

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

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| <b>Submission No:</b>      | 34   |
| <b>Submitted by:</b>       | Anglicare Southern Queensland              |
| <b>Publication:</b>        | Making the submission and your name public |
| <b>Attachments:</b>        | See attachment                             |
| <b>Submitter Comments:</b> |  |

# **Adult Crime, Adult Time Amendment Bill 2025**

**Submission to the Queensland Government, April 2025**



## Acknowledgement of Country

Anglicare Southern Queensland acknowledges Aboriginal and Torres Strait Islander peoples as the first Australians and recognises their culture, history, diversity, and deep connection to the land. We acknowledge the Traditional Owners and Custodians of the land on which our service was founded and on which our sites are operating today.

We pay our respects to Aboriginal and Torres Strait Islander Elders both past and present, who have influenced and supported Anglicare Southern Queensland on its journey thus far. We also extend that respect to our Aboriginal and Torres Strait Islander staff, clients and partners (past, present and future) and we hope we can work together to build a service that values and respects our First Nations people.

We acknowledge the past and present injustices that First Nations people have endured and seek to understand and reconcile these histories as foundational to moving forward together in unity.

Anglicare is committed to being more culturally responsive and inclusive of Aboriginal and Torres Strait Islander people and we are committed to embedding cultural capabilities across all facets of the organisation.

## About Anglicare Southern Queensland

Anglicare Southern Queensland (Anglicare) has responded to the needs of our community through more than 150 years of delivering innovative, quality care services.

### Service information

More than 3,000 Anglicare staff and volunteers operate across southern Queensland and in Townsville.

Our comprehensive, integrated range of community services includes community aged care; residential aged care; and community support programs, including youth justice, child safety, disability support, counselling and education, mental health, homelessness, and chronic conditions. Our services are designed to 'wrap around' clients in a comprehensive way, recognising their health needs but also addressing the social needs which contribute to wellness.

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This submission may be quoted in public documents.

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## Executive Summary

Anglicare Southern Queensland (Anglicare) welcomes the opportunity to make a submission to the Making Queensland Safer (Adult Crime, Adult Time) Amendment Bill 2025.

We continue to hold deep concerns about the original Bill and the Amendment Bill. Principally, we believe that changes in the Amendment Bill will not work and still remain incompatible with the human rights of children. We therefore do not support the proposed legislation.

As we have previously expressed in our *Making Queensland Safer Bill 2024* submission, Anglicare does not believe that the Amendment Bill will achieve its objective.<sup>1</sup> Not only will the legislation generate harm to children, their families, and their communities, but these additional amendments will intensify the impacts.

The Queensland Government has an obligation to:

1. Lessen offending behaviours amongst our children and young people while maintaining our obligations to the United Nations Convention on the Rights of the Child.
2. Transform community perceptions of child and youth offending while maintaining our obligations to the victims of crime by supporting our children and young people to “make things right” within our communities.

Recent programs and research suggest that actively supporting children between the ages of 10 and 13 can have outsized positive results. This is reflected in the integrative approaches and environments that the Queensland Government’s new Staying on Track program is prioritising to support young people. Recent research likewise suggests that targeted intervention — especially for children between the ages of 10 and 11 — may be particularly effective in preventing long-term offending behaviours. Finally, reducing the educational exclusion of upper primary school children could contribute to a reduced “pipeline” of alleged offending behaviours.

We suggest therefore that, among other strategies, focusing on the relatively small group of children at this young age would make an effective contribution to breaking cycles of reoffending and also address the Queensland Government’s desire to “[hold] young people accountable for their actions.”

## Summary of our recommendations

**Anglicare recommends that the Queensland Government:**

- Not pass the Making Queensland Safer (Adult Crime, Adult Time) Amendment Bill 2025.
- Focus on preventing the long-term offending behaviours of children and young people in Queensland by including funding for specific programs, targeted interventions, and approaches to educational inclusion that support children between 10 and 13 years of age.

## Introduction

Anglicare Southern Queensland (Anglicare) welcomes the opportunity to make a submission to the Making Queensland Safer (Adult Crime, Adult Time) Amendment Bill 2025.

We continue to hold deep concerns about the original Bill as well as its Amendments. Principally, we believe that changes in the Amendment Bill will not work, still do not acknowledge that children are developmentally different to adults, and that the changes still remain incompatible with human rights. We therefore do not support the proposed legislation.

