

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

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Submission by
YOUTH ADVOCACY CENTRE INC
to the
Justice, Integrity and Community Safety Committee
Making Queensland Safer (Adult Crime, Adult Time) Amendment Bill 2025

16 April 2025



The Youth Advocacy Centre (YAC) is a community legal and social welfare agency for children and young people aged 10-18 in Queensland, particularly those involved in the youth justice system.

Contact: Ms Katherine Hayes

CEO

(07) 3356 1002

0421 705 532

Katherine@yac.net.au

The Youth Advocacy Centre (YAC) appreciates the opportunity to provide submissions on the *Making Queensland Safer (Adult Crime, Adult Time) Amendment Bill 2024 (the Bill)*. YAC has extensive practical and direct experience of the matters addressed by this Bill.

As a starting point, YAC notes that the Bill "*may lead to sentences for children that are more punitive than necessary to achieve community safety*".¹ In circumstances where the Bill goes too far, and is based on a course of action contrary to all available evidence, YAC queries the soundness of a recommendation for the Bill to be passed unamended.

Expert Legal Panel advice

The Premier the Honourable David Crisafulli has said that the Expert Legal Panel recommended the addition of 20 serious offences to the Adult Crime, Adult Time regime. YAC calls for the release of the advice of the Expert Legal Panel so that the community can fully understand the basis for inclusion of these additional offences in the Adult Crime Adult Time regime, particularly where all evidence is contrary to this approach as an effective method of reducing youth crime.

This Bill will disproportionately impact the most disadvantaged and vulnerable children in Queensland, and overrides the Human Rights Act to do so. The government therefore needs to be transparent about the basis of the Bill and the Expert Legal Panel advice.

Queensland currently incarcerates more children than any other state, currently around 310 per night - more than the New South Wales and Victoria youth detention numbers combined. Despite the high rate of incarceration Queensland still has one of the highest reoffending rates in Australia. Locking children up in Queensland's detention centres does not significantly reduce reoffending rates, and victim numbers will not fall.

Rights of offenders and rights of victims

The rights of victims and young people in the youth justice system should all be upheld. Reoffending will continue if the rights of children are breached in detention. The children entrenched in the youth justice system come from violent homes, have serious mental health issues, do not have a safe home and are likely to have substance abuse issues. Once children are entrenched in the youth justice system detention needs to address the underlying issues, rather than compound them by breaching their rights. A failure to uphold their rights will result in higher numbers of victims.

Upholding the rights of children in the youth justice system does not preclude the rights of victims. Victims' rights should be upheld, and all victims should be provided with the necessary support needed to cope with the trauma they have experienced.

¹ Statement of Compatibility.

"Genuine change to drive down youth offending and ensuring community safety" (Premier David Crisafulli – introductory speech on 1 April 2025)

Until there is genuine change to address the underlying causes of youth crime, the offending rate will not meaningfully reduce. The underlying causes include the following:

1. **Lack of a safe home:** Among YAC's client cohort there is an urgent need for safe housing. Children under 16 have very few options for emergency housing, and often sleep rough rather than live in an unsafe home or a residential care facility. This is a fast-track to offending. Young people in the youth justice system have very few housing options as providers choose lower-risk children to fill any rare openings in emergency or long-term housing. A lack of a safe home, or an unsuitable residential care placement, greatly increases the likelihood of offending.
2. **Mental health issues:** Many of YAC's clients have undiagnosed and untreated mental health conditions and developmental delays, including Foetal Alcohol Spectrum Disorder, ADHD, autism spectrum disorder and psychosis. The failure to diagnose and treat these conditions is a root cause of youth offending, and must be properly addressed.
3. **Domestic and family violence:** the high rates of domestic and family violence in Queensland, particularly in regional and remote areas, are directly linked to youth offending, and must be addressed as an urgent priority. Without a safe and stable home young people will reoffend.

Figure 1 below shows the rates of charges for assault from 2001 to 2024 broken down according to four Queensland regions. From 1 July 2021 the QPS recorded all criminal offences arising out of domestic and family violence, which resulted in a sharp increase in the recorded assault charges, particularly in Queensland's regions. This high rate of violence is a direct cause of offending.

