

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

**Submission No:** 44  
**Submitted by:** Lamberr Wungarch Justice Group  
**Publication:**  
**Attachments:** See attachment  
**Submitter Comments:**



Submission to the Justice, Integrity and Community Safety Committee on  
expanding the offences leading to the adult sentencing of juvenile offenders in  
Queensland

*Designed to punish  
survivor/victims and the most  
vulnerable at the expense of our  
future.*

Lamberr Wungarch Justice Group  
31 Matilda St Normanton, QLD 4890  
Po Box 469, Normanton QLD 4890  
Ph: (07) 47451630 Mob: 0438556325

[normanton@justicegroup.com.au](mailto:normanton@justicegroup.com.au)



---

-Acknowledgement-

The Lamberr Wungarch Justice Group wish to begin by acknowledging the Turrbal and Yuggera peoples, Traditional Custodians of the land on which we will learn from each other today and pay our respects to their Elders past and present. We extend that respect to all Aboriginal and Torres Strait Islander peoples here.

---

Dear Committee Members,

The Lamberr Wungarch Justice Group of Normanton thanks the Justice, Integrity and Community Safety Committee for the opportunity to comment on expanding the offending, in relation to the Adult Crime Adult Time legislation in Queensland.

Joyce Downes

President

Doug Thomas

Secretary

Andrew Dawes

Coordinator



## Table of Contents

<b>Acknowledgement of Country</b>	<b>p 2</b>
<b>Table of Contents</b>	<b>p 3</b>
<b>Introduction</b>	<b>p 4</b>
<b>Summary</b>	<b>p 5</b>
<b>Unintended Sentencing Consequences</b>	<b>p 6</b>
<b>Widening and deepening the Net</b>	<b>p 7</b>
<b>Mandatory Sentencing</b>	<b>p 7</b>
<b>The Political Imperative</b>	<b>p 8</b>
<b>Incarcerating Juvenile Victims of Crime</b>	<b>p 9</b>
<b>Victims of Crime</b>	<b>p 9</b>
<b>Compatibility with Human Rights?</b>	<b>P 10</b>
<b>Overview</b>	<b>p 11</b>
<b>Consultation on our Terms</b>	<b>p 12</b>
<b>Opportunity</b>	<b>p 13</b>
<b>Endnotes</b>	<b>p 15</b>



## Introduction

The Lamberr Wungarch Justice Group has been a voice in the Normanton Community for over 25 years - attempting to support the local community and address the dislocation and hurt caused by successive State and Federal Governments who have taken so much from Indigenous Australians.

The Gulf of Carpentaria is a remote Queensland Shire situated in the dry savannah region of the State and subject to periods of extended isolation by the summer monsoon rains.

From a population of 4921, 62% of the Shire identify as Aboriginal and/or Torres Strait Islander.

Laws passed by the Queensland State Government in Brisbane, will have a greater impact in remote and regional communities that are overwhelmingly Indigenous.

The Lamberr Wungarch Justice Group has witnessed the failed attempts, perhaps well meaning, to address the rates of incarceration and criminality in the First Nation's communities. In our opinion, these attempts have not worked and will not work because these "*solutions*" fail to address the underlying issues that enable the Queensland Indigenous Criminal production line.



## Summary

- The increasing criminalisation of Indigenous, survivor/victim children, should be wound back.
- More support for social solutions to social problems, rather than punitive, short term, populist policies designed to ensure re-election of the incumbent State Government.
- A Government's duty is to protect the Human Rights of vulnerable children and this should be given precedence over the public's wish to see them punitively punished.
- *Nothing about us, without us* - Indigenous and First Nation Australians have no effective input into the decision-making or policies that affect their lives and continue to be failed by this legislative process.
- Incompatibility with the *Human Rights Act 2019 (Qld)*<sup>i</sup> should be a warning to the Queensland Government and not be seen as an obstacle to be overcome, in the pursuit of partisan politics.



