensland watch house, Nick’s hair was falling out. The Guardian. <https://www.theguardian.com/australia-news/2023/aug/27/queensland-watch-house-laws-teenagers-experience-human-rights-act>

²⁰ Blucher, A. (10 July 2024). “Jason’ was beaten repeatedly with a baton in a watch house. An investigation found the use of force was ‘reasonable’”. ABC News. <https://www.abc.net.au/news/2024-07-10/indigenous-teenager-beaten-brisbane-police-watch-house-cctv/104070840>

reports of a 14 year old girl with foetal alcohol spectrum disorder and other intellectual disabilities who was injured when police were moving her into an isolation cell.²¹ The ABC has also published a number of case studies described as *The Watch House Files*, which provide further details of devastating and unacceptable scenarios.²²

Recently the Queensland Ombudsman, in their capacity as Inspector of Detention Services, released their *Cairns and Murgon watch-houses inspection report: Focus on detention of children*.²³ The report highlights several concerns including unsuitable infrastructure, inadequate admission processes, children being held in isolation, along with irregular and inconsistent access arrangements for important service providers.²⁴

The youth justice system is already operating under immense stress resulting in unacceptable outcomes for children. Further pressure should not be placed on this system. If the Bill does pass, the Government should outline projections on facility demands and how they intend to manage capacity in youth detention facilities safely.

Current funding approaches disproportionately favour punitive responses

The current approach to government expenditure under the Department of Youth Justice and Victim Support is heavily skewed to government run programs creating a costly and ineffective system that do not address the root causes of youth crime and do not reduce offending.

Based on the most recent figures available, the average cost of incarcerating one child for one year in Queensland is just over \$789,000.²⁵ The construction and operation of new detention facilities are coming at a cost of hundreds of millions of dollars. The previous Government committed more than \$260 million in funding in late 2023 to construct the new Youth Remand Centre at Wacol and close to \$150 million over three years to operate the facility.²⁶ The projected construction cost of the Woodford Youth Detention Centre is up to \$627.61 million,²⁷ while \$261.4 million over four years has been allocated to establish and support the therapeutic operating model at the Woodford Youth Detention Centre.²⁸ There is also a proposal to build a detention centre in the Cairns region.²⁹

The Queensland Audit Office found that between 2018-19 and 2022-23, the department spent \$1.38 billion on youth justice. Approximately 90 per cent of this (\$1.25 billion) was spent on internal department programs and services, including costs associated with detention centres and service centres. In comparison, approximately 10 per cent (\$134 million) was invested into non-government organisations (\$92 million) and Aboriginal and Torres Strait Islander community-controlled

²¹ Luu J, Elias M. (18 July 2024). 'Unfit for court with the capacity of a 5-year-old: The kids being locked up in a crime crackdown'. SBS News
<https://www.sbs.com.au/news/the-feed/article/unfit-for-court-with-the-capacity-of-a-5-year-old-the-kids-being-locked-up-in-a-crime-crackdown/3vh6kffav>

²² Willacy M. (13 May 2019). 'the Watch House Files: Detention centres full, children locked in Queensland's police watch houses'. ABC News.
<https://www.abc.net.au/news/2019-05-13/hold-the-watch-house-files/11046190>

²³ Queensland Ombudsman. (2024). *Cairns and Murgon watch-houses inspection report: Focus on detention of children*.
<https://www.ombudsman.qld.gov.au/detention-inspection/inspections-and-reports>

²⁴ Ibid.