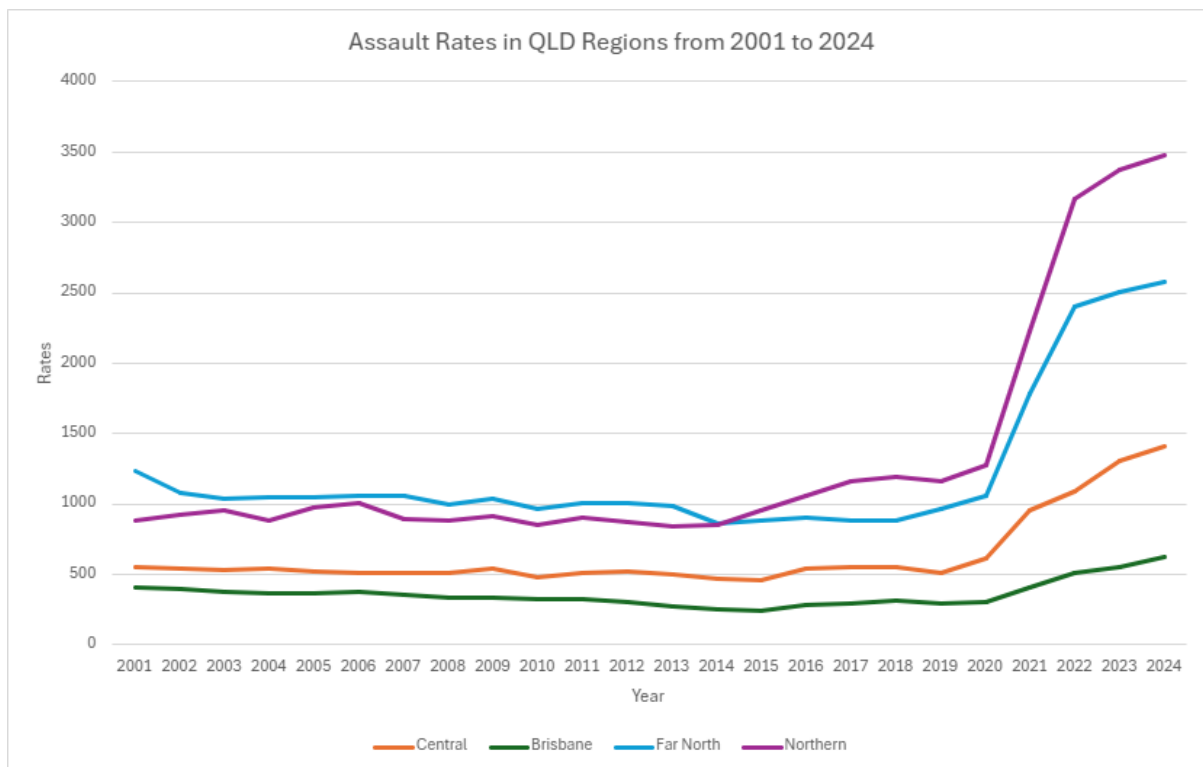


Figure 1: Assault charges in four Queensland regions since 2001, noting the increase in 2021 due to the inclusion of domestic and family violence assaults. Source – QPS data

Recent research² from Curtin University demonstrates the link between youth offending and homelessness, mental health, domestic and family violence. The research analysed over 21 years of data from the Queensland Youth Justice system concluded that young people who have experienced detention in Queensland had a **90% higher rate of premature death** than those who had only been charged with an offence:

Young people who come into contact with the justice system are distinguished by a high prevalence of co-occurring health and psychosocial problems and developmental disabilities.³

...

There is abundant evidence that justice-involved young people have a high prevalence of important risk factors for premature death, including poverty, homelessness, mental illness, substance use disorder, risk-taking behaviour and inadequate access to quality and age-appropriate health care.⁴

² Kinner, S et al, *Rates, causes and risk factors for death among justice-involved young people in Australia: a retrospective, population-based data linkage strategy*, The Lancet, Vol 10, April 2025/

³ Kinner, S et al, *Rates, causes and risk factors for death among justice-involved young people in Australia: a retrospective, population-based data linkage strategy*, The Lancet, Vol 10, April 2025 at p e274.

⁴ Kinner, S et al, *Rates, causes and risk factors for death among justice-involved young people in Australia: a retrospective, population-based data linkage strategy*, The Lancet, Vol 10, April 2025 at p e281. The study examined Queensland data over 21 years for over 49,000 individuals who had experienced Queensland's youth justice system.

The Queensland Government has a central role in addressing these complex and urgent issues. A humane society would address these matters in any event, but the potential to increase community safety provides a greater compulsion to do so.

Queensland's youth detention centres are not working

Queensland's adult watchhouses hold children when the four detention centres are at capacity. On 3 April 2025 psychiatrist Dr Michael Beech gave evidence in a hearing of a claim in QCAT brought by three boys against the QPS and others.⁵ Dr Beech attested that holding children in watchhouses was unlikely to deter them from reoffending, and that their ability to cope with watchhouse conditions declined after 2 days. In recent months children as young as 14 have been held in adult watchhouses for up to 20 days.