The policy objectives behind the Amendment Bill 2025 are to “enhance community safety by prescribing new ‘Adult Crime, Adult Time’ offences” through minor amendments that increase the punitive consequences attached to a sharply increased range of offences, totalling 33 offences.

We support the goal of reducing offending amongst children and young people who are exhibiting offending behaviours, and we acknowledge that most of the 33 offences outlined in the Amendment Bill 2025 are serious ones. At Anglicare, however, we also recognise that a decade of statistics demonstrates that the issue is far from the “youth crime crisis” position of the mainstream media and others.

Reducing offending behaviours amongst children and young people is a complex undertaking that will not be achieved by increasing consequences to a level that is, as the Attorney-General notes in the original Bill’s Statement of Compatibility, “more punitive than necessary to achieve community safety”.<sup>2</sup>

Recent research acknowledges that there is a consensus that we need “new and more effective ways of responding to young people who commit crimes,” emphasising that legislation must provide “a clear mandate for evidence-based policy and practice.”<sup>3</sup> Without evidence that an approach works, any intervention is doomed to failure.

The Queensland Government has an obligation to:

1. Lessen offending behaviours amongst our children and young people while maintaining our obligations to the United Nations Convention on the Rights of the Child.
2. Transform community perceptions of child and youth offending while maintaining our obligations to the victims of crime by supporting our children and young people to “make things right” within our communities.

We reiterate therefore that reducing offending behaviours amongst children and young people requires cross-sectoral commitment and action, a strong evidence base, and appropriate investment by government in holistic prevention and early intervention support programs for children and families, addressing the risk factors that can result in the offending behaviours in the first place.

## Changes in the Amendment Bill 2025 will not work

The Amendment Bill 2025 continues to depend upon a belief that detention is an effective deterrent, and that increased punishment will successfully steer children and young people away from crime.

There is extensive evidence demonstrating that incarcerating children **does not have the desired effect of reducing youth offending**.

A recent report by the Justice Reform Initiative, an Australian coalition of justice system experts who assert that “Jailing is Failing,” was straightforward about the efficacy of detention:

Prison does not work to reduce crime; it does not work to build safer communities; and it does not work to address the social drivers of contact with the criminal justice system.<sup>4</sup>

Detention is not an effective deterrent, so the changes in the Amendment Bill 2025 are doomed to failure.

### Amendment Bill 2025

At Anglicare, we fully acknowledge that many of the 33 offences outlined in the Amendment Bill 2025 are serious ones with significant impacts on the community.

We also note, however, that the Amendment Bill captures a series of offences that range from the extremely serious – but rarely carried out by children – to those that can be less significant, depending on the circumstances. The latter offences – for example, stealing a vehicle – have nevertheless gained significant media coverage in recent years.

The Amendment Bill therefore appears to be reactive to the media cycle rather than concerned with the wellbeing of our communities, our children, and the victims of crime. Media commentary about crime is often highly sensationalist insofar as ‘clickbait’ strategies by journalists and editors make violence appear to be more frequent than in reality, and the causes of crime more individualistic.<sup>5</sup> Anecdotally, our staff have noticed the “Adult Time, Adult Crime” rhetoric being much more in evidence and in use by magistrates, a possible consequence of and reaction to previous media and community pressure regarding supposedly “light” sentencing.

A decade of statistics demonstrates that what the media portrays as a “youth crime crisis” is far from reality. A 2024 report from the Queensland Government Statistician’s Office noted a 5.2% increase in unique child offenders, compared to a 4.1% increase in unique adult offenders – a mere 1.1% difference in overall figures. The largest volume increase was for offenders aged 40–44 years (+796) and the largest proportional increase (+14.3%) for those aged 50–54 years.<sup>6</sup>

Negative media coverage about youth justice in Queensland can nevertheless undermine the community ties and support that act as key protective factors for children and young people in steering them away from potential offending behaviours. The constant refrain of negative language can impact how community members think about youth, their views of alleged youth offending, and their willingness to support and engage with young people who are at risk of taking a pathway that is harmful both to them and to the community.

