Human Rights Law Centre

No more kids in watch houses

Queensland Parliament Legal Affairs and Safety Committee Inquiry into the Youth Justice and Other Legislation Amendment Bill 2021

Prepared by Monique Hurley, Cassandra Hamill and Meena Singh, Human Rights Law Centre, with contribution from Sophie Trevitt, Change the Record. This report is endorsed by Change the Record and Caxton Legal Centre.

Human Rights Law Centre Ltd
Level 17, 461 Bourke Street

Melbourne VIC 3000
T: [redacted]
E: [redacted]
W: www.hrlc.org.au

Human Rights Law Centre

The Human Rights Law Centre uses strategic legal action, policy solutions and advocacy to support people and communities to eliminate inequality and injustice and build a fairer, more compassionate Australia. We work in coalition with key partners, including community organisations, law firms and barristers, academics and experts, and international and domestic human rights organisations.

The Human Rights Law Centre acknowledges the people of the Kulin and Eora Nations, the traditional owners of the unceded land on which our offices sit, and the ongoing work of Aboriginal and Torres Strait Islander peoples, communities and organisations to unravel the injustices imposed on First Nations people since colonisation. We support the self-determination of Aboriginal and Torres Strait Islander peoples.

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437 Aboriginal people have died in police or prison cells, or after interactions with police. This is for two reasons - discriminatory policies and discriminatory policing. Aboriginal and Torres Strait Islander women are 34 times more likely to be hospitalised as a result of family violence, and children are being taken away from their families at heartbreaking rates.

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Caxton Legal Centre represents the interests of people who are disadvantaged or on a low income when they come into contact with the law. We do this by strategically advocating to government, providing legal advice and social work services, publishing legal information and building community awareness about the issues faced by the people we help.

Caxton has played a central part in Queensland's legal landscape over the past 40 years, leading the state's first Stolen Wages case, successfully representing well over 100 victims of the 2011 floods and paving the way for multidisciplinary service delivery to people experiencing elder abuse.

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Contents

1. Summary

1.1. The *Youth Justice and Other Legislation Amendment Bill 2021* (**the proposed laws**) represent a "knee-jerk"[1] response by the Queensland Government to recent, tragic events in Queensland.

1.2. The punitive proposed laws are a product of turbo-charged 'tough on crime' politics that will only serve to harm the next generation of young people who are driven into the quicksand of the criminal legal system.

1.3. The proposed laws will result in more children being funnelled into police watch houses on remand, in circumstances where 87% of the children in Queensland prisons are already detained on remand.[2] The proposed laws introduce 'reverse onus provisions', which means there will be a presumption against bail for children in certain circumstances. Further, the proposed laws introduce electronic monitoring for children and young people on bail. This sets kids up to fail and will increase the likelihood that children and young people will breach their bail conditions and end up on remand in watch houses.

1.4. Police watch houses are no place for young people. Only a few years ago, a Four Corners investigation, *Inside the Watch House*, raised serious questions about whether the Queensland Government is breaching its own laws by warehousing children in police watch house cells.

1.5. To add to this, in police watch houses, children are subjected to cruel and degrading practices like routine strip searches, solitary confinement and they have very little access to family, adequate health care and other important supports. The evidence is clear that children and young people who are imprisoned are much more likely to remain stuck in the prison system and to die an early death.[3]

1.6. The Royal Commission into the Protection and Detention of Children in the Northern Territory, emphasised that a 'fundamental principle' of the youth legal system should be that children should never be treated and managed the same way as adults in the legal system, and particularly when it comes to detention.[4] Children and young people should only be subject to detention as a method of last resort; this means that children and young people should not be held in custody on remand unless there is no other option.[5] The proposed laws are inconsistent with this approach because they operate in a way which presumes that a child, in certain circumstances, will be detained in custody on remand unless the child can satisfy the court to release them on bail.