The Wacol Youth Remand Centre is a large watchhouse that opened in late March/early April 2025 and has 76 beds with safe capacity of 64 beds. The centre offers no meaningful access to exercise, the outdoors, daylight or fresh air. Pleasingly, young people have so far provided positive reports on the education they received there in the first week or so of operation, but any serious rehabilitation or therapeutic supports are unlikely to occur in the centre's watchhouse environment.

Contrary to the intention of the Bill, detention does not act as a deterrent or reduce recidivism. In 2021-22, within 12 months of being released 91.26% of children returned to detention⁶.

The Queensland Audit Office in 2024 reported that 53% of the young people it studied reoffended *within 2 weeks*. In the Cleveland Youth Detention Centre in Townsville, children are committing more serious crimes upon release than before they were detained⁷

Locking young people up for longer periods of time, particularly in Cleveland, will not reduce serious offending, or make the community safer. Unless the conditions of these children's lives outside detention are improved the reoffending is likely to continue.

The cost of Queensland's failed detention system is huge. In 2023-24 Queensland spent \$2,162 per day on each child in detention⁸. This amounts to around \$790,000 per year per child, which totals around \$220 million each year for 280 young people housed in Queensland detention centres. This cost is about to skyrocket, as the Woodford detention centre, due to be completed in late 2027/early 2028, is estimated to cost almost \$1 billion.

In contrast, Queensland spent \$382 per child per day on community-based supervision (with Victoria spending the most at \$517 in 2023/24). While detention may be warranted for serious offences,

⁵ The hearing was for a case where three boys allege, among other things, that their human rights were breached in the Cairns watchhouse in 2021/22.

⁶ Australian Institute of Health and Welfare (2023). Young people returning to sentenced youth justice supervision 2021-22, page 18. Retrieved from <https://www.aihw.gov.au/reports/youth-justice/young-people-returning-to-sentenced-supervision/data>.

⁷ Question on Notice No 1177-2024 response to question asked on 10 December 2024.

⁸ This is the lowest spend per child in Australia, with Victoria spending \$7,775 per child per day. Figures are taken from the Federal Productivity Commission's Report on Government Services 2025 at Part F Section 17.

community-based supervision is a much more cost-effective alternative to detention, which must be considered wherever possible, particularly given the poor rehabilitative outcomes of Queensland's detention centres.

Further, around 60% of young people who have experienced detention have gone on to adult prison⁹ costing Queensland in terms of commission of crimes, the cost of prison, and the loss of productive members of society. Alarming, as discussed above, the rate of death for young people who have experienced detention are 90% higher than those who have experienced community supervision.¹⁰

Queensland detention centres, particularly Cleveland Youth Detention Centre in Townsville, continue to lock children in their cells in isolation for up to 23 or 24 hours per day due to inadequate staff. In 2025 there have been large numbers of young people held in watchhouses for up to 20 days. The Wacol Youth Remand Centre is now operational, but this facility is a watchhouse with little meaningful access to exercise and therapeutic supports.

We have not seen any evidence of the Government addressing the extensive and disturbing issues that were raised in the Queensland Ombudsman's reports on Cleveland Youth Detention Centre and Cairns and Murgon watchhouses¹¹ (both released in 2024). There is a high rate of dysfunction and re-offending in young people released from detention in these circumstances.

This Bill's intention is to increase the length of time that young people spend in detention. The Queensland detention system is failing to rehabilitate young people, despite its exorbitant cost. Future community safety will be compromised by the current government's failure to properly address the root causes of offending now, and victim numbers will not reduce.

Victims of crime

YAC welcomes the government's intention to place the victims of youth crime 'front and centre'¹². By far the biggest cohort of victims of child offenders is children.¹³ Appendix 1 contains statistics from the Queensland Childrens Court Report 2023-24 showing overrepresentation of children in victim statistics, which is a cause of youth offending in Queensland.

The Queensland Treasury's *Crime report, Queensland, 2023-24* states that:

⁹ Kinner, S et al, *Rates, causes and risk factors for death among justice-involved young people in Australia: a retrospective, population-based data linkage strategy*, The Lancet, Vol 10, April 2025 at p e277. The study examined Queensland data over 21 years for over 49,000 individuals who had experienced Queensland's youth justice system.

¹⁰ Kinner, S et al, *Rates, causes and risk factors for death among justice-involved young people in Australia: a retrospective, population-based data linkage strategy*, The Lancet, Vol 10, April 2025 at p e280. The study examined Queensland data over 21 years for over 49,000 individuals who had experienced Queensland's youth justice system.

¹¹ <https://www.ombudsman.qld.gov.au/publications/detention-inspection-reports>

¹² Premier David Crisafulli's introductory speech on 1 April 2025.

