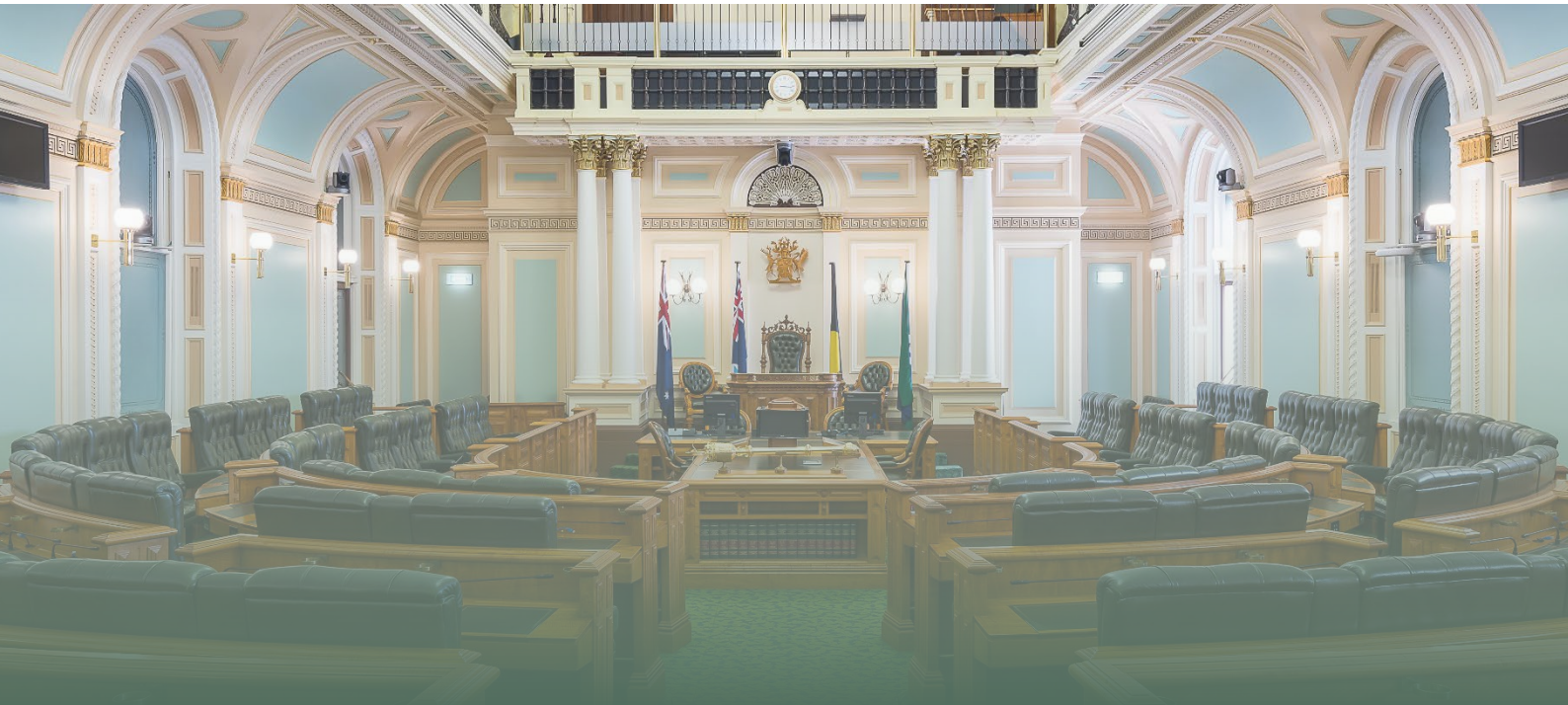
QUEENSLAND PARLIAMENT
COMMITTEES

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

Justice, Integrity and Community Safety Committee



Report No. 9

58th Parliament, May 2025

Justice, Integrity and Community Safety Committee

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Deputy Chair	Mr Peter Russo MP, Member for Toohey
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Acknowledgements

The committee acknowledges the assistance provided by the Department of Youth Justice and Victim Support.

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Chair's Foreword

This report presents a summary of the Justice, Integrity and Community Safety Committee's inquiry into the Making Queensland Safer (Adult Crime, Adult Time) Amendment Bill 2025.

The committee's task was to consider the policy to be achieved by the legislation and the application of fundamental legislative principles – that is, to consider whether the Bill has sufficient regard to the rights and liberties of individuals, and to the institution of Parliament. The committee also examined the Bill for compatibility with human rights in accordance with the *Human Rights Act 2019* and considered the statement of compatibility provided with the Bill.

The committee held public hearings in Brisbane, Cairns, Townsville and Redlands and heard from local community members, many of whom relayed horrific accounts of crimes committed against them. We also heard from organisations and individuals who are working towards reducing youth crime.

The committee acknowledges all those who made submissions to the inquiry and appeared at public hearings, particularly those who shared their experience of crime and those who are working to deliver better outcomes for victims, young offenders and the Queensland community.

I'm proud to be part of a government that seeks to restore consequences for actions and puts the rights of victims of crime at the forefront of our youth justice system.

I also thank our Parliamentary Service staff and the Department of Youth Justice and Victim Support for assisting us in the inquiry.

I commend this report to the House.

Mr Marty Hunt MP

Chair

Executive Summary

On 1 April 2025, the Premier and Minister for Veterans introduced the Making Queensland Safer (Adult Crime, Adult Time) Amendment Bill 2025 (Bill) into the Queensland Parliament. The Bill was referred to the Justice, Integrity and Community Safety Committee (committee) for detailed consideration.

The Bill reflects the second tranche of the Adult Crime, Adult Time laws which were introduced in the *Making Queensland Safer Act 2024* (MQS Act). These additional offences are in line with the advice of the Expert Legal Panel convened to identify additional and more complex offences for inclusion.

The Bill proposes to amend the *Youth Justice Act 1992* (YJ Act) to:

- include an additional 20 offences to the 'adult crime, adult time' sentencing scheme as recommended by the Expert Legal Panel
- include an option for victims on the 'eligible persons register' to request that another person receive information on their behalf about the custody movements of a young offender
- remove a reference to a repealed section of the *Police Powers and Responsibilities Act 2000* (PPRA).

Stakeholders were invited to make written submissions on the Bill. The committee received and accepted 62 submissions (56 submissions were published on the committee's webpage and 6 submissions remained confidential).

The committee received a written briefing on 4 April 2025 and an oral briefing on 28 April 2025 from the Department of Youth Justice and Victim Support.

The committee heard from stakeholders at the following public hearings:

- Brisbane on 28 April 2025 and 8 May 2025
- Cairns on 6 May 2025
- Townsville on 7 May 2025
- Redlands on 9 May 2025.

Key issues examined during the committee's consideration of the Bill included:

- the expansion of the 'adult crime, adult time' sentencing regime in the YJ Act:
    - the proposed additional offences to be included
    - the effect of the additional offences on sentencing of young offenders
    - the purpose and impact of increased maximum penalties on young offenders
    - the implications on access to restorative justice

  - the disproportionate impact of the Bill on Aboriginal and Torres Strait Islander children
  - the potential for independent review of outcomes and consequences
  - considerations for implementation
- additional amendments to the YJ Act regarding the 'eligible victims register' and a reference to a repealed provision of the PPRA.

The committee is satisfied that the Bill gives sufficient regard to the rights and liberties of individuals and the institution of Parliament as required by the *Legislative Standards Act 1992*.

The committee found that the Bill is not compatible with human rights as defined in the *Human Rights Act 2019* (HRA). However, the committee considers that this incompatibility is justified in the circumstances and the Bill does not require an override declaration pursuant to section 43 of the HRA given:

- the Bill is an amendment bill, and
- the information contained in the statement about exceptional circumstances tabled with the Making Queensland Safer Bill 2024 (the parent legislation to the current Bill) is an adequate basis for the HRA to be overridden.

The committee made one recommendation, found at page vii of this report.