²⁵ Australian Government. (2025). *Report on government services 2025: 17 youth justice services, Table 17A.20*. Productivity Commission
<https://www.pc.gov.au/ongoing/report-on-government-services/2025/community-services/youth-justice>

²⁶ The Hon Steven Miles, the Hon Cameron Dick, the Hon Mark Ryan and the Hon Di Farmer. *Community Safety Plan for Queensland: Construction progressing on Wacol Remand Centre*. (23 September 2024)
<https://statements.qld.gov.au/statements/101419>

²⁷ The Hon Steven Miles and the Hon Di Farmer. *Construction starts on youth detention facility at Woodford*. (27 February 2024)
<https://statements.qld.gov.au/statements/99792>

²⁸ State of Queensland. (2024). *Community Safety Plan for Queensland*, p 23.
<https://www.qld.gov.au/about/community-safety>

²⁹ State of Queensland. *New Youth Detention Centre in Cairns*. Department of Youth Justice and Victim Support. (Accessed 2 December 2024).
<https://www.youthjustice.qld.gov.au/our-department/strategies-reform/new-youth-detention-centres/cairns>

organisations (\$42 million).³⁰ Their report also highlighted that investment in programs and services was not sufficiently strategic or appropriately evaluated.

The previous youth justice strategy, *Working Together to Change the Story Youth Justice Strategy 2019-2023*, centred upon the four pillars of intervening early, keeping children out of court, keeping children out of custody, and reducing re-offending. A key finding of the Queensland Audit Office, reinforced by the views of our members, was that the strategy was not sufficiently supported through implementation.

The community services sector holds the experience, expertise, and community connections to deliver evidence based, effective programs that support young people and families. The comparative lack of funding for these services significantly reduces the capacity for community organisations to meet the needs of young people engaged in, or at risk of engaging, with the justice system.

Last year QCOSS published the *State of the Sector 2024* report, based on extensive feedback provided by community services across Queensland.³¹ Only 7 per cent of respondents to our community sector survey felt they were always able to meet service demand. 40 per cent reported that their organisation turned people away due to lack of capacity and 33 per cent reported that staff worked unpaid hours to meet demand. An overwhelming number of survey respondents reported an increase in the complexity of need among service users (84 per cent), as well as levels of poverty and disadvantage among service users (83 per cent).

Tough laws and policies are not effective and do not address the root causes of youth crime

In the 2024 June quarter, there were 317.1 children and young people incarcerated in Queensland on an average night.³² This was a higher nightly average than any other State or Territory in the country, and is higher than the nightly average of Victoria, Western Australia, South Australia, Tasmania, Australian Capital Territory and the Northern Territory combined. The *Children's Court of Queensland Annual report for 2023-24* outlined that 7,806 children spent time in adult watch houses over the year. Over 1,000 children spent five or more days in a watchhouse. Of those children, 259 spent 15 days or more in a watchhouse.³³

Queensland has an over-reliance on detaining children despite clear evidence that this approach is not effective. As explored in recent research, of the children who are sentenced to detention in Queensland, 80 per cent will return to youth justice supervision within 12 months. The younger a child is when they are first sentenced, the more likely they will be to return to youth justice supervision again during childhood. Of children aged 10 to 12 years who receive a supervised sentence, 94 per cent will return to youth justice supervision at some point.³⁴

Recent research published in the *Lancet Public Health* journal explored the mortality outcomes in a large group of young people in Queensland who had contact with the youth justice system. The research found that "justice-involved young people are at markedly increased risk of premature death from largely preventable causes. Reducing the burden of preventable death among these

³⁰ State of Queensland. (2024). *Reducing serious youth crime (Report 15: 2023-24)*. Queensland Audit Office, pp 20-21.

<https://www.gao.qld.gov.au/reports-resources/reports-parliament/reducing-serious-youth-crime>

³¹ Queensland Council of Social Service. (2024). *State of the Sector 2024*.

<https://www.qcoss.org.au/publication/report-state-of-the-sector-2024/>

³² Australian Government. (2024). *Youth detention population in Australia 2024*. Australian Institute of Health and Welfare. Table 11.