## Unintended Sentencing Consequences?

We are torn, as a community, because we know that our Indigenous children will be subject to the Queensland criminal legal system at a rate far greater and suffer more damage at the hands of it<sup>ii</sup>.

The Queensland Government recognises this as well, by saying that children will be unduly and harshly punished<sup>iii</sup> but that this failure of duty is apparently, an acceptable burden for Indigenous children and their communities to bear and undermines the sentencing remarks “...is just in all the circumstances...”<sup>iv</sup>.

We are torn, because many Indigenous families believe that these *are* the intended consequences, regarding the creation, implementation and enforcement of Queensland laws - that these laws will always target, and be enforced more proactively and with greater vigour, against Indigenous people, rather than non-indigenous people.

This is not without basis<sup>v</sup> highlighted by the lack of police discretion when issuing alternatives to or diverting Indigenous Australians from, the legal system, whether they be adults or children.

The issue behind this are complex but can be reduced to the damaging approach being pursued by Governments, both at a State and Federal level, when dealing with issues surrounding Indigenous disadvantage, and a “system”<sup>vi</sup> that at its best is unresponsive to, and at its worst is actively seeking to continue to, marginalise Indigenous Australians, as it was designed to do for the better part of 200 years.

The Lamberr Wungarch Justice Group believes, like our community, that the unintended sentencing consequences are not unintended. We say this because the Government is fully aware that these laws will lead to greater rates of Indigenous incarceration, firstly with juveniles and then flowing through to the adult Indigenous community.

We are dismayed because the Queensland Government, by expanding these laws, must be indifferent to the disproportional impact they will have on Indigenous Queenslanders, their families, communities and cultures.



This, combined with the outcome of the “Voice”<sup>vii</sup> referendum, which signposted that non-Indigenous Australians overwhelmingly do not support Indigenous self-determination or that First Nation’s people should have direct input on the policies that will affect them.

We are sad, but not surprised, that most Australians undermined what Indigenous people voted overwhelmingly “yes” for,<sup>viii</sup> - a say in legislation that affects them.

The expanding list of offences that will result in adult sentences being imposed on juvenile offenders will only further criminalise the most vulnerable cohort in Queensland, Indigenous children.

## **Widening and deepening the Net**

Indigenous Australians suffer at the hands of a system that they believe still views them as not worthy of equal support, as persons who must be managed and administered by the non-Indigenous majority of Australians. Administered in a paternalistic, unjust relationship with a dominant race group which stigmatises and harms the minority race group.

It obviously goes without saying that the Lamberr Wungarch Justice Group is vehemently opposed to a “*widening and deepening of the net*” with the potential inclusion of additional offences relating to juvenile offending.

The criminalisation of children in any system has been shown to increase the likelihood of creating adult offenders at a later date<sup>ix</sup>.

If anything, the Queensland Government should be directing more money to early intervention and community-based diversion rather than spending the vast majority of its funding on incarcerating juvenile offenders<sup>x</sup>.

All the indications are that Queensland is going to be incarcerating a greater number of children, mostly Indigenous, for the foreseeable future, as they promised the electorate.





## Mandatory Sentencing

The Lamberr Wungarch Justice Group firmly believes in and supports less statutorily imposed sentences for juvenile offenders. Statutory sentencing or mandatory sentencing lessens the Court's [*Magistrates, Judges, Court officials*] already limited ability to exercise its discretionary powers in relation to sentencing options when dealing with juvenile offenders who have committed specified crimes, is more costly, morally questionable and based on flawed deterrence assumptions<sup>xi</sup>.

## The Political Imperative

This proposed increase in the number of offences contained within in the *Adult Crime Adult Time* amendment will lead to an increase in longer sentencing outcomes, supposedly, to more accurately reflect the community's will in regarding punishing juvenile offenders. Even though there is no evidence to support the conclusion that mandatory sentences reduce juvenile crime<sup>xii</sup>.