¹³ The Childrens Court of Queensland Annual Report 2023-24 Figures 19, 20 and 21.

1. Breaches of domestic violence orders have increased by 243.2% since 2014-15. The Queensland Audit Office notes that domestic and family violence is a recognised root cause of youth offending¹⁴;
2. 40% of the victims of all sexual offences (not just those committed by children) were females younger than 19, which in turn greatly increases their risk of being involved in the justice system¹⁵;
3. Aboriginal and Torres Strait Islander peoples are dramatically overrepresented in victim statistics,¹⁶ with a commensurate overrepresentation in the youth justice system.

This Bill does not sufficiently protect children and young people from the crimes that are causing them to enter the youth justice system, in particular domestic and family violence and sexual offences. Until children are protected from becoming the victims of crime, the rate of youth offending will not reduce, and victim numbers will not decrease.

The expansion of the number of offences in the Bill reduces the availability of restorative justice orders, which is an effective diversionary option. These orders offer a meaningful opportunity for victims to engage in the outcome for children who have offended against them. The reduced availability of the restorative justice orders as a sentencing option takes away the incentive for children to agree to participate in a restorative justice conference before a sentence. This appears to be contrary to the government's intention to meaningfully involve victims.

There are no exceptional circumstances justifying an override of human rights.

The Bill's Statement of Compatibility does not provide sufficient justification for the removal of the human rights of Queensland's most vulnerable and disadvantaged children. The additional offences contained in the Bill are justified on the grounds of the 'current situation with respect to youth crime in Queensland is exceptional...'¹⁷ The 'current situation' is not defined, but the statistics released by the Australian Bureau of Statistics, the Queensland Police Service, the Childrens Court of Queensland and the Queensland Treasury all point to a complex, multifaceted picture of youth offending in Queensland. The only uncontested facts are that:

1. Overall, youth crime is falling;
2. Brisbane is much safer than it was in the 1990's and early 2000s;
3. Regional and remote Queensland areas are experiencing very high levels of domestic and family violence, and very high rates of unlawful use of a motor vehicle and other property crimes.

¹⁴ Queensland Audit Office, *Reducing serious youth crime (Report 15:2023-24)* page 9; Queensland Youth Justice Census survey 2023; Australian Human Rights Commission, *Help way earlier! How Australia can transform child justice to improve safety and wellbeing* section 1.3.

¹⁵ Queensland Sentencing Advisory Council, *Engendering Justice – The sentencing of women and girls in Queensland* at section 1.3

¹⁶ At page 74 of the Crime Report, Queensland 2023-24 and in Queensland Sentencing Advisory Council, *Engendering Justice – The sentencing of women and girls in Queensland* at section 1.3 and 1.3.1, Queensland

¹⁷ Statement of Compatibility for the Bill at page 1.

Rather than a youth crime crisis, there appears to be a crisis of poverty and dysfunction in rural and remote areas of Queensland, as demonstrated by very high rates of domestic and family violence and crimes such as break and enter and car theft. Cross-referencing health and education data would be beneficial in understanding what is going on in these areas. This should be the government's focus, not punitive laws which do not have any supporting evidence whatsoever.

The Bill offends section 33 of the *Human Rights Act 2019 Qld* which provides that “a child who has been convicted of an offence must be treated in a way that is appropriate for the child's age”. Such an approach priorities rehabilitation and reintegration into the community. This Bill is contrary to this right. Further rights are breached when children are locked in adult watchhouses and held in isolation for long periods of time in detention centres.

All the available evidence in criminology shows that detention tends to lead to further offending, and that children do not respond to deterrence.¹⁸ Youth offending is preceded in our experience by trauma, anger and family violence and dysfunction. Including additional Adult Crime Adult Time offences will not make the community safer, and the Bill, which goes 'further than necessary', overrides human rights without sufficient justification.

It is important to note that youth crime is 13% of all crime in Queensland¹⁹. The youth crime rate has been steadily falling for over a decade and is at historically low levels, as shown in the Queensland Audit Office report *Reducing Serious Youth Crime (June 2024)* and the latest Queensland Crime Report - see figure 2 below. As is widely known, there is a small number of young people committing the most serious crimes known as serious repeat offenders, numbering around 700 or so.²⁰

¹⁸ Don Weatherburn, Sumitra Vignaendra, Andrew McGrath, 'The specific deterrent effect of custodial penalties on juvenile re-offending' (Report, Criminology Research Council, CRC02-04-05, February 2009)

¹⁹ Queensland Audit Office *Reducing Serious Youth Crime* June 2024 at page 7.