1.7. According to the explanatory notes accompanying the proposed laws, the demographic of children and young people being targeted by the proposed laws are 390 young people who account for 48 per cent of all crime committed by young people. This cohort of young people overwhelmingly come from "tough and often traumatic family backgrounds."[6] 31% have a parent that has been held in adult custody; 58% had a diagnosed or suspected mental health or behavioural disorder; 52% were totally disengaged from education; almost 1 in 5 were homeless or had unsuitable accommodation; 51% had

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[1] Stephanie Zilman, Former royal commissioner into youth justice slams Queensland's 'knee-jerk' measures as police welcome new powers, 10 February 2021, accessible: https://www.abc.net.au/news/2021-02-10/qld-youth-crime-crackdown-taskforce-advocates/13137768

[2] Australian Institute of Health and Welfare, *Youth Justice in Australia 2018-2019*, (May 2020), p 16, access ble: https://www.aihw.gov.au/getmedia/a5a364b9-fe69-4d02-9c93-1965a69a3d93/aihw-juv-132.pdf.aspx?inline=true

[3] Law Council of Australia and the Australian Medical Association, *Minimum age of criminal responsibility: policy statement* (2019), p 1, accessible: https://www.lawcouncil.asn.au/publicassets/20fb2a76-c61f-ea11-9403-005056be13b5/AMA%20and%20LCA%20Policy%20Statement%20on%20Minimum%20Age%20of%20Criminal%20Responsibility.pdf

[4] Northern Territory Royal Commission, *Royal Commission into the Protection and Detention of Children in the Northern Territory,* (2017) Volume 1, p 43.

[5] Northern Territory Royal Commission, *Royal Commission into the Protection and Detention of Children in the Northern Territory,* (2017) Volume 1, p 53.

[6] Queensland Government, Youth Justice Strategy 2019–2023, accessible: https://www.youthjustice.qld.gov.au/resources/youthjustice/reform/strategy.pdf

some involvement with child protection agencies and 17% had a diagnosed or suspected disability.[7]

1.8. When these young people do something wrong, it means that something has gone seriously wrong for that child. These are young people who need help and support, rather than being criminalised.

1.9. The proposed laws will exacerbate the inequality already experienced by Aboriginal and Torres Strait Islander children and young people in Queensland, who are over-represented in youth prisons. Due to discriminatory laws and practices, 67% of children in youth prisons in Queensland are Aboriginal and Torres Strait Islander kids.[8]

1.10. The criminal legal system in Queensland is already geared towards imprisoning children, rather than addressing the underlying causes of their behaviour. The proposed laws will only serve to exacerbate this, and will not make the community safer. To the contrary, detaining young people increases both short and long term risks to public safety. Cycling young people in and out of a criminal legal system that harms them, rather than addressing the underlying causes of their behaviour through therapeutic responses, does nothing but perpetuate the cycle.

1.11. Queenslanders deserve to live in a safe community, but the proposed laws are not the path to get there. If the Queensland Government is actually interested in reducing rates of youth crime, they would be supporting children to address the underlying causes of their behaviour in their communities, not behind bars. The Human Rights Law Centre supports calls from the Aboriginal and Torres Strait Islander Legal Service for the Queensland Government to be focusing its efforts on investing in services that address the underlying causes of crime, namely social and economic disadvantage, not ramping up more punitive measures.[9]

Recommendation: The Human Rights Law Centre recommends that the Queensland Parliament reject the proposed laws.

[7] Queensland Government, Youth Justice Strategy 2019–2023, accessible: https://www.youthjustice.qld.gov.au/resources/youthjustice/reform/strategy.pdf

[8] Australian Institute of Health and Welfare, Youth Justice in Australia 2018-2019, (May 2020), table S132c, accessible: https://www.aihw.gov.au/reports/youth-justice/youth-justice-in-australia-2018-19/data

[9] Joint Release: Services, Not Sentences (10 February 2021) accessible: https://mailchi.mp/qcoss.org.au/media-release-first-international-human-rights-day-with-legislated-rights-for-queenslanders-1068706

2. Background

2.1 The Human Rights Law Centre previously worked with the Aboriginal and Torres Strait Islander Legal Service and Caxton Legal Centre to hold the Queensland Government to account for unlawfully holding children in police watch houses and, in July 2019, the Queensland Government committed to moving all children out of police watch houses "as soon as humanly possible".[10]

2.2 The Human Rights Law Centre makes this submission because we are alarmed by the Queensland Government turning its back on this commitment, with the impact of the proposed laws likely resulting in an increase in the number of children and young people detained in police watch houses.

3. Human rights framework

3.1 Australia is a party to many international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child (the Convention). Relevant to the Youth Justice and Other Legislation Amendment Bill 2021, article 14(2) of the ICCPR provides that "everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law." Article 37 of the Convention provides that States Parties like Australia shall ensure that no child shall be deprived of their liberty unlawfully or arbitrarily and that the arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time.

