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

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Introduction

The Queensland Aboriginal and Torres Strait Islander Child Protection Peak (QATSICPP) is the Peak Body for Aboriginal and Torres Strait Islander Child Protection and Youth Justice in Queensland. In partnership with our 38 member organisations and allied services, we remain steadfast in our commitment to building safer communities through collaboration with government, Aboriginal and Torres Strait Islander community-controlled organisations (ATSICCOs), and sector stakeholders.

QATSICPP acknowledges the seriousness of youth offending behaviours and the harm they cause to individuals, families, and communities across Queensland. We also acknowledge the distress, pain and loss that many Queenslanders have experienced as a result of serious crimes involving young people. In this context, we welcome the opportunity to provide this submission on the Making Queensland Safer (Adult Crime, Adult Time) Amendment Bill 2025 (the Bill)[1], tabled in the Queensland Parliament on 1 April 2025. In developing this submission QATSICPP has drawn on existing evidence and knowledge, including input provided by a variety of organisations delivering child, youth and family services in the youth justice sector.

Sector responses to a QATSICPP youth justice survey on the Bill highlighted a range of concerns about the proposed legislative and policy reforms, including that the Bill's proposals display a lack of understanding among at-risk youth, scepticism about the effectiveness of increased penalties, and worries about potential negative impacts such as increased detention, trauma, and strain on community organisations. Respondents emphasised the need for evidence-based, long-term, community-focused approaches, including early intervention programs and funding for early and middle childhood development and treatment.

The Bill proposes to substantially expand the scope of section 175A of the *Youth Justice Act 1992*, introducing 20 additional offences that expose children and young people to adult-equivalent sentencing penalties, including life sentences for a number of offences. While QATSICPP recognise the intent to increase accountability and community confidence in the policing and justice systems, we are deeply concerned that these legislative amendments reflect a continued and accelerating shift away from rehabilitation, toward a punitive sentencing framework that risks long-term harm to children and young people — especially those already overrepresented in the system. The Bill's explanatory note acknowledges it is likely this legislation will increase Queensland's youth detention rates and increase the length of time children and young people spend in detention. This is despite the vast majority of empirical evidence and stakeholder advice suggesting detention (and increased periods in detention) are overall more likely to contribute to continued offending and increased justice system involvement in the long term.[2]

Of particular concern is the Bill's inclusion of offences that are non-violent or contextually variable, such as drug trafficking, stealing, and vehicle offences. These changes extend punitive measures far beyond the most serious and violent crimes and may result in disproportionate outcomes for children whose behaviours are often symptomatic of trauma, neglect, and systemic disadvantage.

As acknowledged in the Statement of Compatibility[3] accompanying the Bill, these amendments are not compatible with the Human Rights Act 2019[4]. The amendments contradict longstanding, universally accepted principles of youth justice, including detention as a measure of last resort and the need to consider a child's best interests and prospects for rehabilitation. The Bill also risks undermining Queensland's obligations under the National Agreement on Closing the Gap[5], particularly Outcome 11, which seeks to reduce the overrepresentation of Aboriginal and Torres Strait Islander children in the criminal justice system.

We further note that the proposed legislative changes may create barriers to early intervention, escalate the trajectory of offending, and reduce access to effective, culturally safe alternatives such as restorative justice and diversion programs.[6] For Aboriginal and Torres Strait Islander children — who are already subject to entrenched systemic inequities — these reforms may compound intergenerational harm and disconnection.[7]

QATSICPP recognises that elements of the Bill may proceed and, as such, we are committed to working constructively with the Queensland Government to influence its implementation in a way that safeguards children's rights, upholds community safety, and ensures meaningful pathways for rehabilitation.

This submission presents QATSICPPs evidence-informed advice, grounded in lived experience and our continuous engagement with community, service providers and families. We propose clear, practical recommendations to mitigate foreseeable harms, ensure proportionate responses, and uphold the shared goal of safer, stronger communities.

Key Issues for Consideration

QATSICPP acknowledges the urgent need to address the levels of dangerous crime in our community and hold children and young people accountable for their actions. However, this Bill extends adult punishment into the youth justice space before the accompanying investment in early intervention, healing, or community-led responses have been designed, trialled and rolled out.

While the Bill's stated objective is to address serious, repeat offending and restore community confidence, its actual mechanisms:

- Position detention as the primary tool by which the judiciary administers justice and approaches to rehabilitation, despite conclusive evidence that Queensland's detention

system is ineffective as a deterrent or rehabilitative environment for many children and young people.
- Will further perpetuate the disproportionate representation of Aboriginal and Torres Strait Islander children subject to justice system intervention and undermine the Governments prevention and early intervention reform efforts for Aboriginal and Torres Strait Islander communities.
- Continue the concerning trend of eroding the compatibility of Queensland's youth justice system with domestic and international human rights obligations.