<https://www.aihw.gov.au/reports-data/health-welfare-services/youth-justice/overview>

³³ State of Queensland. (2024). *Childrens Court of Queensland Annual Report 2023-24*. Childrens court of Queensland.

https://www.courts.qld.gov.au/_data/assets/pdf_file/0006/819771/cc-ar-2023-2024.pdf

³⁴ Walsh T, Beilby J, Lim P, Cornwell L. (2023). Safety through support: building safer communities by supporting vulnerable children in Queensland's youth justice system, p 14.

<https://espace.library.uq.edu.au/view/UQ:55d7b70>

young people will require coordinated, multi-sectoral responses that extend beyond the criminal justice system.”³⁵

The Child Death Review Board provided a detailed exploration of contact two boys had with the youth justice system prior to their deaths, including periods of incarceration. The report outlined “the system appeared ineffective at achieving improvements in safety and wellbeing for either boy. Arguably, their experiences in detention served to cause further trauma, disconnection, and hopelessness.”³⁶

Responses to youth crime in Queensland must respond to the root causes and complex drivers of offending behaviour. In response to a recent Queensland Inquiry on youth justice, a community service worker shared their reflections with QCOS on the importance of holistic approaches to supporting young people:

“It is important to get in early to break the cycle. I have seen children dragged away from school and through the courts for stealing a sausage roll and a drink. Sometimes children go through a treadmill of court over months for a small shoplifting offence. Children are getting sucked into the system with prolific offenders... It perpetuates the cycle. I would like to see more wrap around services for each young person...so the child isn’t put through court and dragged out of school. These children need support to get into school, more boots on the ground to help them, help to go to footy training, basic dental health, grocery support to get food on the table and support for families.”

International and Australian research provides a clear understanding of the causes that lead to youth crime. Poverty, disadvantage, trauma, disability, exposure to violence, and drug and alcohol use are all drivers of a young person’s interaction with the justice system. Punitive responses, including inappropriate and unsuitable detention facilities, exacerbate these issues while community organisations can provide the therapeutic interventions to support these needs and reduce offending rates.

Children who are involved with, or at risk of involvement with the justice system, often have a disability and multiple physical and mental health challenges associated with trauma and entrenched disadvantage.³⁷

The Queensland Youth Justice Strategy outlines that “...of the young people in the youth justice system in 2022-2023:

- 81 per cent have used at least one substance
- 53 per cent are impacted by domestic and family violence
- 48 per cent are not enrolled in education, training or employment
- 30 per cent are in unstable and/or unsuitable accommodation
- 38 per cent of youth in custody have used ice/methamphetamine in the past
- 25 per cent have a parent who has been in custody
- 44 per cent have one or more mental health disorders and/or behavioural disorders (diagnosed or suspected)
- 44 per cent have one or more disabilities

³⁵ Kinner A et al. Rates, causes, and risk factors for death among justice-involved young people in Australia: a retrospective, population-based data linkage study. *The Lancet Public Health*, Volume 10, Issue 4, e274 - e284.

³⁶ State of Queensland. (2023). *Child Death Review Board Annual Report 2022-23*. Child Death Review Board, p 22. <https://www.qfcc.qld.gov.au/sites/default/files/2024-08/Child%20Death%20Review%20Board%20Annual%20Report%202022-2023.pdf>

³⁷ McArthur, M., Suomi, A., & Kendall, B. (2021). Review of the service system and implementation requirements for raising the minimum age of criminal responsibility in Australian Capital Territory (p. 7). *Australian National University*. https://www.justice.act.gov.au/data/assets/pdf_file/0006/2072364/Raising-the-Age-Final-Report.PDF

- 16 per cent have one or more psychological behavioural issues.”³⁸

An Australian study identified the following key social determinants increase the risk of incarceration:

- experiencing out of home care
- experiencing educational barriers
- early contact with police
- unsupported mental health and disability
- problematic alcohol and drug use
- experiencing homelessness or unstable housing
- living in a disadvantaged location.³⁹