3.2 Queensland's Human Rights Act 2019 (the Human Rights Act) provides domestic human rights protections for children and young people. Relevantly, these include the right to liberty (section 29(1)), the right to be presumed innocent until proven guilty (section 32(1)), the right not to be subjected to cruel, inhuman and degrading treatment (section 17), the right of a child to protection that is in their best interests (section 26(2)) and for a child who has been convicted of an offence to be treated in a way that is appropriate for the child's age (section 33(3)). These rights can only be limited where that limitation is proportionate and necessary for the purpose of the law.

3.3 The proposed laws, and particularly the reverse onus bail provisions, are inconsistent with the Queensland Government's international and domestic human rights law obligations given that a presumption against bail means that imprisonment will not be a measure of last. It also calls into question whether the criminal legal system envisaged by the proposed laws will treat children who have been convicted of an offence in a manner that is appropriate for the child's age.

[10] Human Rights Law Centre, *Queensland Government must commit to never hold children in police watch houses again* (2019), accessible: https://www.hrlc.org.au/news/2019/7/17/qld-govt-must-commit-to-never-hold-children-in-watch-houses

4. The proposed laws

Reverse onus provisions will trap young people in watch houses on remand

4.1 Already in Queensland, police officers and the Court have the discretionary power to decide to detain children regardless of what offence the police officer or the Court is satisfied the child will commit. These powers to detain children are excessive and already too broad. The proposed laws will compound this issue by inserting reverse-onus bail conditions, and making it even harder for kids to be granted bail.

4.2 Children should never be subject to reverse-onus bail provisions that entrench children in the criminal legal system. Reverse onus provisions flip the usual process for granting bail on its head; instead of children being afforded a presumption in favour of bail, the reverse onus provisions mandate a presumption that children, in certain circumstances, will not be granted bail unless they satisfy the court otherwise.

4.3 The proposed laws insert the reverse onus provision into the Youth Justice Act 1999, as a new provision 48F. The new provision means that the young person will bear the onus of proof, which can often make spending time behind bars on remand the default setting.

4.4 The proposed laws limit the right to only be detained in custody as a measure of last resort, because it sets a general rule in favour of detention. For similar reasons, the proposed laws limit the right to be presumed innocent. The statement of compatibility suggests that these impacts on human rights are outweighed by the importance of protecting the community.[11] We disagree. The proposed laws will not make the community safer. They will instead result in young people entering a cycle of imprisonment and reoffending. Reoffending rates are higher where young people have previously been sent to prison.[12] This escalates the more contact that children and young people have with the system.[13]

4.5 As pointed out by the former co-commissioner of the Northern Territory's Royal Commission into the Detention and Protection of Children, Mick Gooda, the proposed laws are reactionary and not based on evidence. In his experience: “you're not going to punish kids into doing the right thing”.[14] The final report in that Royal Commission advised that “[i]t is widely accepted that incarceration in youth detention is not beneficial to children and young people and does little to improve community safety through reducing recidivism.”[15]

4.6 Further, as highlighted by Sophie Trevitt of Change the Record, Australia’s only national First Nations-led justice coalition, there is “no evidence that harsher bail laws reduce youth crime, but there is an abundance of evidence that creating a presumption against bail means more children behind bars for behaviour that a court has not even found them guilty of.”[16]

4.7 The proposed laws will, however, result in more children being funnelled into watch houses. In 2019, a Four Corners investigation, Inside the Watch House, raised serious questions about whether the Queensland Government is breaching its own laws by warehousing children in police cells designed

[11] Mark Ryan MP, *Statement of compatibility: Youth Justice and Other Legislation Amendment Bill 2021*, (2021) State of Queensland, p 15.

[12] Australian Institute of Health and Welfare, Young people returning to sentenced youth justice supervision 2018-2019, (2019) p 15.

[13] Queensland Productivity Commission, *Inquiry into imprisonment and recidivism,* (2019), p 90.

[14] Stephanie Zilman, Former royal commissioner into youth justice slams Queensland's 'knee-jerk' measures as police welcome new powers, 10 February 2021, accessible: https://www.abc.net.au/news/2021-02-10/qld-youth-crime-crackdown-taskforce-advocates/13137768

[15] Northern Territory Royal Commission, *Royal Commission into the Protection and Detention of Children in the Northern Territory,* (2017) Volume , Volume 2B, p 209.

[16] Change The Record, Queensland youth justice ‘reform’ a dangerous step backwards for children and the community, 10 February 2021, accessible: https://changetherecord.org.au/change-the-record/posts/queensland-youth-justice-reform-a-dangerous-step-backwards-for-children-and-the-community

for adults.[17] The investigation revealed that children as young as 10 have been confined alongside adults in cruel and inhuman conditions, sometimes for weeks and months at a time.