Recommendations

Glossary

AHRC	Australian Human Rights Commission
ATSILS	Aboriginal and Torres Strait Islander Legal Service
AWU	Australian Workers' Union of Employees, Queensland
Bill	Making Queensland Safer (Adult Crime, Adult Time) Amendment Bill 2025
Committee	Justice, Integrity and Community Safety Committee
CRC	*United Nations Convention of the Rights of the Child*
Criminal Code	Schedule 1, *Criminal Code Act 1899*
Department	Department of Youth Justice and Victim Support
Drugs Misuse Act	*Drugs Misuse Act 1986*
Expert Legal Panel	The panel convened and appointed by the Queensland Government on 12 February 2025 to advise and provide recommendations to the Minister for Youth Justice and Victim Support regarding amendments to the Making Queensland Safer laws.
HRA	*Human Rights Act 2019*
JRI	Justice Reform Initiative
LSA	*Legislative Standards Act 1992*
Minister	Hon Laura Gerber MP, Minister for Youth Justice and Victim Support and Minister for Corrective Services
MQS Act	*Making Queensland Safer Act 2024*
MQS Bill 2024	Making Queensland Safer Bill 2024
PPRA	*Police Powers and Responsibilities Act 2000*
QATSICPP	Queensland Aboriginal and Torres Strait Islander Child Protection Peak
QCOSS	Queensland Council of Social Service
QFCC	Queensland Family and Child Commission
QHRC	Queensland Human Rights Commission
QLS	Queensland Law Society
QMHC	Queensland Mental Health Commission
YAC	Youth Advocacy Centre

YJ Act	*Youth Justice Act 1992*

1. Overview of the Bill

The Making Queensland Safer (Adult Crime, Adult Time) Amendment Bill 2025 (Bill) was introduced by the Honourable David Crisafulli MP, Premier and Minister for Veterans, and was referred to the Justice, Integrity and Community Safety Committee (the committee) by the Legislative Assembly on 1 April 2025.

1.1. Aims of the Bill

The Bill aims to deliver the second tranche of the Adult Crime, Adult Time offences to 'enhance community safety' and 'ensure the recently introduced Making Queensland Safer laws operate as intended'.[1]

To achieve these objectives, the Bill amends the *Youth Justice Act 1992* (YJ Act) to:

- include an additional 20 offences to the 'adult crime, adult time' sentencing scheme as recommended by the Expert Legal Panel
- include an option for victims on the 'eligible persons register' to request that another person receive information on their behalf about the custody movements of a young offender
- remove a reference to a repealed section of the *Police Powers and Responsibilities Act 2000* (PPRA).[2]

The Premier summarised the overarching purpose of the Bill on its introduction as follows:

> *"The explanatory notes and statement of compatibility with human rights emphasise that the purpose of adding further serious offences to Adult Crime, Adult Time is to ensure community safety. The amendments send a strong message to the community that youth offending will be treated seriously and ensure that courts can impose appropriate penalties that meet community expectations.*[3]
>
> ***Hon David Crisafulli MP, Premier and Minister for Veterans***
>
> *Introductory speech, 1 April 2025*

1.2. Context of the Bill

As noted above, this Bill is part of the Queensland Government's Making Queensland Safer Laws.

1.2.1. First tranche of the Making Queensland Safer Laws

On 13 December 2024, the Legislative Assembly passed the *Making Queensland Safer Act 2024* (MQS Act) which, among other things:

[1] Making Queensland Safer (Adult Crime, Adult Time) Amendment Bill 2025 (Bill), explanatory notes, p 1.
[2] Bill, explanatory notes, pp 1-4.
[3] Queensland Parliament, Record of Proceedings, 1 April 2025, p 649.

- introduced the 'adult crime, adult time' sentencing scheme into the YJ Act for 13 specified offences
- changed the status of the 'eligible persons register' to be an 'opt out' scheme for eligible victims to receive updates regarding a young offender's custody movements.[4]

The committee conducted an inquiry into the Making Queensland Safer Bill 2024 (MQS Bill 2024) and tabled its report in the Legislative Assembly on 6 December 2024.[5]

The 'adult crime, adult time' sentencing scheme introduced by the MQS Act provides that young offenders convicted of prescribed offences are liable to be sentenced to the maximum, minimum and mandatory penalties as adults for the same offence.[6] This scheme currently applies to the following offences under the Criminal Code:[7]

First tranche offences	
• Murder (sections 302, 305) • Manslaughter (sections 303, 310) • Unlawful striking causing death (section 314A) • Acts intended to cause grievous bodily harm and other malicious acts (section 317) • Grievous bodily harm (section 320) • Wounding (section 323) • Dangerous operation of a vehicle (section 328A)	• Serious assault (section 340) • Unlawful use or possession of motor vehicles, aircraft or vessels (section 408A) • Robbery (sections 409, 411) • Burglary (section 419) • Entering or being in premises and committing indictable offences (section 421) • Unlawful entry of vehicle for committing indictable offence (section 427).

1.2.2. Expert Legal Panel

Following the passage of the first tranche of the Making Queensland Safer Laws, the Queensland Government appointed an Expert Legal Panel to provide advice on further reforms to Queensland's youth justice system relevant to 'adult crime, adult time' on 12 February 2025.[8]

[4] Making Queensland Safer Bill 2024 (MQS Bill 2024), explanatory notes, pp 1-2.
[5] Justice, Integrity and Community Safety Committee, Report No. 1, 58th Parliament – Making Queensland Safer Bill 2024.
[6] Bill, explanatory notes, p 1.
[7] *Criminal Code Act 1899*, Schedule 1 (Criminal Code).
[8] Media statement, Making Queensland Safer Laws: Expert Legal Panel appointed, 12 February 2025.

The Expert Legal Panel comprises the following five members:[9]

Panel member	Background / Experience
April Freeman KC (Chair)	*a distinguished King's Counsel, with 17 years of legal experience in criminal law, including role of Crown Prosecutor for Queensland*
Douglas Wilson	*a barrister with 17 years of experience working on complex criminal trials and appeals, including many youth justice matters*
Lyndy Atkinson	*founder of Voice for Victims advocacy group*
Randal Ross	*a former CEO of the Aboriginal and Torres Strait Islander Legal Service, who has experience delivering programs for youth at the Cleveland Youth Detention Centre*
Robert Weir	*Retired Detective Superintendent, who served for 43 years in the Queensland Police Service*

The Expert Legal Panel was tasked with identifying additional and more complex offences for inclusion in the 'adult crime, adult time' sentencing regime, as part of the second tranche of the Making Queensland Safer Laws.[10]

The Expert Legal Panel recommended the addition of 20 serious offences which are reflected in the Bill (and examined further in Section 2 below).[11]

1.3. Committee's examination of the Bill

The following key issues were raised during the committee's examination of the Bill,[12] which are discussed in Section 2 of this Report:

- the expansion of the 'adult crime, adult time' sentencing regime in the YJ Act:
    - the proposed additional offences to be included
    - the effect of the additional offences on sentencing of young offenders
    - the purpose and impact of increased maximum penalties on young offenders
    - the implications on access to restorative justice
    - the disproportionate impact of the Bill on Aboriginal and Torres Strait Islander children
    - the potential for independent review of outcomes and consequences

[9] Media statement, Making Queensland Safer Laws: Expert Legal Panel appointed, 12 February 2025.
[10] Media statement, Making Queensland Safer Laws: Expert Legal Panel appointed, 12 February 2025.
[11] Queensland Parliament, Record of Proceedings, 1 April 2025, p 648.
[12] Note that this section does not discuss all consequential, minor, or technical amendments.

- considerations for implementation

- additional amendments to the YJ Act regarding the 'eligible victims register' and a reference to a repealed provision of the PPRA.

1.4. Inquiry process

The committee received and considered a variety of evidence during its inquiry into the Bill. This included:

- 62 written submissions accepted from stakeholders (56 were published and 6 remained confidential)
- a written briefing provided by the Department of Youth Justice and Victim Support (department) on 8 April 2025
- evidence provided by witnesses at public hearings in:
  - Brisbane on 28 April 2025 and 8 May 2025
  - Townsville on 6 May 2025
  - Cairns on 7 May 2025
  - Redlands on 9 May 2025
- a public briefing provided by the department in Brisbane on 28 April 2025.

1.5. Consultation

It is noted that the Expert Legal Panel consulted with stakeholders in the course of its work.[13] Further, the department consulted 'relevant Government agencies' in the development of the Bill, but did not consult with external stakeholders.[14]

A number of submitters[15] raised concerns about this and a range of submitters called for the advice from the Expert Legal Panel to be released.[16] The department advised that the 'advice from the Expert Legal Panel is Cabinet-in-confidence'.[17]

1.6. Legislative compliance

The committee's deliberations included assessing whether the Bill complies with the requirements for legislation as contained in the *Parliament of Queensland Act 2001*, the *Legislative Standards Act 1992* (LSA) and the *Human Rights Act 2019* (HRA).