An assessment of 99 children in youth detention in Western Australia found that 89 per cent had at least one severe neurodevelopmental or mental health disorder. These disorders included Foetal Alcohol Spectrum Disorder, intellectual disability, ADHD, trauma/attachment disorders, depression, anxiety, learning difficulties and speech and language disorders.⁴⁰

In relation to education, it has been identified that the absence of a positive connection to school at age seven is a predictor of later offending behaviours.⁴¹ School disciplinary absences and lack of supervision has been shown to increase the likelihood of students becoming involved in the youth justice system.⁴²

International evidence shows that childhood homelessness strongly increases risk of involvement in the youth justice system and is often linked to trauma.⁴³ As of June 2024, there were 25,223 applications on the waitlist for the Queensland Social Housing Register, representing 45,987 people. There were 7,411 single parent family household applications.⁴⁴ In the past five years alone, advertised median rents have increased throughout Queensland by more than 50 per cent on average.⁴⁵ The most recent census data found that 23 per cent of all people experiencing homelessness were aged from 12 to 24 years.⁴⁶ Estimates from leading housing academics indicate there are about 150,000 households across Queensland whose needs for affordable housing are currently unmet.⁴⁷

³⁸ State of Queensland. (2024). *A Safer Queensland – Queensland Youth Justice Strategy 2024-2028*, p 11.

<https://www.youthjustice.qld.gov.au/our-department/strategies-reform/strategy>

³⁹ McCausland, R. & Baldry, E. (2023). Who does Australia Lock Up? The Social Determinants of Justice. *International Journal for Crime, Justice and Social Democracy*, 12(3) (pp. 37-53). doi: 10.5204/ijcjsd.2504.

⁴⁰ Bower C, Watkins RE, Mutch RC, et al., (2018). Fetal alcohol spectrum disorder and youth justice: a prevalence study among young people sentenced to detention in Western Australia, *BMJ Open* 2018 (p. 5).

⁴¹ Homel, R., Freiberg, J. & Branch, S. (2013). *Creating the conditions for collective impact: Transforming the child-serving system in disadvantaged communities*. Griffith University.

⁴² Hemphill, S., Broderick, D. & Heerde, J. (2017). *Positive Associations between school suspension and student problem behaviour: Recent Australian findings* (p. 5). Australian Institute of Criminology.

<https://www.aic.gov.au/sites/default/files/2020-05/tandi531.pdf>

⁴³ Thomson, S. et. al. (2013). Explaining homeless youths criminal justice interactions: childhood trauma or surviving life on the streets. *Community Mental Health Journal*.

⁴⁴ Queensland Council of Social Service. *Queensland Social Housing Register Data*. Accessed 14 April 2025.

<https://www.qcoss.org.au/data/queensland-social-housing-register/>

⁴⁵ State of Queensland. (2024). *Median value of weekly rent paid for new tenancies commencing in each quarter*. Residential Tenancies Authority

<https://www.rta.qld.gov.au/forms-resources/median-rents-quick-finder/median-rents-quarterly-data>

⁴⁶ Australian Government. (2023). *Estimating Homelessness: Census*.

<https://www.abs.gov.au/statistics/people/housing/estimating-homelessness-census/latest-release>

⁴⁷ Pawson H, Clarke A, van den Nouwelant R, Petersen H, Moore J, Sigler T. (2024). *Breaking Ground, progress update and assessment of Queensland's housing crisis*, p 4.

https://www.qcoss.org.au/wp-content/uploads/2024/06/Report_Breaking-Ground_Progress-update-of-Queensland-Housing-Crisis_web.pdf

QCOSS members operating in the domestic and family violence sector report soaring levels of demand along with increased complexity of need. Of all Queensland DFV occurrences between 2016 and 2022 reported to police, 31 per cent involved children.^{48,49} The Queensland Audit Office has identified that there are few domestic and family violence supports available for children, especially in regional areas, and multi-agency, holistic case management is needed.⁵⁰ In the 2023-24 financial year domestic and family violence offences accounted for 56.9 per cent of total assault offences in Queensland.⁵¹ Most domestic violence offences are committed by adult males, and the victims are usually women and children.^{52,53}