The passage of the Amendment Bill in its current form, with the accompanying ongoing discussion of a “youth crime crisis,” suggests in itself that people have something to be afraid of. In the medium term, continued use of this narrative is likely to undermine the community’s perception of the effectiveness of the legislation and this Queensland Government strategy for addressing offending behaviours amongst children and young people.

At the same time, polling by The Australia Institute in 2020 showed that nearly 6 in 10 Queenslanders agreed that public money currently spent on locking up children would be better spent instead on social services like family support, trauma and mental health support, and public housing.<sup>7</sup> This type of survey data generates a question mark over Queensland Government claims that punitive responses to alleged youth offending are “clearly supported by Queenslanders” and that it is therefore acceptable to override the human rights of children to legislate “punishment and denunciation”.<sup>8</sup>

At some point, our community will need to regain confidence that Queensland’s children and young people are not “malicious” and “evil,” as one young Anglicare client sadly put it. Right now, some young people feel that adults “*think that’s all young people will ever be.*”

## Children and young people are developmentally different to adults

The Amendment Bill 2025, like the original “Adult Crime, Adult Time” strategy, goes against an established and growing body of research and evidence that demonstrates the impact of child development and maturity on youth justice outcomes.<sup>9</sup>

The largest proportion of children and young people represented in Queensland’s youth justice system are there because they have made poor or impulsive decisions or engaged in risk taking as a result of normal childhood developmental processes.<sup>10</sup> Children and young people are developmentally different to adults and therefore do not have the same decision-making capacity. Children also experience different vulnerabilities to adults, a fact that is acknowledged in and shapes Anglicare’s work with young people.

As the Queensland Government has seen in previous youth justice-related inquiries, research in the fields of developmental psychology and neuroscience demonstrates that the pre-frontal cortex – a section of the brain that is notably responsible for impulse control and decision-making – is still developing in children and continues to do so until a person’s mid-20s.<sup>11</sup> Children and young people do not yet have the neurological capacity to fully assess risk, predict consequences, or control their impulses.<sup>12</sup> Increasing maximum penalties for specified offences will be no deterrent at all to young people who are poor at assessing consequences because their neural pathways are still developing, or, as discussed below, have been disrupted and delayed due to adverse psychosocial experiences in their lives.<sup>13</sup>

Accordingly, “courts are now being called upon to recognise that decisions should be based on an understanding of the psycho-bio-social and cultural development of each child and young person.”<sup>14</sup> Legal researchers Tuomi and Moritz emphasise that imposing full criminal responsibility upon children, even from 14 years of age, fails to account for their level of cognitive development, social and environmental risk factors, and immaturity.<sup>15</sup> The vulnerability of children younger than this, with respect to cognitive development, social and environmental risk factors, and immaturity, is even greater.

## The impact of incarcerating Queensland’s children and young people

The Queensland Government’s own reports and strategies have pointed out on multiple occasions that the children most likely to become involved in the youth justice system are those from the most disadvantaged backgrounds. The children most “at risk of offending” are also those most in need, and the lines between the two are blurred at best.

Multiple inquiries and submissions have also pointed to evidence that making it easier to imprison children and young people does not make the community safer. Detention increases young people’s vulnerability and disadvantage, and therefore the likelihood that they will return to the prison system over and over, both as youth and as adults.<sup>16</sup> The Queensland Government’s own previous youth justice strategy acknowledged as much, in pointing out that children and young people who have been through detention are at more risk of committing offences when they return to the community.<sup>17</sup>