The Impact of Punitive Measures on Recidivism

The assumption underpinning the Adult Crime, Adult Time legislative framework is that harsher penalties will deter children and young people from reoffending. However, the evidence — both in Queensland and internationally — strongly contradicts this view.[8]

Detention's impact on re-offending

Across multiple jurisdictions, the research is clear:

- Detention does not reduce reoffending.[9] In fact, young people who are incarcerated are more likely to reoffend than those who receive non-custodial, community-based sentences.[10]
- Longer sentences do not increase deterrence.[11] There is no correlation between sentence length and crime reduction for children, particularly those with complex trauma or developmental challenges.
- Removing judicial discretion removes the ability to tailor sentences to being most effective in reducing future reoffending. [12]

A 2022 meta-analysis by the Australian Institute of Criminology concluded that early, therapeutic, and culturally connected interventions were far more effective than punitive or carceral approaches.[13]

In Queensland:

- Over 80% of children in detention have prior involvement in the child protection system.
- Over 90% of those released from detention return within 12 months. Recently revealed data shows a 21% increase in serious offending in the 12 months following a period of custody at Cleveland Youth Detention Centre.[14]
- Aboriginal and Torres Strait Islander children comprise more than 60% of children in detention, despite being only 6.3% of the population aged under 18.[15]

Detention, particularly when imposed on younger children (aged 10–13), often causes:

- School disengagement.
- Disruption of therapeutic and family supports.
- Exposure to peer criminogenic influences.
- Entrenchment in the criminal justice cycle.[16]

Concerns regarding the increased use of detention as a response to a wide range of youth offending were echoed by many youth justice services who responded to QATSICPP's survey and consultations about the Bill. Comments included:

> *"Greater numbers of children and young people will be locked up, filling detention centres, and increasing the flow on effect to adult incarceration. The real issues in the community are not being addressed".*
>
> *"This (law) is reactive and not proactive. It's a band-aid fix that will create more social issues in the long run. It does not take into consideration developmental factors".*

A Missed Opportunity for Early Intervention

QATSICPP is concerned that the legislative focus on punishment diverts attention and resources away from early intervention and diversion. In the absence of adequate investment in the social, emotional, and cultural wellbeing of children and their families, harsher sentencing will continue to address the symptoms of offending rather than its underlying causes. A youth justice service provider who responded to QATSICPP about the Bill raised concerns that investment will be imbalanced by Adult Time Adult crime legislation stating;

> *"Funding will likely focus on supporting more children already in the criminal justice system as opposed to more investment in early intervention".*

Ultimately, harsher sentencing may contribute to increased community harm over time, rather than enhancing safety. For example, international research highlights that the incarceration of a sibling can lead to adverse outcomes for younger siblings, including increased mental health issues and behavioural problems.[17] Given the strong familial and environmental factors contributing to youth offending, early intervention strategies that involve family-based programs are crucial. These programs aim to address underlying issues such as mental health challenges and provide support to at-risk youth and their families, thereby reducing the likelihood of intergenerational cycles of incarceration. There is at present a critical opportunity to shift focus from blunt legislative tools to investing in what we know works: culturally safe, wraparound supports that respond to trauma, rebuild relationships, and promote accountability through healing — not harm.[18]

The impact on detaining children for long periods of time

Much of the public and political discourse surrounding youth offending in Queensland has been dominated by deficit-based narratives which has created space for punitive reforms that are not evidence based..[19] In seeking to reduce youth offending in the community, it is critical to acknowledge many children and young people who come into contact with the justice system are victims of harm long before they engage in harmful behaviour themselves.[20]

Aboriginal and Torres Strait Islander children are significantly more likely to have experienced significant adverse childhood experiences including intergenerational trauma, removal from family, poverty, family violence, educational exclusion, homelessness, and systemic racism — all of which are proven risk factors for later contact with the youth justice system.[21] A large proportion of children in detention have current or historical involvement with the child protection system, and many present with histories of abuse, neglect, loss, and undiagnosed disability.[22]

The Bill's primary focus is on enabling longer periods of detention for children who commit the range of offences outlined. Some children will be liable to sentences longer than the period of time they have been alive. In considering the Bill it is critical to examine available evidence about the long-term impacts of long periods in detention on children, given the range of severe challenges many of them already face by the time they come into contact with the youth justice system.

Earlier this year *Lancet Public Health Journal* published the results of a Curtin University-led study which examined 25 years' worth of data, and almost 50,000 youth who had contact with the Queensland justice system between 1993 and 2017. The study found **the likelihood of premature death was 30 per cent higher for those who had been subjected to community based youth justice orders, and 90 per cent higher for those who had spent time in youth detention**. [23] . In its 2022-2023 Annual Report the Child Death Review Board (CDRB) reported on an in depth investigation it had conducted into the deaths of two boys who had spent a significant amount of time in Queensland's youth detention system. One boy died of a drug overdose and the other of suicide, both within six months of exiting youth detention. In examining the boy's tragic deaths, the CDRB concluded:

> *Despite the youth justice system existing to try and help young people address the disadvantage and circumstances that contribute to offending, 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.*[24]

QATSICPP acknowledges that there is a very small cohort of children and young people in Queensland who display very dangerous and extreme behaviours and for whom there may be no other appropriate response than detention to ensure community safety. However, the significant evidence outlined above presents a stark warning about the overuse of long detention sentences, given the negative impacts of our current youth detention system on the lives of many children and the evidence that detention is often a blunt, ineffective tool to reduce reoffending.