[13] Bill, explanatory notes, p 5.
[14] Department of Youth Justice and Victim Support (department), written briefing, 8 April 2025, p 5.
[15] Sisters Inside, submission 16, p 5; National Network of Incarcerated & Formerly Incarcerated Women & Girls, submission 31, p 2; Lamberr Wungarch Justice Group, submission 44, p 12.
[16] Queensland Council of Social Service (QCOSS), submission 26, p 2; Queensland Human Rights Commission (QHRC), submission 36, p 4; Queensland Aboriginal and Torres Strait Islander Child Protection Peak (QATSICPP), submission 38, p 11; Youth Advocacy Centre (YAC), submission 41, p 2.
[17] Department, written response to submissions, 24 April 2025, p 5.

1.6.1. *Legislative Standards Act 1992*

Assessment of the Bill's compliance with the LSA identified the following issue which is analysed in Section 2 of this Report regarding whether the Bill has sufficient regard for the rights and liberties of individuals:

- the proportionality of the application of the 'adult crime, adult time' sentencing regime in respect of the additional offences included in the Bill.

The committee also considered whether the explanatory notes tabled with the Bill comply with Part 4 of the LSA. In particular, it was noted that the explanatory notes did not:

- provide details of the Expert Legal Panel, the consultation conducted, or which stakeholders were consulted by the Expert Legal Panel[18]
- include details of potential alternative ways to achieve the policy objectives of the Bill although it was acknowledged in the statement of compatibility 'there may be less restrictive options available to achieve the stated purpose' and such options are then listed.[19]

Committee comment

While the committee notes these matters:

- the committee is satisfied that the explanatory notes tabled with the Bill comply with the requirement of Part 4 of the LSA regarding consultation as they contain a brief statement of the extent to which consultation was carried out in relation to the Bill,[20] and
- in any event, a failure to comply with Part 4 of the LSA regarding the content of the explanatory notes does not affect the validity of the Bill.[21]

On this basis, the committee is satisfied that the explanatory notes contain a sufficient level of information, background and commentary to facilitate understanding of the Bill's aims and origins.

1.6.2. *Human Rights Act 2019*

Assessment of the Bill's compatibility with the HRA identified issues with the following, which are analysed further in Section 2:

- the right of children to protection in their best interests
- the right to liberty

[18] The explanatory notes state 'The Expert Legal Panel conducted consultation with stakeholders': Bill, explanatory notes, p 5.
[19] The explanatory notes state 'There are no alternative ways of achieving the policy objectives': Bill, explanatory notes, p 4.
[20] LSA, s 23(1)(g).
[21] LSA, s 25.

- the right to protection from cruel, inhuman or degrading treatment or punishment
- the right to humane treatment when deprived of liberty
- the cultural rights of Aboriginal and Torres Strait Islander peoples
- the right to education.

The committee found that the Bill is not compatible with human rights as defined in the HRA as acknowledged in the statement of compatibility.[22] However, the committee considers this incompatibility is justified in the circumstances and the Bill does not require an override declaration pursuant to section 43 of the HRA given:

- the Bill is an amendment bill, and
- the information contained in the statement about exceptional circumstances tabled with the MQS Bill 2024 (being the parent legislation to the current Bill) is an adequate basis for the HRA to be overridden.

The committee's consideration of these issues is discussed further in Section 2 of this Report.

Finally, a statement of compatibility was tabled with the introduction of the Bill as required by section 38 of the HRA. The statement contained a sufficient level of information to facilitate understanding of the Bill in relation to its compatibility with human rights in accordance with the HRA.

1.7. Should the Bill be passed?

The committee is required to determine whether or not to recommend that the Bill be passed.

Recommendation 1

The committee recommends that the Bill be passed.

[22] Bill, statement of compatibility, pp 1, 4.

2. Examination of the Bill

This section discusses key themes which were raised during the committee's examination of the Bill.

2.1. Inclusion of additional offences in 'adult crime, adult time' sentencing regime

2.1.1. Proposed offences to be included in section 175A of YJ Act

The Bill proposes to insert the following 20 new offences into section 175A of the YJ Act as part of the second tranche of offences to which the 'adult crime, adult time' sentencing regime applies:[23]

Section	Name of provision
Criminal Code	
Section 69	Going armed so as to cause fear
Section 75	Threatening violence
Section 306	Attempt to murder
Section 307	Accessory after the fact to murder
Section 313(2)	Assaulting a pregnant person and killing, or doing grievous bodily harm to, or transmitting a serious disease to the unborn child
Section 320A	Torture
Section 328C	Damaging emergency vehicle when operating motor vehicle
Section 328D	Endangering police officer when driving motor vehicle
Section 349	Rape
Section 350	Attempt to commit rape
Section 351	Assault with intent to commit rape
Section 352	Sexual assault, if the circumstance in subsection (2) (involving any part of the mouth) or (3) (while armed, in company, or involving penetration) applies
Section 354	Kidnapping
Section 354A	Kidnapping for ransom
Section 355	Deprivation of liberty
Section 398	Stealing, if item 12 (a vehicle) or 14 (a firearm for use in another indictable offence) applies

[23] Bill, cl 5 (amend s 175A, YJ Act).

Section 412	Attempted robbery, if the circumstance in subsection (2) (armed or in company) or (3) (armed and with violence) applies
Section 461	Arson
Section 462	Endangering particular property by fire
***Drugs Misuse Act 1986* (Drugs Misuse Act)**	
Section 5	Trafficking in dangerous drugs

These changes will have the effect of 'making young offenders liable to the same penalties as adults' for the relevant offences.[24]

Appendix H lists the current maximum penalties for children and adults for the second tranche of offences.[25]

2.1.2. Effect of prescribing offences in section 175A of the YJ Act

Section 175A of the YJ Act sets out the sentencing orders applicable to young offenders in relation to prescribed significant offences to which adult penalties apply. The Bill proposes that an additional 20 new serious offences will be added to 13 existing serious offences set out in section 175A(1) of the YJ Act which were originally introduced under the MQS Act. The amendments under the Bill operate in the same manner as the first tranche of 'adult crime, adult time' offences by removing constraints upon courts in the sentencing of young offenders who commit serious crimes, particularly if the court is constituted by a judge.[26]

Under this provision, if a court is sentencing a child for one of the offences in section 175A, the court may order that the child be placed on probation for a period not longer than three years or detained for a period not more than the maximum penalty that an adult convicted of the offence could be ordered to serve (capped at three years if dealt with by a magistrate). This provision has the effect of increasing the maximum periods of probation and detention orders that could previously be imposed for these offences so that they align with the sentences that can be imposed on adults committing such offences.[27]

In the statement of compatibility for the Bill, Hon Laura Gerber MP, Minister for Youth Justice and Victim Support and Minister for Corrective Services (Minister) states:

> *The amendments to YJ Act s.175A are intended to enhance community safety. They do this by holding young offenders who commit offences (particularly serious offences) to account, by ensuring that courts can impose appropriate penalties that meet community expectations. These amendments will demonstrate to the*

[24] Queensland Parliament, Record of Proceedings, 1 April 2025, p 648.
[25] Department, written briefing, 8 April 2025, Attachment 1.
[26] YJ Act, s 175A(2).
[27] Bill, explanatory notes, p 2.

community that youth offending is treated seriously by the courts, which will increase community confidence in the justice system.[28]

In relation to the applicability of mandatory minimum non-parole periods to children under the Bill, the explanatory notes provide that:

> *For some of the new offences, the maximum penalty for a child will increase to life detention (where that is currently only the maximum penalty if the offence is particularly heinous and involves the commission of violence against a person). For those offences, if a child is sentenced to life they will be liable to the same 15 year mandatory minimum non-parole period that applies to an adult.*[29]

The overall impact of the amendments to section 175A of the YJ Act may be constrained by the fact that most youth justice matters are heard by magistrates[30] who can impose maximum sentences of three years for 'adult crime, adult time' offences.[31] However, the impact of the Bill on sentencing is difficult to predict at present. The written brief provided by the department states:

> *The impact of the Bill is hard to model at this stage. We can expect the data to be available in the coming months for offences dealt with summarily (by magistrate) over the next year, but significantly later for the more serious offences that are dealt with in the higher courts. These are fewer in number but attract longer penalties.*[32]

2.1.2.1. Stakeholder submissions and departmental advice

i. Stakeholder submissions

The 20 additional offences included as part of the second tranche of offences to be added to the 'adult crime, adult time' regime raised a number of concerns among submitters.