The Justice Group suspects that it is to continue to remove discretionary powers from a Judiciary, who are the whipping boys and girls<sup>xiii</sup> of the political parties, when the fifth estate sounds the "*crime out of control*"<sup>xiv</sup> clarion call.

The legislature and executive proclaims, "*...the Judiciary's sentences are too lenient, which is the problem, and directly leads to reoffending and we shall fix that problem by removing the Judiciary's discretion...*"

The Queensland Opposition rubber stamped the initial *Bill [Adult Crime, Adult Time Act]* as well, illustrating to the Justice Group that politics will always serve the pursuit of power and the publicly palatable, rather than what is effective and proven to work<sup>xv</sup> but politically, unpalatable.

Queensland's response will be to incarcerate more juvenile offenders because it suits the political parties' purposes and will allow them to win elections.



## **Incarcerating Juvenile Victims of Crime**

The approach taken by the Queensland Government does not recognise these juvenile offenders are victims of crime themselves; victims of a system that more than likely failed their parents and communities, certainly in an Indigenous setting.

These children are also the victims of a child protection system that intervenes too late and which does not favour a community-based response with an Indigenous informed and supporting methodology, surrounding the way it deals with the culturally different First Nation's communities spread across Queensland.

We suppose it is better than the original reason child protection was used in Indigenous communities, which was to strip children from their loving Mothers and Fathers.

But Indigenous memories are long, they have to be, because Australians seem to have selective amnesia about the past, and their treatment of First Nation's people.

Indigenous children are removed from their families at a rate that far outstrips non-Indigenous Australian children<sup>xvi</sup>.

This is a symptom of problems that affect these children's communities.

These vulnerable children are more sinned against than sinned, the victims of poverty, trauma, institutional and geographic disadvantage, merely surviving not thriving and removing them from their parent or parents will not help them in most cases.

## **Victims of Crime**

Lessening the incidence of juvenile incarceration will lead to a reduction in victims of crime over the longer term.

Victims of juvenile crime have had their cries heard loud and clear by the Queensland State Government with alterations to various *Acts* allowing their voices to be heard.



These are serious issues, that the Lamberr Wungarch Justice Group felt would be better dealt with on their own and not having the issues faced by victims of crime in Queensland piggy-backed on the *Adult Crime Adult Time* legislation.

The Justice Group believes that this was by design, as it attaches youth crime (overwhelmingly Indigenous in nature) to victims of crime generally.

The Lamberr Wungarch Justice Group sees this reflected in the views of Queenslanders in general, with the election of the Crisafulli Government and subsequent passing of the *Adult Crime Adult Time* Bill.

Indigenous Queenslanders continue to be the victims of crime at a disproportionate rate compared to other Queenslanders.

But we doubt we will see the Queensland government hastening to alter legislation to specifically support Indigenous victims of crime.

## **Compatibility with Human Rights?**

The Queensland State government has admitted that the passing and implementation of these amendments is in violation, and not consistent with, the *Human Rights Act 2019 (Qld)*<sup>xvii</sup>

These amendments will however be pursued because of exceptional circumstances<sup>xviii</sup>.

Both sides of the political divide, Liberal and Labour, view the *Human Rights Act (Qld)* as an obstacle to enforcing their self-acknowledged, destructive and unfair political mandate.

The *Human Rights Act 2019 (Qld)* is a paper tiger, overridden at whim, useless in safeguarding vulnerable Queenslanders against the damage knowingly afflicted upon them by any Queensland Government, that views incumbency, rather than communal advancement, as the primary responsibility of Government.

The Lamberr Wungarch Justice Group sees this as just another indicator of how little the Queensland political “*system*” cares about assisting the most vulnerable in overcoming their inherent disadvantage.

It is a shield for individuals “*rights*”<sup>xix</sup> only when the Government deems it to be, otherwise the protections supposedly offered by the Human Rights Act will be sacrificed on the altar of partisan political power<sup>xx</sup>.