For this reason, QATSICPP recommends removing some offences from the list of 'adult time adult crime' offences outlined in the Bill.

Expanded Offences Under s.175A of the Youth Justice Act

The Bill expands the list of serious offences under section 175A of the *Youth Justice Act 1992*, from the original 13 to 33 offences. This legislative change significantly broadens the scope of youth offending behaviour that will now trigger adult-aligned sentencing consequences.[25]

While some of these offences — such as attempted murder and torture — are undoubtedly serious, the expanded list also includes the offences of Arson, Stealing (vehicle) and Drug Trafficking charges that are typically:

- Developmentally common among at-risk youth.
- Contextually specific and wide ranging in terms of their impact and degree of severity.[26]

QATSICPP remains uncertain on the process for selecting offences for this Bill and calls for the Queensland government to release the advice of the Expert Legal Panel established to review Adult Crime Adult Time offences. The Bill's explanatory note provides little context as to the rationale for the inclusion of new offences into section 175A of the Youth Justice Act 1992 (YJ Act) despite the fact that the rate of occurrence of these offences reveals no increase or decrease of significance for in recent years.

Arson saw a high of 180 youth offenders in 2008 before seeing a notable low of 97 just 2 years later in 2010.[27] Other higher years were 2014 with 167 youth offences of Arson and 2019 (204 offences) following the inclusion of 17 year olds to the Youth Justice Act's legislative jurisdiction. 2024 saw 148 youth arson charges, very close to the 24 year state average of 145.9 per annum. [28]

Charges of Drug trafficking under the Drug Misuse Act of 1986 against youths of Queensland did not exceed 10 offences per year until 2017-2018 when 17 year olds were brought under the Youth Justice

Act, at which time total charges in a year doubled to an average of 19.5 per annum and have remained relatively static since, dropping to nine offences in 2023.[29]

Stealing – Vehicle (Criminal Code Section 398.12) is a much less commonly used charge than Unlawful Use of a Motor Vehicle (s408A). The statistics available for s408A charges include population rates which reveal that the rate of vehicle theft -per 100,000 Queenslanders- was 100.27 at the turn of the century (September 2000). More than 20 years later the equivalent rate was halved to 47.84 in September 2018, and up to 51.55 in October 2023.[30] Youth are responsible for close to half of unlawful use of motor vehicle charges in Queensland each year, however the inclusion of 17 year olds in 2017-18 had the same effect again of doubling the average number of stolen car charges each year.[31]

In 2017-18, 17 years olds came to be considered youth under Queensland criminal law, which logically accounts for increases in some offences in the following years. When this factor is considered in tandem with population increases, the rates of offending for many offence types appear to be static or in fact decreasing. At face value, there does not appear to be statistically significant evidence to suggest some Bill offences were clearly requiring increased measures of deterrence.

Problems with Scope and Proportionality

QATSICPP holds concerns about the proportionality of the Bills proposed increased detention periods and the subsequent risk of detention becoming the dominant sentencing solution for reducing youth recidivism (as previously discussed). These concerns in detail are:

- Disproportionate exposure of Adult Crime for Adult Crime principles and sentencing to Aboriginal and Torres Strait Islanders youth. Offences such as unlawful use of a motor vehicle (s.398) and attempted robbery (s.412) are among the most common charges faced by Aboriginal and Torres Strait Islander children.[32] Elevating such offences to adult-aligned sentencing significantly increases the risk of custodial institutionalisation and decreased prospects for successful return to home communities.[33]
- Many included offences stem from adolescent risk-taking behaviour. Behaviours such as peer driven thrill seeking, impulsive property damage, or verbal threats — reflect extreme escalations of adolescent risk-taking and poor impulse control, not entrenched criminality.[34] International research and neuroscience clearly demonstrate that children's brains are not fully developed in terms of judgement, impulse control, and future thinking. Psychologists who conducted a 2022 review how neuroscience aligns with youth justice policies in the United States concluded that "teenagers tend to be motivated by short-term positive rewards rather than the threat of long-term punishment."[35] This also leaves children and young people more susceptible to the impacts peer pressure and other external influences can have over their decision making, both in detention and in the community.
- The Bill removes restorative justice sentencing orders for these offences on the premise that adults do not have access to such a sentence. This is despite the Government's commitment to victims of crime and the practical reality that Youth Justice Services continue to offer Restorative Justice Conferencing and will remain responsible for supervising children sentenced under ACAT legislation. This is particularly troubling given that many of these offences are well suited to victim-offender conferencing, which has been shown to reduce reoffending and increase victim healing and recovery.[36]
- The inclusion of offences with vastly different levels of seriousness under the same sentencing framework diminishes the ability of judicial officers to tailor responses to the child's intent, role in the offence, personal history, and rehabilitative potential.[37]