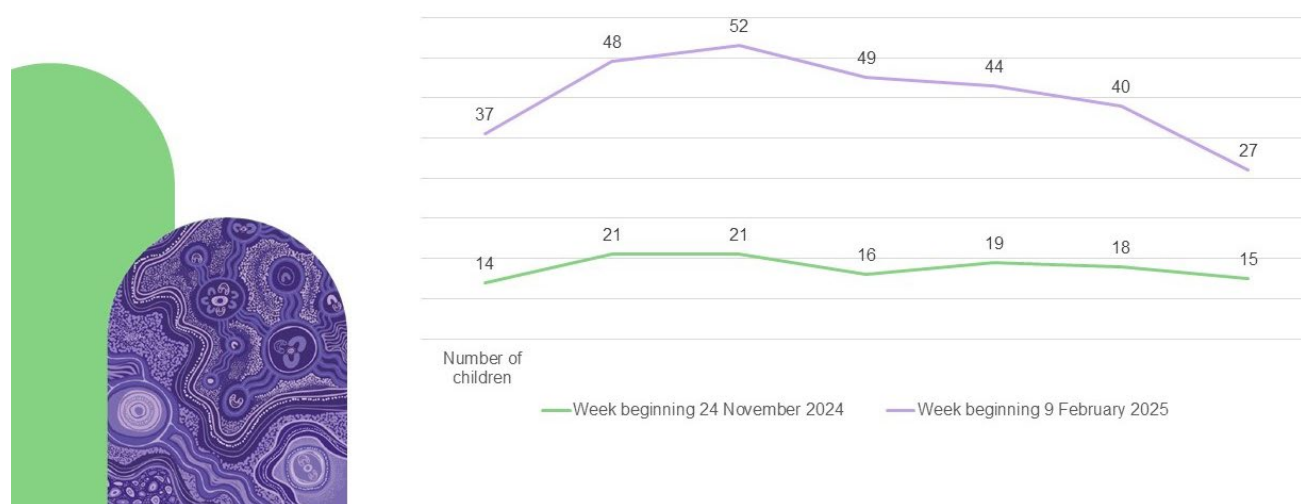
What the “Adult Crime, Adult Time” strategy — and this Amendment Bill 2025 — amounts to is the Queensland Government delivering a punitive response for children’s trauma-based behaviours.

Incarceration reinforces that trauma for all children, including First Nations children, with the result that children are removed from their carers, kin, and communities, and often unable to participate in meaningful activities, or employment and further education or vocational training. For First Nations children, this trauma is amplified by the removal from Country and community, and disconnection from culture.<sup>18</sup>

Children and young people who exhibit offending behaviours are, in many cases, being punished for their response to circumstances in which they, too, are ultimately the victims.

Anglicare’s Research, Evaluation & Advocacy team have been tracking the numbers of Queensland children housed in adult watch houses each day.<sup>19</sup>

## Queensland Children in Adult Watch Houses



**Figure 1.** A comparative sample of Queensland Police data identifying the number of children in adult watch houses before and after the introduction of the Making Queensland Safer (Adult Crime, Adult Time) Bill 2024 in December 2024.

The Queensland Government introduced the Making Queensland Safer (Adult Crime, Adult Time) Bill 2024 on 12 December 2024. Based on a data sample from before and after this date in Figure 1, a comparison reveals that the number of children in adult watch houses increased substantially between late November 2024 and early February 2025.

Numbers of children identified in the QPS data in mid April 2025 have ostensibly reverted to pre-December levels, but do not include an unknown number of children held at the new Wacol remand centre, which has a capacity when fully occupied of 76.

As the #RaisetheAge Queensland campaign notes:

We lock up children for longer than any other place in the nation, and our **detention rates have been going up** over the past four years.

**This has to change.**

Imprisoning Queensland children **does not keep our communities safe, and it costs hundreds of millions of dollars.**<sup>20</sup>

On an individual, social, and economic level, the evidence clearly demonstrates that detention should be seen as *anything but* a last resort. Anything more is indicative of a failing system.

## Diversion from the youth justice and criminal justice systems

Rather than criminalising Queensland's children, diverting children and young people from the youth justice and criminal justice systems is widely understood to be far more effective than exposing them to the trauma of time in detention or watch houses.<sup>21</sup>

According to criminologists Jordan and Farrell, "diversion strategies aim to redirect young offenders away from the criminal justice system, primarily to avoid the stigmatising and criminogenic impacts associated with interactions with the justice system."<sup>22</sup> Most simply "age out" of the youth justice system as they become more mature.<sup>23</sup>

Diversion away from custody is a common approach Australia-wide.<sup>24</sup> It is important that these diversion programs are culturally appropriate for and culturally responsive to the needs of Aboriginal and Torres Strait Islander children and young people. In a study evaluating 31 diversionary programs for their cultural responsiveness, researchers identified that 10 scored highly, 15 scored moderately, and five scored at a low level for cultural responsiveness.<sup>25</sup>

Internationally, major frameworks about young people and the law, including the 1990 United Nations Guidelines for the Prevention of Juvenile Delinquency and the 1985 United Nations Standard Minimum Rules for the Administration of Juvenile Justice, likewise promote approaches that are consistent with diversion.<sup>26</sup>