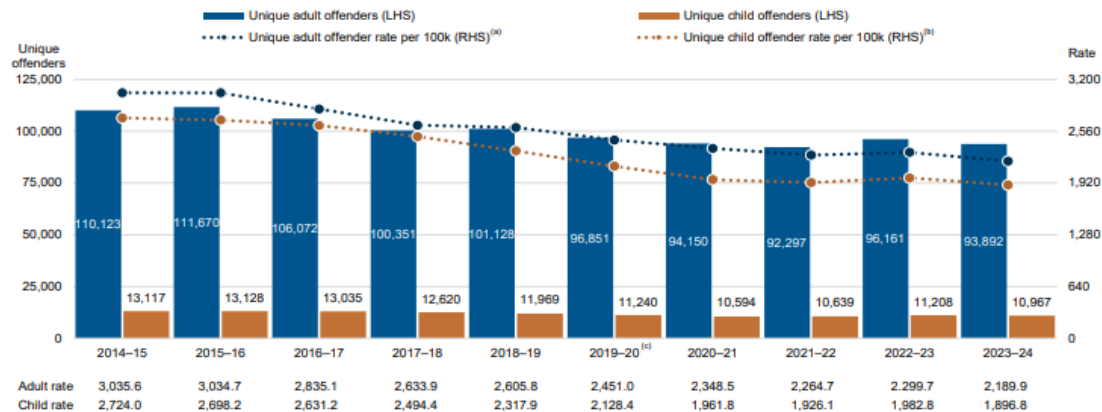
²⁰ Queensland Audit Office *Reducing Serious Youth Crime* June 2024 at page 8.

7.1.3. Age and offending

In 2023–24, unique offender rates for both adults and children decreased to a time-series low of 2,189.9 and 1,896.8 unique offenders per 100,000 persons respectively (Figure 8). Unique child and adult offender rates in 2023–24 were respectively 30.4% and 27.9% lower than in 2014–15, and lower again than in 2021–22, when COVID-19 containment measures substantially affected offender numbers and rates.

There were 10,967 unique child offenders, 241 (or –2.2%) fewer than in 2022–23, while the number of unique adult offenders decreased by 2,269 (or –2.4%) over the same period.

Figure 8 Unique offender counts and rates, children and adults



(a) Unique adult offenders per 100,000 persons aged 10–17 years.

(b) Unique child offenders per 100,000 persons aged 18 years and over.

(c) The COVID-19 pandemic was declared in March 2020 and resulted in containment measures which continued throughout 2021–22.

Figure 2: Extract from the Crime Report, Queensland, 2023-24

We have also analysed the data from the Australia Bureau of Statistics' Criminal Courts data released on 9 April 2025, which shows the number of matters finalised in the Childrens Court of Queensland from 2010 to 2024, broken down by offences (unlawful use of a vehicle wasn't included in the ABS data) - see figure 3 below.