- Under the proposed legislation, removing requirements for release under section 277 of the Youth Justice Act for the prescribed offences, it is now possible that a Queensland child sentenced to a period of detention may now be held for the entirety of the head sentence and in theory could be released at the completion of their final day in custody to community without statutory supervision requirements or the programs of support attached as standard. The principles of graduated transitions from custody to community were developed to guard against relapses into patterns of criminal behaviour previously brought about by abrupt discontinuations of institutional intervention and support. QATSICPP would recommend the Bill introduces to section 277, an upper limit on the amount of their sentence children need to serve in custody before being released, to guard against the erosion of transition program effectiveness.

Real-World Examples: A Disproportionate Response

These scenarios reflect the kinds of cases regularly encountered by QATSICPP member organisations and legal services.

Case Study 1

A 10-year-old Aboriginal and Torres Strait Islander child is persuaded by older peers to drive a stolen car. Under the proposed law, this child could be detained for up to 14 years if sentenced by a judge — despite likely being a first-time offender and playing a peripheral role amongst older peers.[38] Were this child afforded a degree of clemency at sentence and ordered to serve 50% of the detention order in the community, after seven years in detention they would be released to return home close to adulthood with a further 7 years of government coordinated monitoring. Owing primarily to the challenging social environments of detention centres, this child's education will be of a lower quality and prospects of employment will be poor compared to their age peers. A child who has lived close to half their life in a detention centre is logically less likely to feel connection to their family or moral obligation to their broader community. This child's closest friends and role models have been fellow offenders and detention centre security staff. The use of dishonesty, aggression and violence to resolve problems in a community environment is now a greater risk than was likely had this child received support and intervention from their own family and community. In addition to these impacts, the child's experience is further compounded by disconnection from family, community, and country — core elements of cultural identity for Aboriginal and Torres Strait Islander children. Separation from these cultural anchors not only disrupts their sense of belonging but also deprives them of the protective factors that come from kinship systems, cultural guidance, and spiritual connection to land and place. This disconnection exacerbates feelings of isolation, shame, and cultural loss, leaving the child vulnerable to further cycles of trauma, alienation, and institutionalisation.

Case Study 2

An 11-year-old primary school student makes serious verbal threats to a fellow student at school. Under changes to s.75 in the Youth Justice Act under the Bill, adult penalties now apply for children who commit the offence of threatening violence. An offence that would have likely attracted a restorative justice referral from police may now trigger an extended probation order. While this child will stay in their community, they are likely excluded from their schooling and find great difficulty in accessing a new school outside their catchment, even when armed with the knowledge of their 'right' to education. Under the Education Act 2006 (EGPA), a student can be excluded from school if they are convicted of an offence, or if the principal reasonably believes it's not in the best interests of other students and staff for the student to remain enrolled, even if the offence is not school-related. [39] Principals are known to regularly exclude students once they become aware police and courts have become involved. The implication of this action is known amongst sector

professionals to result typically in partial or complete disengagement from education and the development of alternate social networks amongst other disengaged youth and young adults.

Human Rights Implications and Compatibility

The Bill introduces legislative measures that are incompatible with key human rights protections and is explicitly acknowledged in the Government's own Statement of Compatibility, which concedes that the Bill conflicts with the Human Rights Act 2019 (Qld) and international human rights law.

While the Bill is framed as a public safety measure, its provisions expand the scope of adult-equivalent sentencing in a way that fails to uphold the rights, development, and dignity of children — particularly those already impacted by systemic inequities. The Human Rights Act 2019 protects a range of rights relevant to children in the youth justice system, including:

- The right to liberty (s.29)
- The right of children to protection in their best interests (s.26(2))
- The right to a fair hearing (s.31)
- Protection against cruel, inhuman or degrading treatment (s.17(b))

Under s.175A, the expansion of adult sentencing rules to children:

- Positions detention as a central element to achieve rehabilitation and reduce reoffending without sufficient evidence to support the effectiveness of this approach.
- Removes the court's ability to prioritise developmental needs, vulnerability, and the child's prospects for reintegration.
- Undermines the principle of detention as a last resort, which is central to youth justice frameworks in Queensland and internationally.

Conflict with the UN Convention on the Rights of the Child (CRC)

Australia is a party to the CRC, which sets out binding obligations in relation to how children in contact with the law should be treated. The CRC requires that:

- Detention be used only as a measure of last resort and for the shortest appropriate period (Article 37)
- Children be treated in a manner that promotes their rehabilitation and reintegration into society (Article 40)
- The best interests of the child must be a primary consideration in all actions concerning them (Article 3)

The Bill's expanded offence and significantly increased maximum penalties directly violates these principles. In particular, it erodes judicial discretion to consider what is in a child's best interests and increases the likelihood of long-term incarceration even for children whose offending is not violent in nature.