## Tracing children's outcomes in Queensland's youth justice system

As noted above, early contact with the justice system is demonstrated to be one of the key predictors of future re-offending.<sup>27</sup>

New research uses linked administrative data to track Queensland youth justice outcomes over time, tracing the 1990 birth cohort from 10 years and 24 years.<sup>28</sup>

Only a small number of Queensland youth in this study began offending between the ages of 10 and 11, with minor property crimes that resulted in police diversion being the primary outcomes. Unlike older cohorts, however, this particular cohort had a higher likelihood of recidivism:

Nearly 6% of these individuals were later sentenced to detention, half were sentenced to at least one community-based supervised order, and, most strikingly, nearly one quarter were sentenced to adult prison by age 24.<sup>29</sup>

Targeted intervention amongst this small group may therefore be a major intervention,<sup>30</sup> and address the Queensland Government's desire to "[hold] young people accountable for their actions and [break] cycles of reoffending."<sup>31</sup>

Criminologists Baidawi, Ball, Sheehan, and Papalia concur, noting:

Few services currently target the unique needs of children aged 10 to 13 years with early offending behaviour. Instead, most of the available services focus on older teenagers, young adults, or younger children.<sup>32</sup>

Equally, integrative approaches and environments that support young people as they are released from detention contribute to the reduction of recidivism.

We support the intent of the Queensland Government's new Staying on Track program, and the 6 months of tailored, intensive support which will be provided for young people transitioning back into the community post-detention to assist them with managing at-risk behaviours, opportunities to engage in training or education, and help towards employment pathways.<sup>33</sup>

The boxed text to the right demonstrates the positive outcomes that young people can achieve with such assistance.

The following section addresses the ways in which the Making Queensland Safer (Adult Crime, Adult Time) Amendment Bill 2025 disregards human rights obligations under Queensland's own *Human Rights Act 2019*, as well as those under the 1989 United Nations Convention on the Rights of the Child.

An Anglicare Intensive Bail Initiative (IBI) client, 'Mia', was experiencing homelessness. With support to meet her basic housing needs, Mia has achieved the following in only 3 months:

- Commenced employment;
- Compliant with, and is on track to complete, her Orders by early 2023;
- Has had no new offences, and no outstanding court matters;
- Has completed a 13-week educational program.

## Human rights violations

### The Amendment Bill 2025 continues to violate Queensland's obligations under the 1989 United Nations Convention on the Rights of the Child.

Adopted by resolution of the General Assembly of the United Nations in November 1989, Queensland – together with every other Australian jurisdiction – ratified the 1989 United Nations Convention on the Rights of the Child in 1990. The Convention 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.<sup>34</sup>

Queensland continues to be responsible for fulfilling our state's obligations under that Convention. The UN Human Rights Council has since restated in 2013 that children's access to justice is a "fundamental right in itself, and an essential prerequisite for the protection and promotion of all other human rights."<sup>35</sup>

Access to justice and "youth justice" are connected concepts that should not be conflated, as the former is a much broader concept than the latter.<sup>36</sup> Nevertheless, every driver of youth offending in Queensland has human rights implications related to our care for children, and their right to special care in the protection of their human rights. This includes consideration of the drivers for youth offending, as discussed earlier in this submission — factors that relate to poverty, family violence, cultural disconnection, unstable housing or homelessness, disengagement from education, exposure to alcohol and substance misuse, and family histories of offending and/or involvement with the child protection system.

## Queensland's Human Rights Act 2019

We reiterate in this submission — as in our submission on the Making Queensland Safer Bill 2024 — that “Adult Time, Adult Crime” and, specifically, this Amendment Bill 2025, continue to disregard Queensland’s *Human Rights Act 2019*, including that:

- A child charged with a criminal offence has the right to a procedure that takes account of the child’s age and the desirability of promoting the child’s rehabilitation.
- A child who has been convicted of an offence must be treated in a way that is appropriate for the child’s age.