One issue raised by some submitters was that no rationale has been provided for determining which offences constitute an 'adult crime', with some offences being described as towards the lower end of criminality or non-violent.[33] In this regard, Anglicare Southern Queensland submitted:

> *The Amendment Bill therefore appears to be reactive to the media cycle rather than concerned with the wellbeing of our communities, our children, and the victims of crime. Media commentary about crime is often highly sensationalist insofar as 'clickbait' strategies by journalists and editors make violence appear to be more frequent than in reality, and the causes of crime more individualistic.*[34]

[28] Bill, statement of compatibility, p 1.
[29] Bill, explanatory notes, p 2.
[30] For example, in 2023-24, the Magistrates (Childrens) Court finalised 6,735 appearances for youth justice matters, compared to 555 finalised appearances in the Childrens Court of Queensland, 7 finalised appearances in the District Court and 20 finalised appearances in the Supreme Court: Childrens Court of Queensland, *Annual Report 2023-24,* p 20, Table 1.
[31] YJ Act, s 175A(2)(b)(i).
[32] Department, written briefing, 8 April 2025, p 4.
[33] HUB Community Legal, submission 28, p 2; Anglicare Southern Queensland, submission 34, p 6.
[34] Anglicare Southern Queensland, submission 34, p 6.

The National Network of Incarcerated & Formerly Incarcerated Women & Girls raised concerns that the legislation effectively 'collapses the legal distinction between child and adult, effectively erasing children in law and practice'.[35] Further, in its submission, Sisters Inside also highlighted that:

> *By continuing to expand the list of prescribed indictable offences—now including everything from going armed so as to cause fear, to trafficking in dangerous drugs—we are witnessing a dangerous shift. The distinct category of "youth crime" is being collapsed into a singular, undifferentiated category of "crime." In doing so, children are being legally and rhetorically erased.*[36]

The Aboriginal and Torres Strait Islander Legal Service (ATSILS) noted that the second tranche of offences 'encompass a wider mix of circumstances' than the original 13 offences provided in the first tranche.[37]

Some submitters also raised concerns about specific offences being included in the Bill. For example:

- The Queensland Mental Health Commission (QMHC) submitted that trafficking in dangerous drugs should not be an offence to which adult penalties apply.[38]
- ATSILS referred to how the inclusion of offences such as 'going armed so as to cause fear' and 'making threats' will result in the legislation operating 'indiscriminately and unfairly a lot of the time'.[39]
- The Queensland Law Society (QLS) submitted that the additional offences in the Bill are 'disproportionately and unnecessarily wide' and recommended that the Bill be amended to remove references to the following offences: wounding (section 323), kidnapping/kidnapping for ransom (section 354, section 354A), deprivation of liberty (section 355), arson (section 461), endangering particular property by fire (section 462). The QLS stated that 'the deletion of these references would mitigate the broad net cast by the proposed amendments and associated increased custodial sentences'.[40]
- The QLS also strongly opposed the inclusion of rape and sexual assault offences as these offences tend to be committed by young people of the same age where the context adds to the complexity of the situation and where it may be more appropriate to divert offenders in these cases which is less likely to occur under the proposed changes.[41]

[35] National Network of Incarcerated & Formerly Incarcerated Women & Girls, submission 31, p 2.
[36] Sisters Inside, submission 16, p 4.
[37] Aboriginal and Torres Strait Islander Legal Service (ATSILS), submission 43, p 3.
[38] Queensland Mental Health Commission (QMHC), submission 53, pp 2-3.
[39] ATSILS, submission 43, pp 3-4.
[40] Queensland Law Society (QLS), submission 48, p 3.
[41] QLS, submission 48, p 3; Public hearing transcript, Brisbane, 28 April 2025, p 20.

Some submitters suggested additional offences should be prescribed in the 'adult crime, adult time' regime, including, for example, potential Commonwealth (terrorism) offences or matters that are currently not offences, such as breeding a dangerous dog.[42]

A number of submitters raised concerns around the Bill subjecting children to adult sentencing regimes which include mandatory non-parole periods of up to 15 years and potential life detention.[43] Specifically, in this regard, Soroptimist International Brisbane Inc stated that '[m]andatory sentencing undermines judicial discretion, preventing courts from considering a child's age, developmental maturity, trauma history, or capacity for rehabilitation'.[44] The Queensland Aboriginal and Torres Strait Islander Child Protection Peak (QATSICPP) submitted that '[r]emoving judicial discretion removes the ability to tailor sentences to being most effective in reducing future reoffending'.[45]

Conversely, other submitters voiced their support for a further expansion of offences which attract a minimum mandatory sentence of detention for young offenders to deter criminal offending and hold offenders to account.[46]

One witness at the public hearing in Redlands told the committee:

> *Whilst I am grateful for the recent expansion of the offences included in the Adult Crime, Adult Time list, it is simply not enough. This—here—is where the rubber meets the road. It is time our elected government stops treating offenders as if they are victims. We are the victims: our children, your children; our families, your families; our businesses and our communities. We are collectively the victims. We need action and we need it now. The current judicial system is failing. Their response is inadequate. The work has been done, the legislative frameworks exist and the community supports it. We need the courts now to enact it. No more mollycoddling, no more divert from court privileges, no more slaps on the wrist. We need real and immediate consequences. Appropriate punitive sentencing must be imposed not only for justice and as a deterrent but also as a way to restore a sense of peace and safety.*[47]

The Mayor of Cairns Regional Council, Ms Amy Eden also advocated for 'stronger measures, tougher consequences and immediate solutions to turn the crime crisis around' and 'strongly supports' the proposed reforms.[48]

[42] Jay Cooper, submission 5.
[43] Soroptimist International Brisbane Inc, submission 18, p 2; Queensland Aboriginal and Torres Strait Islander Child Protection Peak (QATSICPP), submission 38, p 4; ATSILS, submission 43, p 4; Lamberr Wungarch Justice Group, submission 44, pp 7-8.
[44] Soroptimist International Brisbane Inc, submission 18, p 2.
[45] QATSICPP, submission 38, p 4.
[46] Marnie Higgins, submission 9; Name withheld, submission 19, p 1; Reuben Richardson, submission 33, p 1; Neil Berry, public hearing transcript, Redlands, 9 May 2025, p 11.
[47] Rebecca Musgrave, public hearing transcript, Redlands, 9 May 2025, p 11.
[48] Cairns Regional Council, public hearing transcript, Cairns, 6 May 2025, p 11.

ii. Departmental advice

In response to a question taken on notice at the public briefing, the department provided the number of proven offences (for the 20 additional offences proposed by the Bill) carried out by youth offenders per year between 1 September 2019 and 31 August 2024 as follows:[49]

ACAT Offence Category		Section	2020	2021	2022	2023	2024
Criminal Code:							
Going armed so as to cause fear		s69	57	101	143	145	124
Threatening violence		s75	83	84	101	116	108
Attempt to murder		s306	-	-	-	-	2
Accessory after the fact to murder		s307	-	-	-	-	-
Assaulting a pregnant person and killing, or doing grievous bodily harm to, or transmitting a serious disease to the unborn child		s313(2)	-	-	-	-	-
Torture		s320A	1	1	1	2	4
Damaging emergency vehicle when operating motor vehicle*		s328C	-	-	-	-	-
Endangering police officer when driving motor vehicle*		s328D	-	-	-	-	-
Rape		s349	30	33	32	30	21
Attempt to commit rape		s350	3	6	1	6	3
Assault with intent to commit rape		s351	-	-	-	1	-
Sexual assault – *involving any part of the mouth*, or *while armed, in company, or involving penetration* **		s352(2) & (3)	1	1	-	-	-
Kidnapping		s354	-	-	-	-	1
Kidnapping for ransom		s354A	-	-	-	-	-
Deprivation of liberty		s355	8	20	6	13	18
Stealing	of a vehicle	s398.12	10	13	28	49	30
	firearm for use in other indictable offence	s398.14	-	-	-	-	-
Attempted robbery – *armed or in company*, or *armed and with violence* **		s412(2) & (3)	112	123	81	133	131
Arson		s461	23	13	25	25	15
Endangering particular property by fire		s462	18	12	9	5	5
Drugs Misuse Act 1986:							
Trafficking in dangerous drugs		s5	10	12	7	9	5

* Criminal Code sections 328C and 328D were only introduced in August 2024.
** In practice the included variations of these offences are commonly charged together.