4.8 The introduction of reverse onus provisions in Victoria has triggered an increase in the number of children detained on remand. The most recent Sentencing Advisory Council of Victoria's report hypothesised that amendments to the Bail Act 1977 (Vic) made in 2018, and specifically the introduction of reverse onus provisions, "would probably have led to further increases in the number of children held on remand, although this is unconfirmed by data at this stage."[18]

4.9 The reverse onus provisions, and any policy resulting in the increase of children being held in custody, disproportionately impact marginalised members of the community. In a review of the Bail Act 1977 (Vic), the Victorian Law Reform Commission observed that "reverse onus provisions create particular difficulty for vulnerable accused people, such as those with a cognitive impairment, Indigenous Australians and children."[19] This means that the brunt of the proposed laws will be borne by Aboriginal and Torres Strait Islander children, who are already over-represented in the Queensland criminal legal system.[20]

Punishing children and young people without parental supports

4.10 Not all children have the benefit of parental support, and to discriminate against children on this basis, which is completely outside their control, is unfair. The Queensland Government has also acknowledged that the proposed laws "may compound the disadvantage faced by a child with a dysfunctional family or home environment"[21]

4.11 The proposed laws add another consideration to the matrix of matters that a court or police officer are to consider when making particular decisions about bail. The additional category allows for consideration of whether the child has a parent, or another person, who can provide them with support and practical assistance when on bail.

4.12 We think that requiring the state to proactively reach out to an adult and, should the adult agree, necessitate that the state consider releasing the child into that adult's care is potentially a protective measure. We think that it is very important that parents, guardians, kin and other important adults in children's lives are properly engaged by the state. However, an inability to do that should never be used against the child. Although we support the efforts to engage parents, or parental like figures, we strongly disagree with the proposed laws in their current form, because they will effectively punish children without parental support and increase the likelihood that they will be kept in custody.

4.13 The proposed laws are particularly egregious in circumstances where a significant number of children entangled in the web of the criminal legal system are under the supervision of the state. The proposed laws raise the question: why are so many children being failed by the child protection system? At least half of the children and young people in the youth legal system have also been under the care of the state.[22] The Queensland Child Protection Commission of Inquiry found that, as at 30 June 2012, 72%

[17] Four Corners, *Inside the Watch House*, 13 May 2019, accessible: https://www.abc.net.au/4corners/inside-the-watch-house/11108448

[18] Sentencing Advisory Council, Children Held on Remand in Victoria: A Report on Sentencing Outcomes (September 2020), [1.5].

[19] Victorian Law Reform Commission, *Review of the Bail Act: Final Report* (2007), p 39, accessible: https://www.lawreform.vic.gov.au/sites/default/files/VLRC_Review_of_the_Bail_Act_Final_Report.pdf.

[20] Australian Institute of Health and Welfare, *Youth Justice in Australia 2018-2019: Queensland Fact Sheet* , (May 2020), accessible: https://www.aihw.gov.au/reports/youth-justice/youth-justice-in-australia-2018-19/contents/state-and-territory-fact-sheets/queensland

[21] Mark Ryan MP, *Statement of compatibility: Youth Justice and Other Legislation Amendment Bill 2021*, (2021) State of Queensland, p 12.

[22] Paul McDonald, *Wrong way, go back on youth justice in Queensland,* (2021) Pro Bono Australia, accessible: https://probonoaustralia.com.au/news/2021/02/wrong-way-go-back-on-youth-justice-in-queensland/

of children and young people in the youth legal system were known to the child protection system.[23]

4.14 The Australian Law Reform Commission has also found that that child removal into out of home care and youth detention are key drivers of adult incarceration.[24] The Queensland Government is failing to protect children in their care from entering the youth legal system. The Queensland Government is failing its duties when acting as parent to children and it is now punishing children for that failure.

4.15 The proposed law changes compromise a child's rights to liberty, the right to protection of families and non-interference with family and, because of the likelihood that the proposed laws will disproportionately impact Aboriginal and Torres Strait Islander children, it will interfere with the right of Indigenous peoples to maintain kinship ties.

4.16 The justification of these limitations is that they are necessary for the protection of the community as they will ensure that children comply with their bail conditions and do not reoffend.[25] However, as outlined above, the evidence does not support this claim. Thirty years of evidence states that policies that cause children to be detained on remand will further entrench them in the criminal legal system and thereby increase the likelihood that they will reoffend.