Risk of Eroding Queensland's Human Rights Infrastructure

QATSICPP is increasingly concerned that the continued use of override provisions within youth justice legislation is normalising the suspension of children's rights in Queensland. The application of such mechanisms, particularly in relation to section 175A of the Youth Justice Act, undermines the fundamental integrity of Queensland's human rights framework. It signals a worrying precedent —

one in which certain groups, especially Aboriginal and Torres Strait Islander children, are treated as exceptions to the protections afforded by law.

We strongly urge the Queensland Government to refrain from using override provisions in legislation that affects children, especially when such legislation imposes adult sentencing measures on children as young as ten. We also call for an independent review of the racial, developmental, and systemic impacts of all amendments introduced under section 175A and whether the legislative changes are meeting the intended outcomes of the amendments. Going forward, all legislative reforms must comply fully with the Human Rights Act 2019, as well as Queensland's broader commitments under the Closing the Gap framework[40]. Protecting the rights of children, particularly those who are most vulnerable to systemic injustice, must remain a central principle of any youth justice reform.

The Role of Aboriginal and Torres Strait Islander Community-Controlled Organisations (ATSICCOs) in Youth Justice

ATSICCOs are uniquely placed to deliver culturally safe, effective, and trusted supports to children, young people, and families. Despite this, ATSICCOs continue to be chronically underfunded within Queensland's youth justice system.[41] The Bill continues a policy trend of prioritising punitive responses while failing to adequately invest in or embed the approaches that are known to work — those developed, led, and delivered by Aboriginal and Torres Strait Islander organisations.[42]

Programs delivered by ATSICCOs consistently achieve stronger outcomes across key indicators. These include reduced reoffending, lower detention rates, improved family engagement and cultural connection, and increased rates of school re-engagement and mental health support.[43] On Country programs, restorative family group conferencing, Aboriginal youth healing camps, and community-led case management are just some examples of justice reinvestment approaches that are both cost-effective and transformational. Yet these models often operate in silos, rely on short-term funding cycles, or remain limited in scale, despite widespread demand and proven impact.[44]

The Productivity Commission's 2020 review of the National Agreement on Closing the Gap reaffirmed that achieving meaningful change in justice outcomes requires more than consultation — it requires Aboriginal and Torres Strait Islander peoples to have decision-making power, equitable access to resources, and governance structures that reflect cultural authority. [45] In the youth justice context, this means supporting ATSICCOs to lead in areas such as early intervention, diversion, bail support, case planning, and aftercare.

Although the Queensland Government has made public commitments through the Closing the Gap National Agreement and the Youth Justice Strategy 2019–2023, these commitments are not reflected in the current legislative direction or resource allocation.[46] QATSICPP member organisations report high, unmet demand for culturally safe youth support services — particularly for after-hours support, bail supervision, or support at the point of school exclusion.[47] Despite this, community-led solutions continue to be treated as secondary to mainstream responses, rather than prioritised as the first line of support.

The development of the Bill represents a missed opportunity for genuine co-design with Aboriginal and Torres Strait Islander stakeholders.[48] As a result, the proposed reforms risk lacking cultural legitimacy, undermining community trust, and replicating existing harms. Legislative reform that is not grounded in cultural authority or community insight is unlikely to succeed — not because communities resist change, but because communities have already created the solutions that government has yet to fully fund or scale.

Recommendations

In recognition of the community's legitimate concerns about youth offending, and the need for a justice system that is both effective and fair, QATSICPP offers the following recommendations. These proposals aim to prevent unintended harms, uphold children's rights, and support community-led solutions that address the root causes of offending.

Each recommendation is grounded in evidence, cultural knowledge, consultation, and practice wisdom from across our broad network of non-Indigenous and Aboriginal and Torres Strait Islander service providers.

Recommendation 1: Remove certain offences and reinstate the breadth of Youth Justice Act sentencing options

- Remove less violent, context-dependent, and property-related offences from the s.175A offence list proposed by the Bill [49] inclusive of Arson, Stealing (motor vehicle) and Drug Trafficking.
- Reinstate Restorative Justice sentencing options that would be removed under the Bill in its current form and entrust the judiciary with discretion to determine which offences and when restorative justice might strengthen a sentence, particularly where a victim requests it, as well as when it is unsuitable.

Recommendation 2: Release the Independent Expert Legal Panel Advice on suitable offences for Tranche 2 amendments

- To assure stakeholders and the Queensland community that decisions which will have significant impacts on the lives of children, young people and families across the state are made transparently and on the basis of best available evidence, the Queensland Government should release advice provided by the Expert Legal Panel on which offences should be contained in the Bill.