As in the Making Queensland Safer Bill 2024,<sup>37</sup> the human rights Statement of Compatibility for the current Amendment Bill clearly states that:

the proposed amendments are not consistent with international standards regarding the best interests of the child with respect to children in the justice system, and are therefore incompatible with human rights.<sup>38</sup>

And further:

... 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.<sup>39</sup>

Recent amendments to the *Youth Justice Act 1992 (Qld)* since 2023 already ensure that children and young people who become involved with theft and robbery offences receive harsher punishments relating to eligibility for bail.<sup>40</sup>

Given the major human rights violations raised above, the Amendment Bill if passed should be amended to limit the override declarations and extensions of the declarations to 12 months from commencement. This will ensure accountability and transparency in terms of the ongoing contravention of the *Human Rights Act 2019*.

## Aboriginal and Torres Strait Islander children and young people

In Queensland, Aboriginal and Torres Strait Islander children and young people experience what legal researchers describe as “hyperincarceration”: that is, “the disproportionate incarceration of First Nations people that results directly from colonisation and both historical and current discrimination in the criminal justice system.”<sup>41</sup> Aboriginal and Torres Strait Islander children and young people — particularly boys and young men — are disproportionately represented in prisons.<sup>42</sup>

Aboriginal and Torres Strait Islander communities and community-controlled organisations should be at the very core of justice-related responses for First Nation children and families. In their 2021 report, *Changing the Sentence: Overseeing Queensland’s Youth Justice Reforms*, the Queensland Family and Child Commission reiterates the strong connection between culture and wellbeing; and the central role of Aboriginal and Torres Strait Islander communities and community-controlled organisations in decision-making about services and support for Aboriginal and Torres Strait Islander children.<sup>43</sup> This is also consistent with Queensland’s obligations under Closing the Gap,<sup>44</sup> and with the 2007 United Nations Declaration on the Rights of Indigenous Peoples, which asserts:

**Recognizing** in particular the right of indigenous [sic] families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child.<sup>45</sup>

Reducing the over-representation of Aboriginal and Torres Strait Islander children in the youth justice system requires a many-pronged approach. Indigenous educational researchers O’Brien and Trudgett argue that educational engagement is one important way to reduce offending behaviours amongst children and young people:

[E]ducation may play a significant role to prevent the incarceration of young people. It has been shown that education is a vehicle for social and economic change and can be instrumental in alleviating poverty and also increasing the life expectancy of Indigenous Australians. By improving educational outcomes for Indigenous children, other social determinants, such as future employment and income are greatly improved, thereby reducing the risk of crime and incarceration.<sup>46</sup>

## Detention centres and adult watch houses

International human rights standards are only partially incorporated into youth detention in Australia, often in what human rights researchers describe as a “piecemeal” fashion.<sup>47</sup>

The conditions that Queensland’s children are facing in detention are now under current consideration with the Queensland Human Rights Commission as an unresolved complaint:

In a report released on 11 April 2025, the Queensland Human Rights Commission detailed “a complaint from a 16-year-old boy who was detained in a watch house for 28 days in early 2023 pending release by the court, or transfer to a youth detention centre,” alleging that the circumstances of detention the child’s detention contravened the *Human Rights Act 2019*. This included the “right to equality; protection from cruel, inhuman or degrading treatment; privacy; protection as a child; liberty and security; humane treatment when deprived of liberty; education; and health services.”<sup>48</sup>

We cannot emphasise enough that **making it easier to imprison children and young people does not make the community safer**: it simply increases young people’s likelihood of returning to the prison system throughout their lives.<sup>49</sup> The Australian Government Senate Legal and Constitutional Affairs Committee describes the social costs of imprisonment as being “almost impossible to calculate”:

[High rates of incarceration] break down the social and family bonds that guide individuals away from crime, remove adults who would otherwise nurture children, deprive communities of income, reduce future income potential, and engender a deep resentment toward the legal system. As a result, as communities become less capable of managing social order through family or social groups, crime rates go up.<sup>50</sup>

While the comment is not specific to youth detention, it is equally relevant given the impact of early imprisonment across the life trajectory of young people who engage in offending behaviours. It is also particularly relevant in Queensland because of the numbers of children and young people in detention: despite decreases in other Australian jurisdictions, the size of the youth detention population in Queensland and the Northern Territory increased between 2018 and 2022.<sup>51</sup>

The more children we incarcerate, the more damage we do to the community, now and in the future.