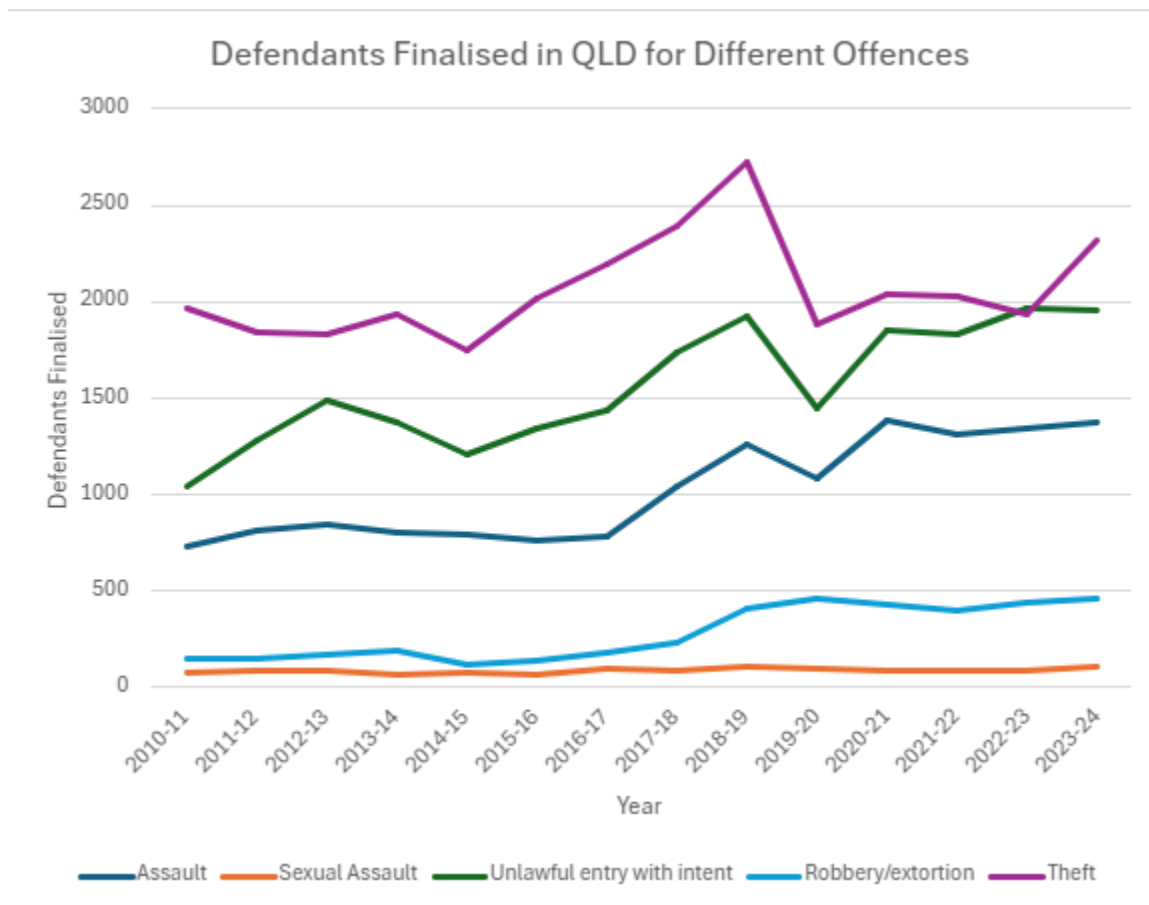


Figure 3: numbers of defendants finalised in the Queensland Children's Court (Source: ABS Criminal Courts data)

Concerningly, the number of charges arising out of car theft (noting that passengers are also charged), has dramatically increased over that timeframe, as has unlawful entry and other theft offences. These are the offences that the community is most concerned about, as they involve breaking into homes for the purpose of stealing a car.

This has led to significant fear and apprehension in the community, with Northern region (which includes Mt Isa) and Far Northern region (which includes Cairns) which consistently have the highest rates of car theft, unlawful entry, assault and many more offences.²¹

Specifically, the regional and remote areas of Queensland are experiencing much higher rates of car theft – see figure 4 below. YAC suggests a targeted approach in these areas to address the underlying issues rather than the blunt mechanism of Adult Crime Adult Time. In any event, the available data does not support exceptional circumstances justifying the override of children's human rights.

²¹ Queensland Treasury Crime Report, 2023-2024 Appendix Section 4.

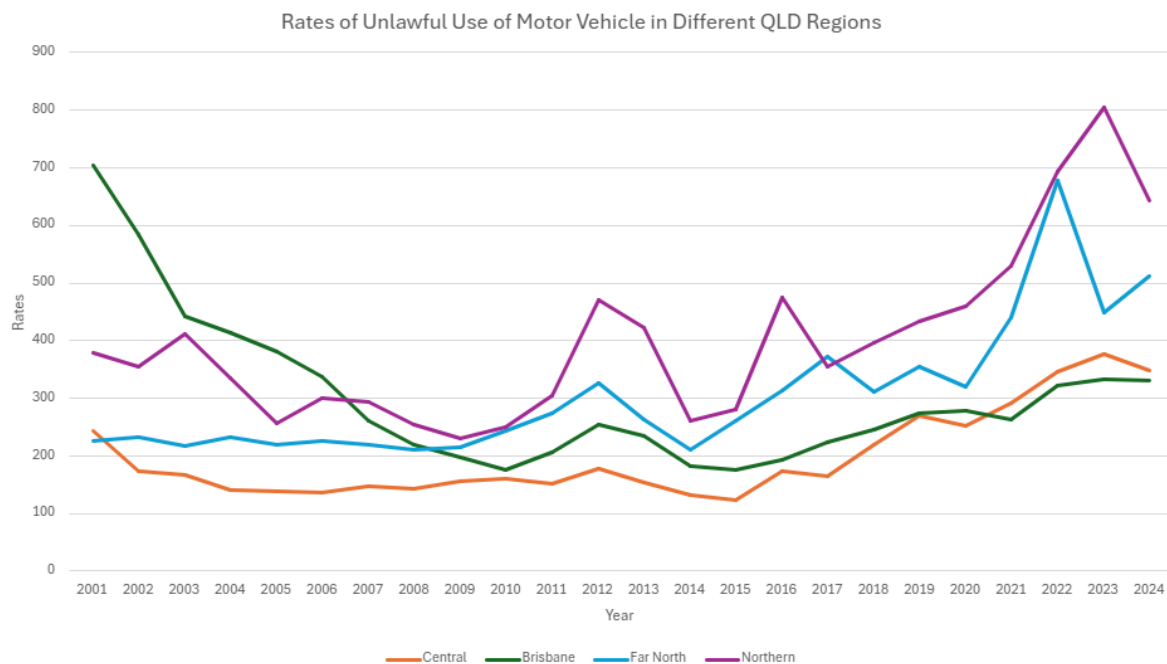


Figure 4: Rates of charges of unlawful use of a motor vehicle in four Queensland regions – adults and children. Data taken from QPS open statistics.