A paper tiger.



## Overview

Indigenous people in Normanton and all of Australia, indeed First Nation's people globally, did not arrive at their precarious position within their communities by accident, it was by design.

Racist systems, Governments of all persuasions combined with a legal system that was weaponised against Indigenous Queenslanders, by the will of the majority, combined with the enforcement of these policies by a willing Queensland police service, have led us to this point.

A concerted effort.

A whole-of-Government response was designed and implemented to marginalise and assimilate Indigenous Queenslanders, undertaken with a common purpose, and only recently has it attempted to be challenged and changed.

Now, after the passing of the *Racial Discrimination Act* (Cth) 1975<sup>xxi</sup> we are still struggling with addressing and undoing the almost insurmountable damage perpetrated on Indigenous Australians.

The use of siloed individual services and service providers, reluctant to change, is perpetuating the dislocation of at-risk children from their families, communities and society. This is no more keenly felt and visible than in remote Indigenous communities.

The Justice Group believes that there are good people involved in these services and Departments. But they are hamstrung by the top-down approach, favoured by these entities, that seem to value quantity over quality and meeting KPI's and funding requirements instead of affecting real and lasting change by engaging with their local communities and supporting them to rebuild their culture and through it their families and futures.



## Consultation on our Terms

Respectfully, asking for input into the review of potentially including additional offences in relation to juvenile offending seems disingenuous, misguided, perfunctory and piecemeal.

Many institutions and organisations submitted, during the oh so brief, consultation period of the original *Bill*, that this path would be extraordinarily damaging for children, of all persuasions. Their concerns were dismissed or minimised, and the Bill was passed with support of both major parties, making good on their promise to the electorate to be tough on youth crime.

Queensland has no upper house<sup>xxii</sup> for review of legislation.

This feels the same as when Indigenous communities are “*consulted*”, about how to help them address the ongoing issues they are facing and then have that advice promptly ignored because, its outside the scope of the review/submission/terms of reference/not the subject of this inquiry, etc, etc.

Is it a box ticking exercise? or as, the Justice Group believes, in most cases, the decision is already preordained?

It will adversely affect Indigenous children, at a far greater rate because most of these decisions do ..... ***what did the legislature think?*** How can we amplify the damage in this specific instance?

By not listening to the people most affected, or the organisation with expertise in the areas and the research to back it up, is symptomatic of an ideologically driven process that sees its own needs as the ends, Machiavellian in design, rather than addressing and fixing failings within the system and changing the way the State engages with its First Nation’s people.

It is, in effect, a *fait accompli*, driven by a political system that has always disregarded and marginalised Firsts Nation peoples’ views and experience of their own communities and lives.



## Opportunity

The Lamberr Wungarch Justice Group is grateful to have the opportunity to comment on issues that affect our community when more offences were included into the *Adult Crime Adult Time Act*.

The Lamberr Wungarch Justice Group is always hopeful that Governments of all persuasions will stop and alter the current way in which they “engage” with and support First Nation’s people.

That the consultation process will be a local, community-driven and generous in its acceptance of differing views and ways of problem-solving - putting Indigenous Australians at the centre of this process.

Listening a lot and not talking, Indigenous Australians have been talked at for far too long.

The Lamberr Wungarch Justice Group also realise that this means sharing power and self-determination within a system that finds these concepts anathema.

For the better part of 20 years, we have sought to support our community and culture from the concerted efforts by State and Federal governments to assimilate it.

We shall continue to accurately and bravely reflect the Normanton and Gulf Indigenous experience with people who wish to have a deeper understanding of the complexities our families and community and ensure they are supported through the difficult times that they will experience.

Most of the children in our community will not experience the uncaring arbitrary nature of the Juvenile Justice system, thank goodness, but this is of cold comfort to those of us who support the most vulnerable children and their families within our community.