In response to the above concerns of submitters about the increased number of offences and the lack of information provided regarding how the offences were chosen, the department stated that policy decisions about the 'adult crime, adult time' arrangements are a matter for the Government.[50]

In response to submitters' concerns regarding the removal of judicial discretion under the Bill in the context of mandatory minimum non-parole periods, the department stated that:

> *Judicial discretion is removed for the setting of minimum non-parole periods for life sentences, which can occur for attempt to murder, rape, certain sexual assaults, attempted robbery with violence, arson, and drug trafficking. Otherwise, judicial discretion to impose a penalty according to the circumstances of the case is retained.*[51]

[49] Department, response to question taken on notice, 1 May 2025.
[50] Department, written response to submissions, 24 April 2025, p 8.
[51] Department, written response to submissions, 24 April 2025, p 6.

2.1.3. Purpose and impact of increased maximum penalties

The increased maximum penalties proposed in the Bill are intended to serve several purposes. The statement of compatibility explains that they are designed to ensure 'that courts can impose appropriate penalties that meet community expectations' and 'will demonstrate to the community that youth offending is treated seriously by the courts, which will increase community confidence in the justice system.'[52] It also states that the purpose of these amendments 'are punishment and denunciation.'[53]

2.1.3.1. Stakeholder submissions and departmental advice

i. Stakeholder submissions

Stakeholders expressed a range of views about the purpose and impact of the increased maximum penalties proposed in the Bill. They provided evidence relating to a range of issues – each of which is discussed in more detail in this section – including:

- the potential deterrent effect of increased penalties
- the impact of increased penalties on community safety
- the impact of increased penalties on victims of youth crime.

Multiple submitters cited the absence of evidence that longer periods of detention deter children from engaging in offending behaviour.[54] The Justice Reform Initiative (JRI) referred to the concept of sentencing deterrence as a 'myth'.[55]

Youth Advocacy Centre (YAC) noted:

> *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 detention.*[56]

However, the Queensland Police Union of Employees told the committee:

> *There has to be a consequence for action. … I am the first to say that it absolutely is appropriate that offenders should be punished. If these kinds of scenarios would act as deterrents or this bill would act as a deterrent to stop a youth offender from engaging in behaviour, then it is a good day.*[57]

At the public hearing in Townsville, Phil Rennick, Principal Lawer of Rennick Lawyers, submitted that the deterrent aim of the Bill through an increase to penalties could be achieved:

[52] Bill, statement of compatibility, p 1.
[53] Bill, statement of compatibility, p 4.
[54] Human Rights Law Centre and Change the Record, submission 52, p 4; Lamberr Wungarch Justice Group, submission 44, p 8; Anglicare Southern Queensland, submission 34, p 6.
[55] Submission 8, p 6.
[56] YAC, submission 41, p 4.
[57] Public hearing transcript, Brisbane, 28 April 2025, p 3.

> *As long as the courts continue to give increased penalties, it will do one of two things: drive down the crime rate or take the main offenders out of the action for a while. The result will be a decrease in crime.*[58]

This was also echoed by the Acting Police Commissioner at the public hearing in Brisbane who noted that, in his personal experience, when recidivist offenders are not in community (as they have been detained) there are less offences committed in community.[59]

When considering any deterrent impact of the Bill, multiple submitters raised concerns that the expansion of the 'adult crime, adult time' offences may increase recidivism and undermine the stated purpose of the Bill to 'enhance community safety'.[60] Commissioner Natalie Lewis of the Office of the Aboriginal and Torres Strait Islander Children's Commissioner and Queensland Family and Child Commission (QFCC) noted:

> *The escalation of punitive responses to address community safety is not in the interests of victims or of justice, primarily because the incarceration of children is ineffective as a deterrent and in terms of the rehabilitative prospects within a custodial environment.*[61]

In the course of the committee's inquiry, submitters raised potential alternatives to increased custodial sentences which may have a greater, and more positive impact, on making the wider community safer.[62] JRI recommended that the committee consider investment options for additional 'evidence-based and community-led responses that will have a far greater effect on preventing, reducing, deterring and disrupting future crime'.[63] This was echoed by the Principal Commissioner of the QFCC and the Royal Australian & New Zealand College of Psychiatrists.[64]

The Mayor of Goondiwindi, Hon Lawrence Springborg AM, particularly noted that 'consequences for actions' proposed in the Bill was a 'welcomed step' as part of a wider set of measures aimed at reducing youth crime in his community.[65]

At the public hearing in Cairns, Deadly Inspiring Youth Doing Good Aboriginal and Torres Strait Islander Corporation also highlighted that community safety considerations also encompass young offenders as members of the community:

> *… victims have to feel safe, but a secondary sort of impact in the measures put forward is that it creates this sense of discrimination and racism in our community where our young people still do not feel safe regardless. Yes, victims are impacted*

[58] Public hearing transcript, Townsville, 7 May 2025, p 10.
[59] Public hearing transcript, Brisbane, 8 May 2025, p 4.
[60] Bill, explanatory notes, p 1; YAC, submission 41, p 7; QATSICPP, submission 38, p 4; QHRC, submission 36, p 3; PeakCare, submission 23, p 5.
[61] Submission 46, p 3.
[62] Human Rights Law Centre and Change the Record, submission 52, pp 6, 11; Women's Health and Equality Queensland, submission 49, p 2; Uniting Church in Australia Queensland Synod, submission 45, p 8.
[63] Submission 8, p 5.
[64] Submission 51, p 4; submission 56, p 2.
[65] Public hearing transcript, Brisbane, 8 May 2025, p 7.

directly, but then there is a secondary impact as well that we have to be conscious about when we are putting these laws through.[66]

Several stakeholders provided evidence about the impact of maximum penalties on victims of youth crime. Trudy Reading, a victim advocate from Voice for Victims, told the committee that some victims are further traumatised when offenders do not face meaningful consequences for their actions.[67] Voice for Victims expressed the view that 'the Bill ensures victims can see justice being done—justice that is reflective of the severity of the crime and the suffering endured'.[68] They noted that sentencing is not only about punishment, but also about the validation and recognition of victims' experiences.[69]

Similarly, the Victim's Commissioner, Ms Beck O'Connor, told the committee that one of the most common complaints she has heard from victims is that sentences seem inadequate given the serious harms they have experienced.[70] In addition, she explained:

> *The range of sentences that can be imposed for different offences really signals a community's acknowledgement of the seriousness of what has happened to them, and it can impact their feelings of the offence and the harm that has been caused. The perception that a sentence is too light can adversely impact the community's confidence in the criminal justice system and reporting behaviour of criminals.*[71]

ii. Departmental advice

The department told the committee at the public briefing:

> *… young people in custody typically have not responded to a range of other initiatives, and that is why courts have elected to remand them in custody for community safety.*[72]

In response to comments from stakeholders that the Bill will have a negligible impact on community safety, the department referred to a recent 2023 study[73] and advised:

> *There is some emerging evidence that behaviour change orientated intervention programs, delivered as part of a well-designed risk, need and response approach in custody, achieve better reductions in recidivism than programs delivered in the community. The evidence also supports the need for individualised exit and re-entry programs.*[74]

[66] Public hearing transcript, Cairns, 6 May 2025, p 10.
[67] Public hearing transcript, Brisbane, 28 April 2025, p 5.
[68] Submission 29, p 1.
[69] Submission 29, p 1.
[70] Public hearing transcript, Brisbane, 28 April 2025, p 9.
[71] Public hearing transcript, Brisbane, 28 April 2025, p 9.
[72] Public briefing transcript, Brisbane, 28 April 2025, p 4.
[73] Pappas, L & Dent, L, *The 40-year debate: A meta-review on what works for juvenile offenders*, Journal of Experimental Criminology (2023) 19:1–30.
[74] Department, written response to submissions, 24 April 2025, p 3.