YAC makes the following comments in relation to the Bill:

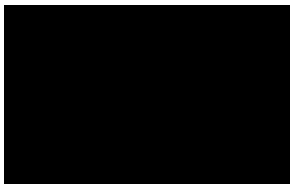
1. Section 175A of the *Youth Justice Act 1992 (YJ Act)* provides that, when sentencing a child for certain offences, the Court can, amongst other things, “*order that the child be detained for a period not more than the maximum term of imprisonment that an adult convicted of the offence could be ordered to serve*”.
2. The proposed additional offences are going armed so as to cause fear, threatening violence, attempt to murder, accessory after the fact to murder, assaulting a pregnant person causing harm or death to the unborn child, torture, damaging an emergency vehicle or endangering a police officer when driving, rape, attempt to commit rape, sexual assault, kidnapping, deprivation of liberty, stealing a car or firearm for the purposes of committing a crime, attempted robbery, arson, drug trafficking (**the proposed offences**).
3. The proposed offences potentially impact more harshly on child offenders, as adult offenders are still subject to the principle that detention is a last resort for some offences.
4. Currently the proposed sentences are subject to a ‘ceiling’ in sections 175 and 176 of the YJ Act, with heinous offences eligible for life imprisonment. YAC maintains that the ceilings are appropriate. They recognise that children have a greater opportunity for rehabilitation, that they will almost always come from dysfunctional backgrounds, and that a civilised community that is raising children would not hold them accountable to the same extent as adults.

5. The Bill creates an unclear and inconsistent set of laws. The criminal justice system is complex for any person, but even more so for children. It is important that children in the system understand the laws with which they are required to comply. This Bill is the latest in a succession of rapid reforms to the Youth Justice Act, leaving children with little clarity. The Rule of Law requires criminal laws to be clear, understood and stable. Once the Bill is passed, when a child goes to the Childrens Court, they will be treated differently depending on whether their offence was committed prior to 30 August 2024, after August 2024 but before 13 December 2025, after 13 December 2025, or after the date of commencement. This is not a clear, known and stable set of laws.

Taking into consideration the significant and acknowledged human rights breaches and implications for further incarceration of children, particularly Aboriginal and Torres Strait Islander children, YAC **recommends** for an independent review of the effectiveness and consequences of the amendments within 12 to 18 months of the implementation of the Bill.

Please let me know if you have any questions in relation to these submissions

Yours sincerely



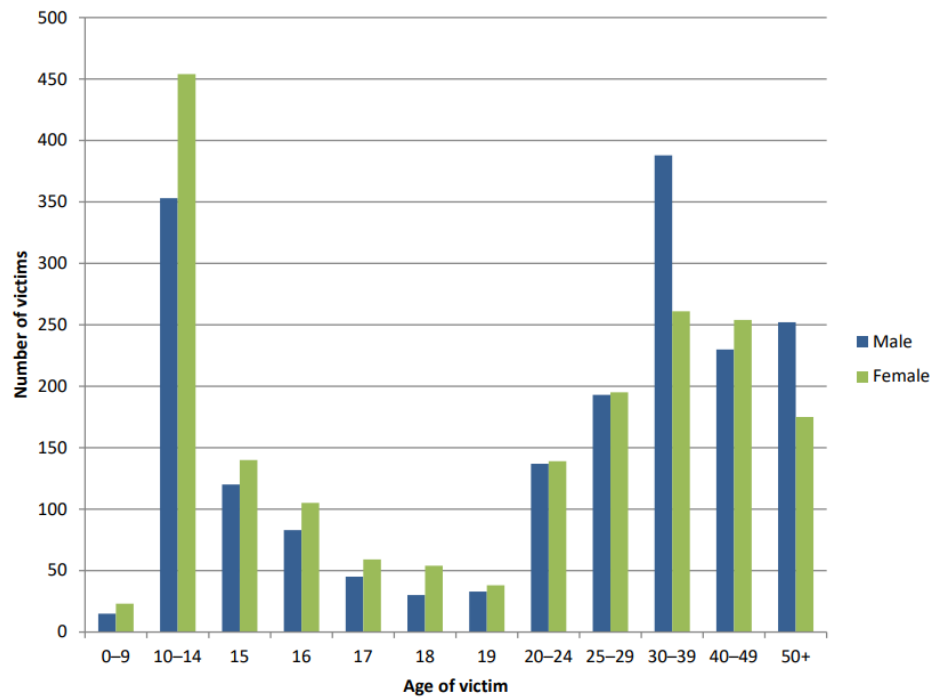
Katherine Hayes

CEO

Youth Advocacy Centre

Appendix 1 –graphs extracted from the Queensland Childrens Court Annual Report 2023-24