In 2020-2021, 10-to-17-year-olds from the lowest socioeconomic areas in Australia were five times more likely to be under youth justice supervision than those from the highest socioeconomic areas.⁵⁴ QCOSS recently released the *Living Affordability in Queensland 2024* report, which sought to establish whether five modelled low-income households in Queensland can afford a basic standard of living. The report documents the financial stress and deprivation faced by vulnerable households in Queensland. It found that none of the households with children were able to afford a basic standard of living.⁵⁵ Raising the rate of income support above the poverty line is essential to ensure low-income families in Queensland can afford a basic standard of living.

Drug and alcohol disorders are highly represented in the youth justice population, with one report indicating that as many as 64 per cent of those in youth justice systems across Australia have a drug and alcohol disorder compared to 5.1 per cent in the community.⁵⁶ A four-year study of the connection between Alcohol and Other Drugs ('AOD') treatment and youth justice systems in Australia found that 21 per cent of young people who access AOD treatment have also had youth justice supervision. Similarly, 33 per cent of young people on youth justice supervision have accessed AOD treatment in their recent past.⁵⁷ In the Australian AOD system there is a general lack of services appropriate for younger people and fewer still for young people aged 16 years or less. Geographic access issues are also present alongside broader issues of service capacity and availability.⁵⁸ In the context of AOD, reports across multiple jurisdictions note that routine screening for AOD issues is inconsistent and that in the event where screening is undertaken, there is often inadequate treatment support within youth justice systems.⁵⁹

⁴⁸ Dwyer, M. in Queensland Police Service. (2022). *Rise in domestic violence occurrences prompts safety messages from police and support services*. <https://mypolice.qld.gov.au/news/2023/03/01/rise-in-domestic-violence-occurrences-prompts-safety-message-from-police-and-support-services/>

⁴⁹ Queensland Audit Office. (2022). *Keeping people safe from domestic and family violence*, (Report 5: 2022–23). https://www.gao.qld.gov.au/sites/default/files/2022-11/Keeping%20people%20safe%20from%20domestic%20and%20family%20violence%20%28Report%205%2022%E2%80%9323%29_0.pdf

⁵⁰ Queensland Audit Office. (2022). *Keeping people safe from domestic and family violence*, (Report 5: 2022–23). https://www.gao.qld.gov.au/sites/default/files/2022-11/Keeping%20people%20safe%20from%20domestic%20and%20family%20violence%20%28Report%205%2022%E2%80%9323%29_0.pdf

⁵¹ Minister for Police and Community Safety, the Hon. Mark Ryan. *Latest Crime Statistics from Queensland Police Service*, (July 26, 2024). <https://statements.qld.gov.au/statements/100936>

⁵² Australian Institute of Health and Welfare. *Family, domestic and sexual violence*. (Accessed October 9, 2024). <https://www.aihw.gov.au/family-domestic-and-sexual-violence/resources/fdsdv-summary>

⁵³ State of Queensland. (2023). *Gender Equality Report Cards 2023, Queensland Women's Strategy 2022-27*. https://www.women.qld.gov.au/_data/assets/pdf_file/0019/224092/gender-equality-report-card-2023.pdf

⁵⁴ Australian Institute of Health and Welfare. (2022). *Youth justice in Australia 2020–21* (p.15). <https://www.aihw.gov.au/getmedia/10da194d-5756-4933-be0a-29d41743d79b/aihw-juv-138.pdf?v=20230605182446&inline=true>

⁵⁵ Queensland Council of Social Service. (2024). *Living Affordability in Queensland 2024*. https://www.qcross.org.au/wp-content/uploads/2024/09/Report_Living-Affordability-in-Queensland-2024_web.pdf

⁵⁶ Atkinson, B (2018). *Report on Youth Justice 2018*. <https://www.youthjustice.qld.gov.au/our-department/publications-reports/atkinson-report>

⁵⁷ AIHW. (2018). *Overlap between youth justice supervision and alcohol and other drug treatment services - 1 July 2012 to 30 June 2016*. Canberra: Australian Government.