Furthermore, young people are being held in adult watch houses. This is contrary to the Youth Justice Principle 19 in schedule 1 of the Queensland *Youth Justice Act 1992* which clearly states that “A child detained in custody should only be held in a facility suitable for children”.<sup>52</sup>

Overcrowded conditions in watch houses were addressed in the September 2024 Queensland Ombudsman Inspector of Detention Centres report focusing on the detention of children in Cairns and Murgon watch houses. The report detailed conditions incompatible with human rights in both locations.<sup>53</sup> In the Government’s own statement of compatibility with human rights for the current Amendments Bill, The Hon. Laura Gerber MP, Minister for Youth Justice and Victim Support, notes that:

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. This would be a direct limitation to the right to protection from cruel, inhumane or degrading treatment (HR Act s.17(b)) and the right to humane treatment when deprived of liberty (HR Act s.30). This is because it is widely accepted that watchhouses are not appropriate or humane places to detain children, particularly for any lengthy period of time.<sup>54</sup>

The Amendment Bill now casts an even wider net than before for offences for which children can be charged as adults. A more punitive approach, wherein more of Queensland's children will find themselves caught up in the youth justice system due to legislative and judicial overreach, will put further pressure on an already struggling system. The unplanned consequences will invariably be overcrowding in detention centres and watch houses, with serious and wide-ranging impacts on Queensland's children and young people.

## Human rights of workers

Chronic staff shortages in Queensland's youth detention centres, with the potential for more if the Amendment Bill 2025 is passed, are also at the foundations of human rights and workplace health and safety violations for workers.<sup>55</sup>

This is a consistent and continuing problem. In July 2023, for example, workers at the Brisbane and West Moreton youth detention centres walked off the job after serious incidents attributed to an "unsafe" workplace, where "routine confinement of children due to staff shortages ultimately put workers at greater risk of violence when young people were allowed out".<sup>56</sup>

## Accountability can be consistent with human rights

At Anglicare, we agree that children and young people should be held accountable for the consequences of their actions. We also believe that this should take place not in the youth justice system but in the child welfare system.<sup>57</sup> This approach follows the lead of countries such as Sweden, France, Norway, and Scotland.<sup>58</sup>

More than a decade ago, the Child Rights International Network noted the need for a more holistic approach to juvenile justice that separates "responsibility" from "criminalization":

We need to separate the need to identify, appropriately assess and respond constructively to children's responsibility for crimes from the quite distinct urge to criminalise them. ...

Children are responsible for many actions defined by criminal law as crimes – in so far as they did it. And many are also responsible in the sense that they did know what they were doing was wrong, in one way or another, when they did it. ... But we must also recognise, as the Convention does, that their developmental status requires a special approach, for all our sakes. ...

Keeping [children] out of the criminal justice system does not mean that young people who commit offences avoid 'justice' or that nothing is done about their offending. ... Stopping criminalising children does not mean giving up on or giving in to children who are causing trouble and harm.<sup>59</sup>

At Anglicare, our work with young people who are at risk of becoming involved in the youth justice system is based on a restorative practice approach. This enables us to focus on helping young people to understand the impact of their actions, accept responsibility, and make reparation. The framework is culturally appropriate and embedded across the whole spectrum of a child's experience, and at every touchpoint with the justice system. The statutory element of Anglicare's practice framework – a restorative justice approach – sees offending as a violation of people and relationships, and thus "creates obligations to make things right" within our communities.<sup>60</sup> This enables young people who exhibit offending behaviours to engage with and address the needs and harms experienced by victims.



The restorative approach is consistent with the recommendations of the Australian Human Rights Commission's 2024 report, *Help Way Earlier! How Australia Can Transform Child Justice to Improve Safety and Wellbeing*. Specifically, Anglicare's approach mirrors the recommendation that:

Australian Governments invest in restorative justice conferencing to be available across Australia, ensuring culturally appropriate approaches for First Nations children and communities.<sup>61</sup>

This is also consistent with research outlining the need for culturally appropriate diversion programs that meet the needs of Aboriginal and Torres Strait Islander children and young people.<sup>62</sup>

## Human rights-compatible ways to reduce offending behaviours

The core objective of the Amendment Bill 2025 is to reduce potential offending behaviours amongst Queensland's children and young people. The Queensland Government can work towards reducing these offending behaviours while still maintaining our obligations to the United Nations Convention on the Rights of the Child.