Recommendation 3: Protect the Human Rights of Children and Young People

- Review the continued use of the override declaration in s.175A(12), which removes the application of the Human Rights Act 2019.[50]
- Ensure that all legislative and policy decisions involving children comply with Article 3, 37 and 40 of the UN Convention on the Rights of the Child.[51]

Recommendation 4: Implement Independent Oversight and Community Co-Design

- Establish a formal mechanism for Aboriginal and Torres Strait Islander Peak Bodies and ATSICCOs to co-design any future youth justice reforms.[52]
- Introduce independent oversight of detention conditions, sentencing outcomes, and bail practices to monitor impact on Aboriginal and Torres Strait Islanders children.
- Publish annual data disaggregated by age, cultural identity, gender, and offence type to support transparency and accountability.

- Recommendation 5: Invest in Aboriginal and Torres Strait Islander Community-Controlled Organisations

- Substantially increase funding to ATSICCOs, proportionate to need, to deliver early intervention, diversion, and post-release support programs tailored to Aboriginal and Torres Strait Islander children and young people.[53]
- Faciitate ways ATSICCOs can be embedded across the youth justice system, including through co-location at court, partnerships in bail support, and in the design of local responses to offending.
- Prioritise long-term, flexible funding arrangements to allow for growth and innovation in culturally responsive, trauma-informed models of support.[54]

Conclusion

There is a cohort of young people in Queensland who are behaving in a way that poses a threat to community safety. QATSICPP acknowledges that youth offending causes harm to victims, families, and communities, and QATSICPP does not want to see any young person offending. QATSICPP shares in the collective desire for safer communities and real, lasting change. However, rather than addressing the drivers of offending — such as trauma, poverty, racial inequality and systemic racism, family disconnection, and intergenerational disadvantage — the Bill expands a punitive sentencing framework that is developmentally inappropriate, racially disproportionate, and ineffective in reducing recidivism.

By extending adult-aligned sentencing to a wider range of offences, the Bill risks:

- Entrenching the criminalisation of Aboriginal and Torres Strait Islander children,
- Ignoring the overwhelming evidence base about what works to reduce reoffending, and
- Undermining Queensland's commitments under Closing the Gap, the Human Rights Act 2019, and the UN Convention on the Rights of the Child.

As the peak body for Aboriginal and Torres Strait Islander child protection and youth justice in Queensland, QATSICPP continues to advocate for:

- Investment in Aboriginal and Torres Strait Islander community-controlled organisations,
- Diversionary and restorative pathways,
- Protection of children's human rights and best interests,
- And a youth justice system that is trauma-informed, culturally safe, and responsive to community solutions.

QATSICPP remains committed to working with the Queensland Government, member organisations, community partners, and stakeholders to guide the implementation of youth justice reforms in a way that strengthens both community safety and wellbeing for children and young people. We believe better outcomes are not only possible — they are achievable when we listen to, trust, and invest in the communities who know what work.

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[1] Queensland Government. (2025). *Making Queensland Safer (Adult Crime, Adult Time) Amendment Bill 2025*. Retrieved from https://www.parliament.qld.gov.au

[2] Australian Institute of Criminology. (2020). Youth justice in Australia: Themes from recent inquiries, Retrieved from: https://www.aic.gov.au/sites/default/files/202009/ti605_youth_justice_in_australia.pdf

[3] Queensland Government. (2025). *Statement of Compatibility: Making Queensland Safer (Adult Crime, Adult Time) Amendment Bill 2025*. Brisbane, QLD: Queensland Parliament.

[4] Queensland Government. (2019). *Human Rights Act 2019*. Brisbane, QLD: Office of the Queensland Parliamentary Counsel.

[5] Joint Council on Closing the Gap. (2020). *National Agreement on Closing the Gap*. Canberra, ACT: Australian Government. Retrieved from https://www.closingthegap.gov.au

[6] Australian Institute of Criminology. (2022). *Restorative justice for juveniles in Australia: Research and practice*. Canberra, ACT: AIC. https://www.aic.gov.au

[7] Australian Human Rights Commission. (2020). *Wiyi Yani U Thangani (Women's Voices): Securing Our Rights, Securing Our Future Report*. Sydney, NSW: AHRC.;
Atkinson, J. (2002). *Trauma Trails: Recreating Songlines – The Transgenerational Effects of Trauma in Indigenous Australia*. North Melbourne, VIC: Spinifex Press.

[8] Australian Institute of Criminology. (2022). *Effectiveness of youth diversion and restorative justice programs: A systematic review*. Canberra, ACT: Australian Government. Retrieved from https://www.aic.gov.au; Richards, K. (2011). *What makes juvenile offenders different from adult offenders?* Trends & Issues in Crime and Criminal Justice No. 409. Canberra, ACT: Australian Institute of Criminology. Retrieved from https://www.aic.gov.au/publications/tandi/tandi409; Weatherburn, D., & Ramsey, S. (2020). *Mandatory sentencing and the effect on Indigenous youth*. Indigenous Justice Clearinghouse Research Brief No. 25. Retrieved from https://www.indigenousjustice.gov.au

[9] Australian Institute of Criminology. (2022). *Effectiveness of youth diversion and restorative justice programs: A systematic review*. Canberra, ACT: Australian Government.
Cunneen, C. (2009). *Alternative and improved responses to youth offending*. Indigenous Justice Clearinghouse Brief 5.