The children and families need support and assistance and not to be exploited for ideological political gain every election cycle.

If the panel would like any clarification regarding our submission please feel free to contact the Justice Group.



On behalf of the Board and community.

Andrew Dawes  
Coordinator  
Lamberr Wungarch Justice Group  
31 Matilda St, Normanton QLD 4890  
Po Box 469 Normanton, QLD 4890  
Ph: (07) 4745 1063 Mob: 0438556325  
[normanton@justicegroup.com.au](mailto:normanton@justicegroup.com.au)



---

## Endnotes

<sup>i</sup> *Human Rights Act 2019 (Qld)* online  
<<https://www.legislation.qld.gov.au/view/whole/html/asmade/act-2019-005>> accessed on the 8 April 2025

<sup>ii</sup> *Indigenous Incarceration and Child Detention*, Australians for Native Title and Reconciliation, online  
<<https://antarqld.org.au/indigenous-encarceration/>> ‘,,,First Peoples **juvenile** offenders (aged 10-18) are 72% of all youth detention centre populations. Many of them are on remand – that is, they have been charged with but not convicted of any offence. In recent years, 90% of children released from youth detention re-offended within 12 months. Of these, 90% go on to adult prisons. Child detention is working as a path to adult criminal behaviour.’ accessed on the 5 March 2025

<sup>iii</sup> “I also recognise that, according to international human rights standards, the negative impact on the rights of children likely outweighs the legitimate aims of punishment and denunciation.”

<sup>iv</sup> *Purposes, principles and factors of sentencing*, Queensland Sentence Advisory Council, online  
<<https://www.sentencingcouncil.qld.gov.au/about-sentencing/purposes-principles-and-factors-of-sentencing>> accessed on the 5 March 2025

<sup>v</sup> *Crime, Justice and Indigenous People*, Chris Cunneen, online  
<<https://www5.austlii.edu.au/au/journals/UNSWLRS/2008/11.html>> Accessed on the 5 March 2025

<sup>vi</sup> *System*. The Colonizing construct that the English and subsequent Australian Parliaments used to govern the nation. This system was as far as it concerned Indigenous Australians, solely designed to assimilate First Nations peoples over time and remove their individual and cultural identities.

<sup>vii</sup> The Voice referendum, The proposed law, being the Constitution Alteration (Aboriginal and Torres Strait Islander Voice) 2023, would change the Constitution by inserting the following text after Chapter VIII, Australian Electoral Commission, online

<<https://www.aec.gov.au/referendums/files/pamphlet/referendum-booklet.pdf>> accessed on 6 March 2025

<sup>viii</sup> *Booth by booth, Indigenous Australians backed the Voice*, Shane Wright, The Sydney Morning Herald, online <<https://www.smh.com.au/politics/federal/booth-by-booth-indigenous-australians-backed-the-voice-20231015-p5ecc7.html>> accessed 5 March 2025

<sup>ix</sup> *Raise the Age – and Then What? Exploring the Alternatives of Criminalising Children Under 14 Years of Age*, [2021] JCU Law Review 3; (2021) 27 James Cook University Law Review 37, Walsh T; Fitzgerald R; Cornwell L; Scarpato C; ‘For example, more than 80 percent of children who are placed in detention in Australia will return to detention on new charges within 12 months.’ @ V[A], online

<<https://classic.austlii.edu.au/au/journals/JCU Law Review/2021/3.html>> accessed 5 March 2025

<sup>x</sup> *Beyond ‘Adult Time, Adult Crime’: The Reality of Queensland’s Youth Justice Act in a New Political Era*, McKibbin S, School of Law and Justice University of Southern Queensland, online

<<https://lawfully.unisq.edu.au/beyond-adult-time-adult-crime-the-reality-of-queenslands-youth-justice-act-in-a-new-political-era/>> accessed on 5 March 2025