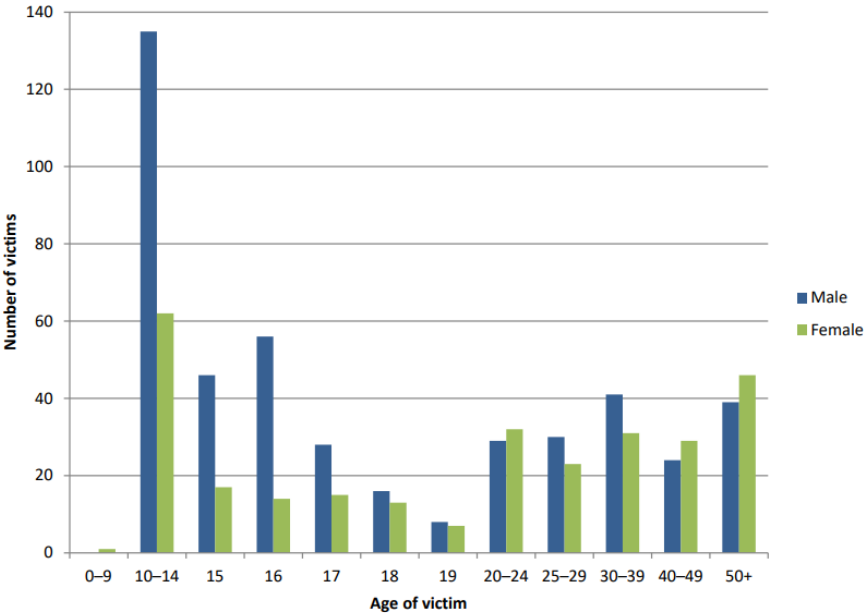
Figure 19 Victims of acts intended to cause injury^(a) by child offenders, by age and sex of victim, 2023–24



(a) Includes assault, stalking, administer harmful substance, and other acts intended to cause injury.

Source: Queensland Police Service. Data current as at July 2024.

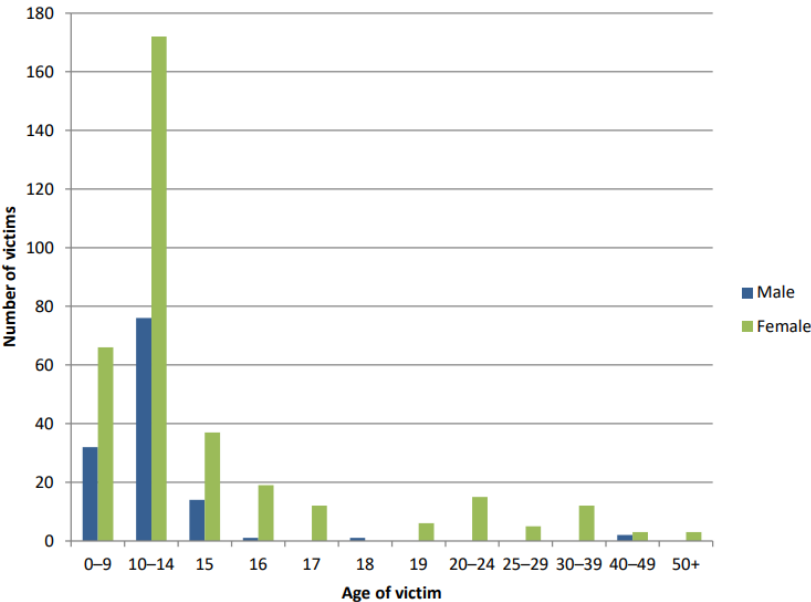
Figure 20 Victims of robbery, extortion and related offences by child offenders, by age and sex of victim, 2023–24



Source: Queensland Police Service. Data current as at July 2024.

sexual), despite the victim accounting for only one in five (20%) victims across all personal offences.

Figure 21 Victims of sexual assault and related offences by child offenders, by age and sex of victim, 2023–24



Source: Queensland Police Service. Data current as at July 2024.