[10] Richards, K. (2011). *What makes juvenile offenders different from adult offenders?* Trends & Issues in Crime and Criminal Justice No. 409. Canberra, ACT: Australian Institute of Criminology. Retrieved from https://www.aic.gov.au/publications/tandi/tandi409; Queensland Productivity Commission. (2019). *Inquiry into Imprisonment and Recidivism: Final Report*. Brisbane, QLD: QPC. Retrieved from https://www.qpc.qld.gov.au/inquiries/imprisonment

[11] Cunneen, C. (2009). *Alternative and improved responses to youth offending*. Indigenous Justice Clearinghouse Brief 5. Retrieved from https://www.indigenousjustice.gov.au; Australian Institute of Criminology. (2022). *Effectiveness of youth diversion and restorative justice programs: A systematic review*. Canberra, ACT: Australian Government. Retrieved from https://www.aic.gov.au

[12] Weatherburn, D., & Ramsey, S. (2020). *Mandatory sentencing and the effect on Indigenous youth*. Indigenous Justice Clearinghouse Research Brief No. 25.

[13] Sentencing Advisory Council Queensland. (2021). *Youth justice in Queensland: Summary statistics 2020–21*. Brisbane, QLD: Queensland Government. Retrieved from https://www.sentencingcouncil.qld.gov.au;

[14] https://documents.parliament.qld.gov.au/tableOffice/questionsAnswers/2024/1177-2024.pdf

[15] Sentencing Advisory Council Queensland. (2021). *Youth justice in Queensland: Summary statistics 2020–21*. Brisbane, QLD: Queensland Government. https://www.sentencingcouncil.qld.gov.au
Queensland Productivity Commission. (2019). *Inquiry into Imprisonment and Recidivism: Final Report*. Brisbane, QLD: Queensland Government.

Australian Human Rights Commission. (2017). *Pathways to Justice: Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples*. Sydney, NSW: AHRC. https://humanrights.gov.au

[16] Richards, K. (2011). *What makes juvenile offenders different from adult offenders?* Trends & Issues in Crime and Criminal Justice No. 409.
Queensland Family and Child Commission. (2021). *Growing Up in Queensland: What children and young people told us*. Brisbane, QLD: QFCC. https://www.qfcc.qld.gov.au

[17] https://nij.ojp.gov/library/publications/consequences-sibling-criminal-legal-system-contact-family-life; https://www.annualreviews.org/content/journals/10.1146/annurev-criminol-111523-122438

[18] Australian Institute of Criminology. (2022). *Effectiveness of youth diversion and restorative justice programs: A systematic review*.
Queensland Family and Child Commission. (2021). *Growing Up in Queensland: What children and young people told us*.

[19] Richards, K. (2011). *What makes juvenile offenders different from adult offenders?* Trends & Issues in Crime and Criminal Justice No. 409. Canberra, ACT: Australian Institute of Criminology. https://www.aic.gov.au/publications/tandi/tandi409

[20] Australian Human Rights Commission. (2017). *Pathways to Justice: Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples*. Sydney, NSW: AHRC. https://humanrights.gov.au

[21] Atkinson, J. (2002). *Trauma Trails: Recreating Songlines – The Transgenerational Effects of Trauma in Indigenous Australia*. North Melbourne, VIC: Spinifex Press.
Cunneen, C. (2009). *Alternative and improved responses to youth offending*. Indigenous Justice Clearinghouse Brief 5. https://www.indigenousjustice.gov.au

[22] Queensland Productivity Commission. (2019). *Inquiry into Imprisonment and Recidivism: Final Report*. Brisbane, QLD: Queensland Government. https://www.qpc.qld.gov.au/inquiries/imprisonment;
Sentencing Advisory Council Queensland. (2021). *Youth justice in Queensland: Summary statistics 2020–21*. Brisbane, QLD: Queensland Government. https://www.sentencingcouncil.qld.gov.au

[23] https://www.thelancet.com/journals/lanpub/article/PIIS2468-2667(25)00042-8/fulltext

[24] https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5724t347/5724t347-db90.pdf

[25] Queensland Government. (2025). *Making Queensland Safer (Adult Crime, Adult Time) Amendment Bill 2025 – Explanatory Notes*. Brisbane, QLD: Queensland Parliament.