<sup>xi</sup> *Australian Institute of Criminology, trends and issues in criminal justice, no 138 Mandatory Sentencing 1999*, Declan Roche, Online <<https://www.aic.gov.au/sites/default/files/2020-05/tandi138.pdf>> accessed 11 April 2025

<sup>xii</sup> Ibid

<sup>xiii</sup> *LNP promises to amend legislation, sentence young offenders to ‘adult time’ for serious crimes if elected*, Eden Gillespie, ABC online <<https://www.abc.net.au/news/2024-07-07/qld-lnp-youth-crime-adult-time-serious-offences-proposal/104068612>> accessed 6 March 2025; *Premier must justify her attack on the judiciary*, Queensland Council of Civil Liberties, Media Release, online

<<https://qccl.org.au/newsblog/premier-must-justify-her-attack-on-the-judiciary>> accessed on the 6 March 2025





---

<sup>xiv</sup> *Australian judges way too soft, and slow, on Crime*, Mark Furler, The Courier Mail Aug 2 2013 online <<https://www.couriermail.com.au/news/queensland/central-queensland/australian-judges-way-too-soft-and-slow-on-crime/news-story/fa73eda2cacf92fb33c7b139c8d635bd>> accessed on 15 April 2025

<sup>xv</sup> *Why Youth Incarceration Fails: An Updated Review of the Evidence*, Richard Mendel, the sentencing Project, online <<https://www.sentencingproject.org/reports/why-youth-incarceration-fails-an-updated-review-of-the-evidence/>> accessed on 7 March 2025

<sup>xvi</sup> *Rate of First Nations kids in care continues to rise*, Queensland Family & Child Commission, 29 July 2022, online <<https://www.qfcc.qld.gov.au/news-and-media/rate-first-nations-kids-care-continues-rise-0>> accessed on 5 March 2025

<sup>xvii</sup> *Human Rights Act 2019 (Qld) Online* <[https://classic.austlii.edu.au/au/legis/qld/num\\_act/hra2019148/](https://classic.austlii.edu.au/au/legis/qld/num_act/hra2019148/)> accessed 9 April 2025

<sup>xviii</sup> *Making Queensland Safer (Adult Crime, Adult Time) Amendment Bill 2025 Statement of Compatibility*, Laura Gerber MP Minister for Youth Justice and Victim Support and Minister for Corrective Services <<https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5825T0284/5825t284.pdf>> accessed on 9 April 2025

*“Human rights are rights we have simply because we exist as human beings - they are not granted by any state. These universal rights are inherent to us all, regardless of nationality, sex, national or ethnic origin,,,,”* What are human rights? Office of the High Commissioner for Human Rights, online <<https://www.ohchr.org/en/what-are-human-rights>> accessed 9 April 2025

<sup>xx</sup> *Briefing note to the JUSTICE, INTEGRITY AND COMMUNITY SAFETY COMMITTEE Regarding the Making Queensland safer (ADULT CRIME, ADULT TIME) Amendment Bill 2025*, online <<https://documents.parliament.qld.gov.au/com/JICSC-CD82/MQSACATAB2-9E30/YJVS%20briefing%20-%20MQS%20Adult%20Crime%20Adult%20Time%20Amendment%20Bill.pdf>> accessed 11 April 2025

<sup>xxi</sup> *ABORIGINAL AND TORRES STRAIT ISLANDERS (QUEENSLAND DISCRIMINATORY LAWS) ACT 1975 (CTH)* online <[https://classic.austlii.edu.au/au/legis/cth/num\\_act/aatsidla1975693/](https://classic.austlii.edu.au/au/legis/cth/num_act/aatsidla1975693/)> accessed on 6 March 2025

<sup>xxii</sup> *What are the similarities and differences of the chambers and the two houses of parliament?* Online <<https://peo.gov.au/understand-our-parliament/your-questions-on-notice/questions/what-are-the-similarities-and-differences-of-the-chambers-and-the-two-houses-of-parliament>> accessed on 6 March 2025