What follows is an example of a pre-emptive approach that is compatible with human rights. Acting on factors that identify risk – such as school suspensions – will still retain the objective of reducing youth offending. The Queensland Government could achieve this goal through appropriate investment in holistic prevention and early intervention support programs for children and families that address the risk factors that can result in youth offending in the first place.

### Exclusion from school

The Australian Institute of Criminology demonstrates positive associations between repeat school suspensions and the problem behaviour of teenagers: for example, violent and nonviolent antisocial behaviour, violence, and tobacco use.<sup>63</sup> School suspension and other forms of school exclusion rely on a “zero-tolerance approach” to students exhibiting challenging behaviours, but this rarely accounts for other significant precipitating factors such as trauma.<sup>64</sup>

An Anglicare collaboration with Education Queensland developed timelines of “education red flags” for students, indicating increased risk of problem behaviours at the transition point from primary to high school. The project suggested that the incidence of such behaviours could be reduced by providing targeted, intensive support at this milestone, with greater availability of professionals, such as psychologists and counsellors, and more alternative education pathways and other services particularly for 10–13 year olds who currently have few options outside the mainstream education system.

There is a significant body of evidence that suggests that the younger a student is when they are first suspended, the more likely it is they will end up involved in the juvenile justice system.<sup>65</sup> Data obtained by the ABC revealed that in 2023 Prep students received more than 700 suspensions, Year 1 students about 2,000, Year 2 students approximately 2,500, and Year 3 students about 3,500.<sup>66</sup>

Of particular significance is the fact that Aboriginal and Torres Strait Islander children (particularly boys) are suspended or excluded from schooling at much higher rates than non-First Nations children.<sup>67</sup> This is consistent with Queensland data, where Aboriginal and Torres Strait Islander children are overrepresented in school suspensions.<sup>68</sup>

There is a range of alternatives to school suspension that have successfully demonstrated outcomes in reducing the time students spend excluded from classrooms in response to behavioural issues.<sup>69</sup> One study identifies three major alternatives that are currently being practiced in schools around the world and could be implemented in Queensland primary schools, focusing on Prep to Grade 6:

1. *Developing students' socio-emotional skills*: This can be achieved through programs or interventions that support students to develop self-regulation strategies that pre-emptively address challenging behaviours.
2. *Positive Behaviour Interventions and Supports (PBIS) framework*: This evidence-based three-tiered approach supports students' prosocial development to prevent challenging behaviours.
3. *Restorative justice practices*: This strategy builds a positive school culture and environment to support students to understand and address the harm that challenging behaviours cause.<sup>70</sup>

Reducing the educational exclusion of children in early primary school — especially for Aboriginal and Torres Strait Islander children — could contribute to a reduced “pipeline” of children in the 10-13 year old cohort of alleged child offenders within the first term of this Government.

## Conclusion

A plethora of national and international evidence demonstrates that jailing children — particularly those whose lives are characterised by the negative life experiences and structural disadvantage faced by most children in the youth justice system — fails every test of good policy. It is ineffective, expensive, and creates incalculable, intergenerational harm for individuals, families, and the wider community.

The Making Queensland Safer (Adult Crime, Adult Time) Amendment Bill 2025 continues to contravene not only international human rights conventions, but Queensland's own *Human Rights Act*. The current conditions of children and young people in Queensland detention centres are generating complaints to the Queensland Human Rights Commission. The Amendment Bill continues to disregard internationally recognised medical and legal evidence, and is at odds with social norms and expectations about protecting children.

A recent editorial in the *Gold Coast Bulletin* reports that many Queenslanders no longer feel safe in their own homes.<sup>71</sup> At Anglicare, we reiterate that this is both tragic and unnecessary for our community. As a Government and as a community, we need to implement what works, communicate it well, and stop “othering” our young people so they feel part of a community they no longer want to damage.

Clearly there are alternate, less punitive ways of achieving the core objectives of this Amendment Bill. The best way of reducing youth offending is to keep children out of the system in the first place — working with children and families earlier and addressing the root causes of offending behaviour rather than the end result.

At Anglicare, we believe that a focus on preventing long-term offending behaviours through programs, targeted interventions, and educational inclusion that supports children particularly between the ages of 10 and 13 years could have outsized positive results. This is a relatively small group of Queensland children whose lives and futures, at this young age, could be changed for the better.



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