[26] Richards, K. (2011). *What makes juvenile offenders different from adult offenders?* Trends & Issues in Crime and Criminal Justice No. 409. Canberra, ACT: Australian Institute of Criminology. https://www.aic.gov.au/publications/tandi/tandi409

[27]https://www.data.qld.gov.au/dataset/lga_reported_offender_numbers/resource/32d7bc11-55ed-4c52-86ff-e9d780cfe9ce

[28] https://www.data.qld.gov.au/dataset/lga_reported_offender_numbers/resource/32d7bc11-55ed-4c52-86ff-e9d780cfe9ce

[29]https://www.data.qld.gov.au/dataset/lga_reported_offender_numbers/resource/32d7bc11-55ed-4c52-86ff-e9d780cfe9ce?view_id=f528c3ba-fce6-4fef-815c-2484dcf121e3

[30] https://www.abc.net.au/news/2024-10-25/youth-crime-statistics-using-data-incorrectly/104488958?utm_campaign=abc_news_web&utm_content=link&utm_medium=content_shared&utm_source=abc_news_web

[31] https://www.data.qld.gov.au/dataset/lga_reported_offender_numbers/resource/32d7bc11-55ed-4c52-86ff-e9d780cfe9ce

[32] Sentencing Advisory Council Queensland. (2021). *Youth justice in Queensland: Summary statistics 2020–21*. Brisbane, QLD: Queensland Government. https://www.sentencingcouncil.qld.gov.au

[33] Australian Human Rights Commission. (2017). *Pathways to Justice: Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples*. Sydney, NSW: AHRC. https://humanrights.gov.au

[34] Steinberg, L. (2009). *Should the science of adolescent brain development inform public policy?* Issues in Science and Technology, 29(3), 67–78.

[35] https://www.apa.org/monitor/2022/11/juvenile-justice-system-teens; https://case.edu/schubertcenter/sites/default/files/2024-03/The%20Impact%20of%20Adolescent%20Developmental%20Final%20for%20print%203.13.24.pdf
[36] Australian Institute of Criminology. (2022). *Effectiveness of youth diversion and restorative justice programs: A systematic review*. Canberra, ACT: Australian Government. https://www.aic.gov.au
[37] Weatherburn, D., & Ramsey, S. (2020). *Mandatory sentencing and the effect on Indigenous youth*. Indigenous Justice Clearinghouse Research Brief No. 25. https://www.indigenousjustice.gov.au
[38] Queensland Family and Child Commission. (2021). *Growing Up in Queensland: What children and young people told us*. Brisbane, QLD: QFCC. https://www.qfcc.qld.gov.au
[39] https://queenslandlawhandbook.org.au/the-queensland-law-handbook/family-law/children-and-education/behaviour-management-and-discipline-in-school/
[40] *National Agreement on Closing the Gap*. Canberra, ACT: Australian Government. Retrieved from https://www.closingthegap.gov.au
[41] SNAICC – National Voice for Our Children. (2023). *Stronger, Safer, Together: Investing in Aboriginal and Torres Strait Islander community-controlled child and family services*. Melbourne, VIC. https://www.snaicc.org.au
[42] Cunneen, C. (2009). *Alternative and improved responses to youth offending*. Indigenous Justice Clearinghouse Brief 5. https://www.indigenousjustice.gov.au
[43] SNAICC – National Voice for Our Children. (2023). *Stronger, Safer, Together: Investing in Aboriginal and Torres Strait Islander community-controlled child and family services*.
[44] Australian Institute of Criminology. (2022). *Effectiveness of youth diversion and restorative justice programs: A systematic review*. Canberra, ACT: Australian Government. https://www.aic.gov.au
[45] Productivity Commission. (2020). *Indigenous Evaluation Strategy*. Canberra, ACT: Australian Government. https://www.pc.gov.au/inquiries/completed/indigenous-evaluation
[46] Queensland Government. (2017). *Our Way: A generational strategy for Aboriginal and Torres Strait Islander children and families 2017–2037*. Brisbane, QLD: Department of Child Safety, Youth and Women.
Joint Council on Closing the Gap. (2020). *National Agreement on Closing the Gap*. Canberra, ACT: Australian Government. https://www.closingthegap.gov.au
[47] Queensland Aboriginal and Torres Strait Islander Child Protection Peak (QATSICPP). (2024). *Submission on the Making Queensland Safer Bill 2024*. Brisbane, QLD.
[48] Productivity Commission. (2020). *Indigenous Evaluation Strategy*.
[49] Richards, K. (2011). *What makes juvenile offenders different from adult offenders?* Trends & Issues No. 409. Canberra, ACT: Australian Institute of Criminology. https://www.aic.gov.au
[50] Queensland Government. (2025). *Statement of Compatibility: Making Queensland Safer (Adult Crime, Adult Time) Amendment Bill 2025*. Brisbane, QLD: Queensland Parliament.
[51] United Nations. (1989). *Convention on the Rights of the Child*. Geneva, Switzerland: Office of the High Commissioner for Human Rights. https://www.ohchr.org
[52] Productivity Commission. (2020). *Indigenous Evaluation Strategy*.
[53] Cunneen, C. (2009). *Alternative and improved responses to youth offending*. Indigenous Justice Clearinghouse Brief 5. https://www.indigenousjustice.gov.au
[54] Productivity Commission. (2020). *Indigenous Evaluation Strategy*. Canberra, ACT: Australian Government. https://www.pc.gov.au/inquiries/completed/indigenous-evaluation