The department also highlighted, with reference to recommendations from stakeholders for increased investment in early intervention strategies as opposed to detention services, that the department was administering 'significant' funding to address the causes of youth crime.[75]

2.1.4. Access to restorative justice

Prescribing an offence in section 175A of the YJ Act has implications for access to restorative justice. This is detailed in the explanatory notes, which state that one effect of prescribing an offence in that section is that 'the court can no longer sentence the child to a restorative justice order under sections 175(1)(db) or (1)(db) as this sentencing order is not available for adults'.[76] However, the Bill will not affect access to restorative justice processes prior to sentencing via a court diversion referral or a presentence referral under section 163 of the YJ Act.[77]

2.1.4.1. Stakeholder submissions and departmental advice

i. Stakeholder submissions

A significant number of stakeholders expressed concern about the impact of the Bill on access to restorative justice, emphasising that restorative justice can benefit victims of crime.[78]

For example, the Victims' Commissioner, Ms Beck O'Connor, emphasised that for some victims, the option to choose restorative justice can be very cathartic and empowering.[79] Commissioner O'Connor stated:

> *In some cases, restorative justice approaches are better able to meet the needs of victim-survivors and can meet the victim's needs regarding justice.*[80]

The Victims' Commissioner recommended that the government reconsider the removal of restorative justice as a sentencing option for 'adult crime, adult time' offences[81] and explained:

> *Restorative justice may not always be an appropriate sentencing option, but where a victim-survivor makes an informed decision to participate in restorative justice, this should continue to be open to the court as a sentencing option in appropriate cases.*[82]

[75] Department, written response to submissions, 24 April 2025, p 5.
[76] Bill, explanatory notes, p 3.
[77] Bill, explanatory notes, p 3.
[78] Sisters Inside, submission 16, p 5; QCOSS, submission 26, p 4; HUB Community Legal, submission 28, p 3; Victims' Commissioner, submission 35, p 13; QATSICPP, submission 38, p 7; YAC, submission 41, p 7; Uniting Church in Australia Queensland Synod, submission 45, p 6; Commissioner Natalie Lewis, QFCC, submission 46, p 4; Queensland Law Society, submission 48, p 2.
[79] Public hearing transcript, Brisbane, 28 April 2025, p 9.
[80] Submission 35, p 13.
[81] Submission 35, p 4.
[82] Submission 35, p 14.

Similarly, the QLS expressed concern that the Bill would reduce the capacity of courts to impose restorative justice orders. They took the view that this would disempower victims and reduce their ability to have input into what happens to offenders.[83]

Voice for Victims also noted the potential for restorative justice to provide victims with 'a sense of empowerment, healing, and closure'.[84] However, they took the view that a victim's willingness to participate in such a process should not lead to a reduction in an offender's sentence.[85]

ii. Departmental advice

In response to concerns about access to restorative justice, the department advised the committee that the removal of restorative justice orders as a sentencing option for 'adult crime, adult time' offences 'was a policy decision made by the Government for the Making Queensland Safer Bill 2024, to reflect the position for adults'.[86]

2.1.5. Disproportionate impact on Aboriginal and Torres Strait Islander young people

The statement of compatibility acknowledges that the Bill will likely have a disproportionate impact on Aboriginal and Torres Strait Islander children due to their overrepresentation in the youth justice system.[87] However, as increased sentences proposed in the Bill apply equally to all children convicted of the additional offences, the Minister did not consider that the Bill either directly or indirectly discriminated against Aboriginal and Torres Strait Islander children on the basis of race.[88]

An analysis of the human rights implications of the Bill for Aboriginal and Torres Strait Islander young people is contained below in section 2.1.9.

2.1.5.1. Stakeholder submissions and departmental advice

i. Stakeholder submissions

Several submitters raised concerns regarding the disproportionate impact the Bill may have on Aboriginal and Torres Strait Islander children.[89]

[83] Public hearing transcript, Brisbane, 28 April 2025, p 22.
[84] Submission 29, p 2.
[85] Submission 29, p 2.
[86] Department, written response to submissions, 24 April 2025, p 4.
[87] Bill, statement of compatibility, p 3.
[88] Bill, statement of compatibility, p 4.
[89] Human Rights Law Centre and Change the Record, submission 52, pp 7-8; Women's Health and Equality Queensland, submission 49, pp 1, 2; QLS, submission 48, p 3; Commissioner Natalie Lewis, QFCC, submission 49, p 3; Uniting Church in Australia Queensland Synod, submission 45, p 6; QHRC, submission 36, p 21; Public hearing transcript, Brisbane, 28 April 2025, p 15; Australian Lawyers Alliance, submission 57, p 1.

QATSCIPP highlighted Aboriginal and Torres Strait Islander children:

- are already overrepresented in detention in Queensland[90]
- are more likely to have experienced childhood trauma, had contact with the child protection system and present with undiagnosed disability – all of which are risk factors for future contact with the youth justice system.[91]

ATSILS noted that the Bill will 'amplify' the concerns raised prior to the enactment of the MQS Act due to the expansion of the circumstances that might give rise to criminal charges which attract 'adult crime, adult time' sentencing.[92] Further, the Queensland Human Rights Commission (QHRC) also cited findings of an Australian Law Reform Commission report which found that Aboriginal and Torres Strait Islander children are more likely to be arrested than non-Indigenous children 'even after factors such as the offence, offending history and background factors are taken into account'.[93]

In her submission, Commissioner Natalie Lewis of the Office of the Aboriginal and Torres Strait Islander Children's Commissioner and QFCC noted:

> *This Bill will not help Queensland meet its Closing the Gap target for reducing the number of Aboriginal and Torres Strait Islander children in detention (Target 11). The pipeline of children from youth to adult detention is also likely to worsen the rate of Aboriginal and Torres Strait Islander adults in prison (Target 10). Queensland data for both targets is already worsening and is not on track.*[94]

Submitters also highlighted the following issues which specifically impact Aboriginal and Torres Strait Islander children in detention:

- separation from kinship systems and culture[95]
- disconnection from country[96]
- intergenerational trauma[97]
- perpetuation of historical forced removal of Aboriginal and Torres Strait Islander people from their land.[98]

ii. Departmental advice

In its submission, QATSCIPP detailed a case study of a 10 year old Aboriginal and Torres Strait Islander girl who is peer pressured into driving a stolen car. Despite it being her first offence if charged, the submitter noted that the Bill (if enacted) could result in the child being sentenced to a period of detention up to 14 years.[99] At the public briefing, the

[90] Submission 38, p 4.
[91] Submission 38, p 5.
[92] Submission 43, p 3.
[93] Submission 36, p 22.
[94] Submission 49, p 4.
[95] QATSICPP, submission 38, p 8.
[96] QATSICPP, submission 38, p 8.
[97] Miya Services, public hearing transcript, Townsville, 7 May 2025, p 15.
[98] QHRC, submission 36, p 22
[99] Submission 38, p 8.

Director-General of the department noted the following regarding the application of the Bill to this scenario:

> *In my experience, the first likely outcome for that child would be police pressing charges. That would be the first situation. They could well be dealt with by a caution from police. There are roughly 11,000 matters, from memory, that get dealt with by police and only about 3½ thousand end up before the courts with a proven offence.*
>
> *... This bill presents nothing more than a clear piece of legislation that intends to, and will, extend the length of maximum sentences that can be applied to children. They will be treated as adults for those 13 prescribed offences and then the additional 20 prescribed offences …There are great safeguards in the system—and I am sorry to those who already know all this, who are admitted lawyers—there is an appeals process and it works. The courts have been very clear in that regard. The issue of proportionality is called out in the explanatory notes and in the statement of compatibility as well.*[100]

2.1.6. Review of outcomes and consequences

i. Stakeholder submissions

Several submitters raised the need for an independent evaluation of the effectiveness and consequences of the Bill as part of the broader Making Queensland Safer Laws.[101] In particular, it was noted that this review should include input from organisations representing Aboriginal and Torres Strait Islander peoples to specifically analyse the impact of the laws on Aboriginal and Torres Strait Islander young people and communities.[102]

One submitter noted that a review process 'will help determine whether the bill aligns with community expectations and delivers measurable reductions in youth crime'.[103]

On this point, the QLS recommended the inclusion of a statutory review provision in the Bill to consider both the short and long term impacts of the expansion of the 'adult crime, adult time' sentencing regime on the youth justice system and the community as a whole.[104] At the public hearing in Brisbane, the QLS told the committee:

> *Much of this legislation is new in terms of its format, in terms of its design, the notion of the primacy of the interests of victims. Whilst, as I said, the Law Society is very supportive of victims being involved in the criminal justice process, we do not know how this legislation is going to be interpreted. We think it is very important that there be a proper evaluation to consider any unintended consequences that might have arisen or, indeed, unexpected results.*[105]

[100] Public briefing transcript, Brisbane, 28 April 2025, pp 5-6.
[101] YAC, submission 41, p 11; QHRC, submission 36, p 4; Human Rights Law Centre and Change the Record, submission 52, p 5; Dr Terry Hutchinson, submission 55, p 4.
[102] QHRC, submission 36, p 22; Victims' Commissioner, submission 35, p 4.
[103] Reuben Richardson, submission 33, p 3.
[104] QLS, submission 48, p 2.
[105] Public hearing transcript, Brisbane, 28 April 2025, p 21.