4.17 A recent review of youth justice in Queensland found that "integrated and coordinated responses to both children and their family have the best chance of success, specifically those involving, schools, community organisations, state government and federal and local government agencies."[26] The report went on to highlight partnerships, collaborations and specific programs that are achieving positive outcomes particularly the coordinated local approaches to early intervention including the Townsville Stronger Communities Action Group and Logan Together. The programs that work to address high levels of need and risk in children and young people were found to include parenting programs directed at the parents of the child, positive school engagement and retention strategies, mentoring of children at risk, and social and wellbeing programs linked to health and mental health services, substance misuse services, sport and recreation activities and cultural connection.[27]

4.18 The Queensland Government should be investing in these programs rather than enacting laws that only serve to punish children for circumstances outside of their control.

Punishing, rather than helping, children and young people

Aggravating factor when determining the appropriate sentence

4.19 Given the profound harm done to children caused by spending time in prison, children should never be subject to policies that result in increased rates of imprisonment.

4.20 The proposed laws amend section 150 of the Youth Justice Act so that committing an offence while on bail is considered an 'aggravating factor' when determining the appropriate sentence. Whilst we understand that this is intended to legislate the common law position, we still do not think it is appropriate for children to be subject to the operation of this type of law. We are concerned to see the common law position further entrenched into the law.

4.21 This is inappropriate given that, during adolescence, "a young person's ability to make clear, logical and planned decision making, and to properly consider the consequences prior to acting, is still

[23] Queensland Child Protection Commission of Inquiry, *Taking Responsibility: A Roadmap for Queensland Child Protection,* (June 2013), p 36.
[24] Australian Law Reform Commission, *Pathways to Justice - An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples: Summary Report,* (2017), p 20.
[25] Mark Ryan MP, *Statement of compatibility: Youth Justice and Other Legislation Amendment Bill 2021*, (2021) State of Queensland, p 12.
[26] Queensland Government, Department of Child Safety, Youth and Families, Bob Atkinson, Report on Youth Justice, 8 June 2018, 22.
[27] Queensland Government, Department of Child Safety, Youth and Families, Bob Atkinson, Report on Youth Justice, 8 June 2018, 22.

developing."[28] Given this, it is unfair for children, who are still developing the capacity to understand the consequences of their actions, to be subject to aggravating factor-type tests.

4.22 The proposed laws, and current common law position, limit the right to liberty as it may increase the likelihood that children will be subject to stricter sentencing.[29] The Queensland Government concluded that this is justified on the basis that it has the purpose of protecting the community.[30] As set out above, policies that result in children being exposed to stricter sentencing and longer periods of imprisonment have the opposite effect and are likely to drive up the risk of recidivism.

4.23 The introduction of an aggravating factor test will, as the existing common law position does, disproportionately affect marginalised children, given that children and young people who have experienced trauma and maltreatment, particularly in cases of severe neglect or abuse, may experience developmental issues and reduced resilience, along with immaturity and impulsivity. These factors "increase the risk of offending and re-offending."[31]

Amending the Charter of Youth Justice Principles

4.24 Children should not be subjected to policies that are purely punitive and will result in a higher likelihood that they will be detained in custody and watch houses.

4.25 The proposed law seeks to amend the Charter of Youth Justice Principles to provide "that the community should be protected from recidivist high-risk offenders, as well as from offences generally, to underscore the importance of protecting the community from harm."[32]

4.26 Amending the Charter of Youth Justice Principles in this way confers no benefit to the children who are meant to be protected by these principles. Instead, the amendment serves to only increase public tension by serving up already marginalised children as a threat against the community.

4.27 The Queensland Government should be investing in policies that are designed to offer targeted, and much needed, holistic support measures to enfranchise children that are too often neglected in state care.

Setting kids up to fail

Electronic tracking of children and young people

4.28 Children should never be subjected to electronic monitoring that only sets them up to fail.

4.29 Electronic monitoring is excessive punishment, a disproportionate restriction of liberty and not an appropriate response to children engaging in criminal behaviour. The proposed law inserts a new provision, 52AA, into the Youth Justice Act that implements a 12-month trial of the use of electronic monitoring devices on recidivist young people aged 16 or 17 years old while on bail.

4.30 This proposal will automatically limit the right to privacy, and the right to freedom of movement. The Queensland Government has observed that the limitation of these rights is justified by the goals of the proposed amendments, including the reduction of reoffending rates and the reduction of costs associated with reoffending.

