

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

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# **SUBMISSION**

**Queensland Parliament**

**Justice Integrity and Community Safety Committee**

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

**16 April 2025**

**Dr Terry Hutchinson**

## Dr Terry Christine HUTCHINSON



Dr Terry Hutchinson (PhD, BALLB, MLP, Dip Lib, Grad Dip Legal Practice) was admitted as a solicitor of the Supreme Court of Queensland in 1985 and is currently an Adjunct Professor at Southern Cross University. Prior to this, she taught in the Law Faculty at QUT 1987-2016. Dr Hutchinson's research revolves around a sound use of the evidence base particularly in relation to children and youth justice. Most recently she completed an Australian Institute of Criminology project on the use of video links with young people in detention in Queensland. Dr Hutchinson served as full-time member of the Queensland Law Reform Commission and took part in the Queensland Department of Justice Stakeholder Advisory Group transitioning 17-year-olds to the youth justice system. She has been an active campaigner in the youth justice space in Queensland for the last two decades. Dr Hutchinson also publishes extensively on legal research methodologies. She was Editor in Chief of the peer reviewed *Legal Education Review* for several years and remains a member of the journal's Advisory Board. Her research manual *Researching and Writing in Law* (Thomson Reuters, 4th ed, 2018) has an international readership.

Thank you for the opportunity to provide a submission addressing the terms of reference of the Committee.

## **Introduction**

Youth Justice in Queensland is highly politicised. While community safety is a vital concern of both the politicians, the courts and the police, and while ‘every citizen has a right to feel safe in their own home’, the statistics are frequently at odds with the public discourse. Youth crime has been decreasing overall over the last decades despite a rise in the Queensland population.<sup>1</sup> Nevertheless, there have been instances of serious offending by young people that have resulted in damage and loss of life and understandably those affected require that the machinery of government protects them. However, we need to guard against ‘stop gap’ legislation that has the potential to create confusion in the sector if introduced too quickly and without opportunities for wider public education, workforce preparation, and adequate resourcing. This legislation is counter to existing human rights standards and conventions. Therefore, it is important to ensure, prior to any extension, that these very serious measures are providing benefits commensurate with their very substantial cost.

### **1. Ensuring Certainty of the Law and Speedy Justice**

While ignorance of the law is no excuse, the government has a responsibility to ensure that laws are properly publicised, and that there has been adequate time for additional materials and explanations to be circulated before their implementation. This Bill amends the *Youth Justice Act* by the addition of 20 offences. This is on top of the 13 offences that were included in December 2024. There are also several ‘minor and technical’ amendments. Including another 20 amendments at this stage will slow down the machinery of the law at a time when all efforts are being made to ensure speedy justice especially for children. The courts will be dealing with differing dates for pre-13<sup>th</sup> December 2024, post 13<sup>th</sup> December 2024 and now potentially pre-May 2025 and post May 2025 if this bill is passed. If there are further amendments on the table, as previewed by the Premier when the Bill was introduced, (‘More advice from the panel will follow in the coming months’)<sup>2</sup>, the legal situation will become increasingly confusing. Good governance demands that even if these amendments are passed into law, sufficient time should be given, prior to commencement, for appropriate dissemination of information to all the relevant people involved in the machinery

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<sup>1</sup> ‘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.’ Qld Govt Statisticians Office, *Crime report, Queensland, 2023–24*, 7.1.3, 47.

<sup>2</sup> Qld Parliament Hansard 1 April 2025, 649.

of government and the courts. This includes the police, court staff, lawyers and judicial officers, as well as young people and their families.

## **2. Financial Implications and Costings**

Where is the financial modelling for these changes? The December amendments have been in place for a very short time. Prior to these amendments there was minimal data available on how much the changes would cost. Real recurrent expenditure on youth justice detention-based services in Queensland rose from \$110,405 million in 2014-15 to \$251,343 million in 2023-24.<sup>3</sup> Nationally in 2023-24, 'total recurrent expenditure on detention-based supervision, community-based supervision and group conferencing was \$1.5 billion ... with detention-based supervision accounting for majority of this expenditure (65.5%, or \$1.0 billion) (table 17A.10)'.<sup>4</sup> Accommodating children in detention is expensive. Was there sufficient space in the existing detention facilities to cater for an expanded number of children? Were there enough trained staff in the children's detention facilities or indeed appropriately trained and experienced police on the streets and in the watchhouses dealing with our young people? Have any resourcing gaps now been filled successfully? How much have the amendments cost since December? What additional resources are needed with these amendments? And how much more will the additional changes in these amendments add to the costs?

## **3. Evaluating Outcomes of the First Tranche**

Accepting that detention centres and watchhouses are expensive, have there been long-term outcomes demonstrating the benefits of increasing penalties? Slowing down the legislative process will allow time to examine what the effects of the first series of amendments have been before any new amendments are passed into law. The Making Queensland Safer Laws came into force on the 13 December 2024. The amendments included changes to penalties for 13 serious offences. There has been no opportunity for the outcomes of the first tranche of amendments to be properly assessed. Is the Expert Legal Panel undertaking a cost/benefit analysis as part of their brief? This should include an examination of the extent the current amendments have increased the over representation of First Nations children in the Queensland penal system. Surely this process should be completed prior to any additional amendments coming into force.

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<sup>3</sup> Productivity Commission (2025). Report on government services 2025, Youth justice services, Table 17A.10 State and Territory government real recurrent expenditure on youth justice services. (Av. daily no. of young persons 318)

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

<sup>4</sup> Ibid.