In its submission, the Victims' Commissioner also recommended that the Minister be required to table a report regarding the outcome of a statutory review process in the Legislative Assembly.[106]

ii. Departmental advice

In response to calls from submitters for an amendment to the Bill to include a provision for independent, periodic reviews of the impacts of the Making Queensland Safer laws, the department advised that it would 'continue to monitor the impacts of the amendments, including any unintended consequences'.[107]

Committee comment

The committee acknowledges the recommendation provided by stakeholders that the Bill contain a statutory review provision to evaluate the impact of the Bill on young offenders, the youth justice system and the wider Queensland community. To that end, the committee welcomes the advice provided by the department that this monitoring and reviewing function will be carried out on a periodic basis should the Bill be enacted.

2.1.7. Implementation of the Bill

Due to the inclusion of new offences to the 'adult crime, adult time' sentencing regime, it is anticipated there would need to be additional resourcing allocation.

The explanatory notes acknowledge:

> *The Bill is likely to increase demand for courts, police, the legal profession, corrective services, and youth justice.*[108]

The statement of compatibility acknowledges that where children are convicted of the new offences under the regime, they will spend more time in detention.[109] In particular, it was noted there may be an increased demand on youth detention centres on this basis and the impact on capacity will be monitored by the Queensland Government.[110]

Finally, it was highlighted that the costs of implementation of the Bill would be met in the usual budget process.[111]

[106] Victims' Commissioner, submission 35, p 4.
[107] Department, written response to submissions, 24 April 2025, p 7.
[108] Bill, explanatory notes, p 4; Department, written briefing, 8 April 2025, p 3.
[109] Bill, statement of compatibility, p 3.
[110] Bill, explanatory notes, p 4; Department, written briefing, 8 April 2025, pp 3-4.
[111] Bill, explanatory notes, p 4; Department, written briefing, 8 April 2025, p 4; Department, written response to submissions, 24 April 2025, p 6.

2.1.7.1. Stakeholder submissions and departmental advice

i. Stakeholder submissions

Stakeholders raised concerns regarding the cost implications to implement the Bill.[112] At the public hearing in Brisbane, the Queensland Council of Social Service (QCOSS) recommended that implementation of the Bill, including its costs, be subject to independent evaluation.[113]

Further, stakeholders highlighted the potential for exacerbation of overcrowding in youth detention centres and children being held in watchhouses as an unintended consequence of the Bill.[114]

PeakCare reported in its submissions that 'Queensland's youth detention centres are at capacity, with children as young as 10 being held in adult watchhouses'.[115] This was echoed by QCOSS in line with the findings of the Queensland Audit Office in *Report 15: 2023-24 – Reducing serious youth crime.*[116]

The Queensland Police Union of Employees noted:

> *There is universal agreement that police watchhouses are not suitable for the extended detention of young people. Police watchhouses are unable to provide the level of care and support that is present in a youth detention centre.*[117]

The QHRC also noted the detrimental impacts of detaining children in watchhouses[118] and highlighted, in relation to overburdening of youth detention centres:

> *… the Bill will increase children's exposure to harm, frustrating rehabilitation and reintegration efforts, which makes it more likely children will engage in further offending behaviour.*[119]

Concerns regarding the impact of the Bill on youth detention centre staff were also highlighted by stakeholders. The Australian Workers' Union of Employees, Queensland (AWU) recommended:

> *The Queensland Government must carefully consider the future policy direction on how they will house this influx of young people entering Youth Detention Centres in a manner that does not compromise the wellbeing of our hardworking public servants or the rehabilitation of youth offenders.*[120]

[112] Reuben Richardson, submission 33, p 3; HUB Community Legal, submission 17, p 2; UQ Pro Bono Centre, submission 30, pp 6-7; Dr Terry Hutchinson, submission 55, p 4.
[113] Public hearing transcript, Brisbane, 28 April 2025, p 11.
[114] Reuben Richardson, submission 33, p 3; Legal Aid Queensland, submission 11, pp 5-6; Australian Human Rights Commission (AHRC), submission 23, pp 5-6; Lachlan Carter, submission 50, p 1; Queensland Police Union of Employees, public hearing transcript, Brisbane, 28 April 2025, p 2.
[115] Submission 23, p 10.
[116] Submission 26, p 5.
[117] Submission 20, p 2.
[118] Submission 36, pp 17-18.
[119] Submission 36, p 17.
[120] Submission 47, p 3.

The AWU also advised that the increase in beds in current facilities or use of third party providers to meet increased demand would not achieve the policy objectives of the Bill.[121]

ii. Departmental advice

In response to the concerns raised by stakeholders, the department noted:

- the Wacol Youth Remand Centre was opened in March 2025 and a new centre at Woodford is expected to open in 2027
- it was 'administering a significant Government investment in supports and services intended to address the causes of youth crime'.[122]

Regarding demands on court processes, the department highlighted that data on the Bill's impact was not yet available although these 'sentencing outcomes and resourcing implications' would continue to be monitored.[123]

In response to a question regarding the impost that the Bill (if enacted) could have on youth detention centre capacity, the Director-General of the department explained that:

> *… it is too early, in the department's view, to model with precision the impact of these laws. It is clear, though, that the intent of the bill—and we are seeing it on the ground in the early days—for young people who are not committing new offences but still committing these offences, is for sentences to be longer. Even though it is very early days, we are seeing already that there are longer sentences. There are more decisions around probation—very small numbers—and our very strong view in the department is it will take 12 months to two years to provide accurate modelling. Simply put, for matters to get to the higher courts, it takes nine to 10 months. I do not want to take up too much time, but essentially what I am saying is that there is a need to keep a close eye on infrastructure and how it is provided.*
>
> *The intent of this legislation is to make sentences longer. That will have a compounding effect because we are dealing with a relatively small population. There are about 900 young people who move through detention in a year. In terms of beds, the capacity at the moment is 382 as Wacol has come on line. We need to make sure we keep a very close and careful eye on that so that young people are not in watch houses.*
>
> *As of this morning, there are four young people across the state who are held in watch houses on remand. They are not there because there is a lack of beds; they are there because the courts need them there to appear today or tomorrow. In our estimation, we will be keeping a very close eye on the numbers. With a small population, the compounding effect means there will be more pressure on us to make sure that the infrastructure is provided.*[124]

[121] Submission 47, p 4.
[122] Department, written response to submissions, 24 April 2025, p 7.
[123] Department, written response to submissions, 24 April 2025, p 6.
[124] Public briefing transcript, Brisbane, 28 April 2025, p 2.

2.1.8. Consistency with fundamental legislative principles

To have sufficient regard for the rights and liberties of individuals, the consequences of legislation should be relevant and proportionate. In line with this, a penalty should be proportionate to the offence, and penalties within legislation should be consistent with each other.[125]

As outlined above in section 2.1.1, the Bill proposes to align the maximum, minimum and mandatory penalties for adults and children for 20 additional offences under the Criminal Code and Drugs Misuse Act.[126]

Currently, where a child is convicted of any of the 20 additional offences, the existing provisions of the YJ Act 'place limits on the maximum periods of probation and detention orders that a sentencing court can impose'.[127] Accordingly, the enactment of the Bill may result in a significant increase in penalties for these offences.

The following matters are examples of the impact of the Bill:

- for particular offences,[128] the sentencing court currently has the ability to order alternative sentences (such as a reprimand, good behaviour order, restorative justice order, community service order or intensive supervision order) in addition to probation. The Bill would remove the discretion of the court to utilise these options
- currently, a sentencing court is empowered to order a period of detention for children convicted of the 20 additional offences for a period of not more than one year[129] or half the maximum term of imprisonment that an adult convicted of the offence could be ordered to serve or 5 years (whichever is shorter). This limitation would be removed under the Bill.[130]

The current maximum sentences for the 20 additional offences under the existing provisions of the YJ Act and the sentences that could be imposed should the Bill be enacted are set out in full in Appendix H.