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[28] Department of Youth Justice, Working together changing the story: Youth Justice Strategy 2019 - 2023, (2019) Queensland Government, p 6, accessible: https://www.youthjustice.qld.gov.au/resources/youthjustice/reform/strategy.pdf

[29] Mark Ryan MP, *Statement of compatibility: Youth Justice and Other Legislation Amendment Bill 2021*, (2021) State of Queensland, p 4.

[30] Mark Ryan MP, *Statement of compatibility: Youth Justice and Other Legislation Amendment Bill 2021*, (2021) State of Queensland, p 4.

[31] Department of Youth Justice, Working together changing the story: Youth Justice Strategy 2019 - 2023, (2019) Queensland Government, p 6, accessible: https://www.youthjustice.qld.gov.au/resources/youthjustice/reform/strategy.pdf

[32] Explanatory memorandum to the *Youth Justice and Other Legislation Amendment Bill 2021*, p 5.

4.31 Electronic monitoring will not achieve these goals. While slapping GPS devices on children and young people might serve a political purpose and make the public feel good, GPS devices don't prevent crime, all they do is tell the police in a snapshot where somebody was at a particular time. As Deb Kilroy of Sisters Inside, an independent community organisation in Queensland which advocates for the collective human rights of women and girls in prisons[33], has pointed out: "A GPS tracker is just that — it tracks someone to say where they are — it does not stop any type of behaviour."[34]

4.32 The Queensland Government has also emphasised that electronic monitoring is a tool used to reduce the rates of reoffending. It is unclear whether this is the case. A review of available literature and past studies found that the evidence was "inconclusive" on curbing rates of reoffending.[35] Children should not be subject to electronic monitoring, where the justification for doing so is not conclusively supported by evidence.

4.33 The use of this technology on children is also inappropriate. It requires children shackled with electronic monitoring devices, meticulously plan their days to comply with bail conditions. Young people should be given the opportunity to be young people and focus their attention on engaging with school. They shouldn't need to meticulously plan which routes to take to school to ensure they are within their boundary and make it home in time for curfew, if curfew applies. Young people also need to make sure they have necessities with them for the period where they cannot leave their home, or that their specialist appointments are close enough to home to satisfy the bail conditions.[36]

4.34 Rather than investing in GPS tracking devices, the Queensland Government should be investing in creating and expanding voluntary programs that target and address the individual needs of children that have been shown to actually reduce the risk of reoffending.

Unchecked increase in police powers to search children and young people

4.35 Police should not be given unchecked powers to search children and young people.

4.36 The proposed laws amend the Police Powers and Responsibilities Act 2000 to enable police to stop and electronically scan a person in a designated safe night precinct without any reason, so long as a senior police officer has authorised the use of scanners. That police officer's authorisation is not based on any criteria.

4.37 The Statement of Compatibility for the proposed laws concedes that these provisions may not be compatible with human rights because the power to stop and scan a person in a safe night precinct is not based on any criteria.[37] Further, the power of a senior police officer to authorise the use of hand held scanners is not based on any criteria, unlike similar laws in other jurisdictions.

4.38 The impact of this is alarming and allows for police to "arbitrarily stop and scan a person, in the absence of any reason, provided only that a senior police officer has provided authorisation, which again may be given arbitrarily, in the absence of any reason."[38]

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[33] Sisters Inside, *About Sisters Inside*, accessible: https://www.sistersinside.com.au/

[34] Phoebe Hosier, *How does GPS tracking device technology work and would it be effective in targeting youth crime?* (4 February 2021) ABC News, accessible: https://www.abc.net.au/news/2021-02-04/queensland-gps-tracking-devices-how-does-it-work/13117370

[35] Dr Matthew Ericson, Professor Tony Vinson, Young people on remand in Victoria: balancing individual and community interest (2010) Jesuit Social Services, p 41, accessible: https://jss.org.au/wp-content/uploads/2015/10/Young_people_in_remand_in_Victoria_-_Balancing_individual_and_community_interests.pd

[36] Scottish Government, Electronic Monitoring: Uses, challenges and success (2019), accessible: https://www.gov.scot/publications/electronic-monitoring-uses-challenges-successes/pages/7/

[37] Mark Ryan MP, *Statement of compatibility: Youth Justice and Other Legislation Amendment Bill 2021*, (2021) State of Queensland, p 17.

[38] Mark Ryan MP, *Statement of compatibility: Youth Justice and Other Legislation Amendment Bill 2021*, (2021) State of Queensland, p 17.