⁵⁸ AADC (2023). Submissions to the Australian Human Rights Commission: Youth Justice and Child Wellbeing Reform across Australia. <https://aadc.org.au/resources/>

⁵⁹ Ibid

Further investment is needed for effective evidence-based programs and services

We are pleased the Queensland Government has committed to investing in early intervention, diversion and rehabilitation. We encourage the government to focus on this commitment rather than investing time and resources in punitive approaches such as “Adult Crime, Adult Time”.

QCOSS members have consistently advocated for greater investment in areas such as case management programs, 24-hour safe accommodation options, disability and therapeutic support options, education support and alternative education, and community-led restorative justice conferencing as elements of a service system response that will reduce crime.

Government investment should be targeted to the programs that address the root causes of crime and deliver the evidence-based supports that are clearly recognised across Queensland and international research. The Queensland Audit Office found that system-wide investment analysis to inform funding decisions related to youth justice services has not been happening. They outlined:

“Knowing where to prioritise funding across Queensland’s youth justice system is vital. Decisions about where to invest should be based on risk and need, and informed by data. This should include detailed analysis of youth crime rates by location, types of offenders, offences and severity of offences, service provider capability, capacity, and other relevant trends. Macro analysis is also important in informing investment across the system. This includes balancing investment in programs that focus on early intervention with those that rehabilitate serious repeat offenders. This analysis can help to identify where there are gaps across the system and a need to build capability.”⁶⁰

Given the over-representation of First Nations children in the justice system, this investment planning should be done in partnership with Aboriginal and Torres Strait Islander community-controlled organisations and should facilitate their leadership in this setting. QCOSS calls for investment in services above and beyond the funding that has already been announced, and does not intersect with carceral contact with the youth justice system.

Our recommendations

In addition to other recommendations made in our submission, and in light of the expansive evidence that tough-on-crime approaches to young people in contact with the criminal justice system do not work, we recommend:

- The Queensland Government review the operation of Queensland’s youth justice system to identify immediate opportunities to streamline and improve the effectiveness of responses across the continuum. This must start by engaging with First Nations Peoples and a diverse range of organisations and community leaders to chart a way forward.
- The voices of Aboriginal and Torres Strait Islander children, families, and communities must be central to all policy and service delivery decisions. The youth justice system must be co-designed with Aboriginal and Torres Strait Islander leaders, ensuring that decisions reflect the priorities, knowledge, and cultural practices of those most affected by the system.
- Prioritise investments and policies that enable the community services sector, with a particular focus on Aboriginal and Torres Strait Islander community-controlled organisations, to lead the way in addressing the root causes of youth crime and make all Queenslanders feel safe in their communities.
- Fund and implement an alternative, community service-led response to children under the age of 14 years old who are interacting with the justice system. The response must be supportive and therapeutic in nature. It should also adopt principles of restorative justice, ensuring that the needs of victims continue to be met.

⁶⁰ State of Queensland. (2024). *Reducing serious youth crime (Report 15: 2023-24)*. Queensland Audit Office, p 20. <https://www.qao.qld.gov.au/reports-resources/reports-parliament/reducing-serious-youth-crime>

- End the use of adult watch houses for the detention of children and create viable pathways for diversion and rehabilitation, including community services available 24/7 for young people and families across Queensland.

Conclusion

Many in the community services sector are increasingly distressed by the current rhetoric and policies that de-humanise some of the most disadvantaged children in Queensland. It is fundamentally important to ensure communities feel safe, but the punitive measures such as “Adult Crime, Adult Time” will not improve community safety.

Thank you again for the opportunity to provide our submission.

Yours sincerely



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