The explanatory notes provide the following justification for the potential impact on the rights and liberties of individuals arising from the increase to penalties:

> *While a child's liberty may be impacted by imposing mandatory minimum non-parole periods for certain offences where a child is sentenced to life imprisonment, this is limited to specific serious offences that cause significant harm to victims in*

[125] Office of Queensland Parliamentary Counsel, *Fundamental legislative principles: the OQPC Notebook*, p 120; LSA, s 4(2)(a).
[126] Bill, cl 5 (amend s 175A, YJ Act).
[127] Bill, statement of compatibility, p 2.
[128] Being going armed so as to cause fear (Criminal Code, s 69), threatening violence (s 75, Criminal Code), kidnapping (s 354, Criminal Code), kidnapping for ransom (in certain circumstances) (s 354A, Criminal Code) and deprivation of liberty (s 355, Criminal Code).
[129] If the sentencing court is not constituted by a judge (ie a magistrate) and new sentencing regime in section 175A of the YJ Act does not apply to the offence: YJ Act, s 175(g)(i).
[130] YJ Act, s 175(g)(ii).

order to achieve the policy intent of holding young offenders accountable for their actions.[131]

Further, in regard to the removal of the option for a sentencing court to make a restorative justice order under the YJ Act for the 20 additional offences (as this is not a sentencing option for adults), the explanatory notes advise:

The court must still consider whether to make a court diversion referral or a presentence referral to a restorative justice process under section 163 of the YJ Act, having regard to the nature of the offence, the harm suffered by anyone because of the offence and whether the interests of the community and the child would be served by having the offence dealt with under a restorative justice process.[132]

Committee comment

If enacted, the Bill may increase penalties for young people who are convicted of any one of the 20 additional offences proposed to be included in the 'adult crime, adult time' sentencing regime. These penalties could include increased periods of detention for young offenders.

The committee acknowledges the impact of detention on young peoples' right to liberty under the HRA and the views of various stakeholders regarding the potential harm that may arise as a result of the expansion of offences that may attract significant penalties.

However, the committee notes:

- the additional 'adult crime, adult time' offences are limited to serious offences that cause significant harm to victims
- the judiciary is still required to exercise its discretion within the bounds of the YJ Act when sentencing young offenders.

On this basis, the committee is satisfied that the increased penalties for particular offences are relevant and proportionate in the circumstances to achieve the policy intent of the Bill to enhance community safety and hold young offenders accountable for their crimes.

As such, the provisions of the Bill have sufficient regard to the rights and liberties of individuals, including children.

2.1.9. Compatibility with human rights under the HRA

2.1.9.1. Nature of the human rights

Clause 5 of the Bill amends section 175A of the YJ Act to add 20 new offences into the 'adult crime, adult time' regime.

[131] Bill, explanatory notes, p 4.
[132] Bill, explanatory notes, p 3.

This provision of the Bill will limit the rights of children to protection in their best interests[133] and their right to liberty[134] as it is likely to result in more children being sentenced to, and spending more time in, detention.[135]

Further, the right in section 26(2) of the HRA recognises the special protection that must be afforded to children based on their particular vulnerability and is based on the *United Nations Convention of the Rights of the Child* (CRC). The underlying principle in the CRC is that 'the best interests of the child' shall be a primary consideration in all actions concerning children.[136] The statement of compatibility cites additional United Nations' material, emphasising that, under international law, detention of a child should be of last resort and deprivation of liberty shall only be imposed if there is no other appropriate response.[137] The statement of compatibility acknowledges the Bill is not consistent with international standards and the rights in sections 26(2) and 29(1) of the HRA in this regard.[138]

The statement of compatibility also acknowledges that, over time, the inclusion of additional offences in section 175A of the YJ Act may impose further strain on youth detention centres in Queensland which could lead to increased numbers of children in watchhouses for extended periods of time.[139] This may impact the following rights:

- protection from cruel, inhumane or degrading treatment[140]
- right to humane treatment when deprived of liberty.[141]

Further, the Bill may also impact the cultural rights of Aboriginal and Torres Strait Islander peoples[142] due to the overrepresentation of Aboriginal and Torres Strait Islander children in the criminal justice system and the likely impact longer sentences would have on their ability, amongst other things, to maintain kinship ties. The statement of compatibility acknowledges these issues and goes on to say that these provisions 'are a direct response to growing community concern and outrage over crimes perpetrated by young offenders'.[143]

2.1.9.2. The purpose of the limitation

The purposes of the limitations on these rights are punishment and community safety.[144] The statement of compatibility states that the measures and the purposes to which they

[133] HRA, s 26(2).
[134] HRA, s 29(1).
[135] Bill, statement of compatibility, p 3; Bill, explanatory notes, pp 2-3.
[136] United Nations, Convention of the Rights of the Child, art 3(1).
[137] Bill, statement of compatibility, p 3.
[138] Bill, statement of compatibility, p 3.
[139] Bill, statement of compatibility, p 3.
[140] HRA, s 17(b).
[141] HRA, s 30.
[142] HRA, s 28.
[143] Bill, statement of compatibility, p 4.
[144] Bill, statement of compatibility, pp 1, 4.

are directed are a direct response to growing community concern and outrage over crimes perpetrated by young offenders.[145] Further, the explanatory notes state that:

- the 20 offences to be included in the 'adult crime, adult time' regime are those that cause the most harm to individuals and to the community more broadly[146]
- the provisions enhance community safety by 'ensuring that courts can impose appropriate penalties that meet community expectations'.[147]

2.1.9.3. The relationship between the limitation and its purpose

The committee considers that there is a rational connection between the limitations on human rights as defined in the HRA and the purpose of the Bill as limiting children's rights through the imposition of adult penalties (which result in longer periods of detention) is a form of punishment.

The statement of compatibility did not contain evidence that punishing children as adults for these particular 20 offences would lead to greater community safety. Instead, the justification for the range and types of offences included and their relationship to the community safety purpose is contained in the explanatory notes. To that end, it is noted that the inclusion is based on the advice provided by the Expert Legal Panel.[148]

At the public briefing, the department referred to a recent study published in the Journal of Experimental Criminology in 2023 which suggests that 'the most impact and best effect for rehabilitation and preventing crime is actually occurring within detention centres'.[149]

Conversely, the committee also heard from various stakeholders that extended periods of detention can lead to re-offending which would have negative impacts on community safety.[150]

2.1.9.4. Whether there are less restrictive and reasonably available ways to achieve the purpose

While the statement of compatibility recognises there may be less restrictive options to achieve the purpose of the Bill, it does not provide an analysis of a 'less rights restrictive' approach.[151]

2.1.9.5. Balancing protection of human rights and purposes of limitation

Accordingly, the statement of compatibility concludes that the Bill is incompatible with human rights as defined in the HRA as the limitations identified are not considered to be reasonable or demonstrably justified having regard to section 13 of the HRA.[152]

[145] Bill, statement of compatibility, p 4.
[146] Bill, explanatory notes, p 1.
[147] Bill, statement of compatibility, p 1.
[148] Bill, explanatory notes, p 1.
[149] Public briefing transcript, Brisbane, 28 April 2025, p 3.
[150] See section 2.1.3 above.
[151] Bill, statement of compatibility, p 4.
[152] Bill, statement of compatibility, pp 1, 4.

2.1.9.6. Override declaration

Although the statement of compatibility concludes that the Bill is incompatible with human rights,[153] the HRA provides that Parliament may expressly declare a provision of an Act has effect despite being incompatible with one or more human rights (therefore overriding the HRA).[154] The effect of an override declaration is that the HRA does not apply to the provision and the provision has effect despite being incompatible with human rights.[155]

i. Override declaration – MQS Bill 2024

When the Queensland Government introduced the MQS Bill 2024, it contained an override declaration with respect to the (then) new section 175A of the YJ Act.[156] As required under section 44 of the HRA, a statement of exceptional circumstances was tabled to justify the override declaration. The statement provided:

> *In the Government's view, the current situation with respect to youth crime in Queensland presents an exceptional crisis situation constituting a threat to public safety...*[157]

The statement also contained data relating to offences committed by young people, focussing on the first tranche of 'adult crime, adult time' offences introduced by the MQS Bill 2024.

ii. Current Bill

It is not explicit whether clause 5 in the current Bill (which amends section 175A of the YJ Act) requires a separate override declaration or is covered by the existing override declaration in section 175A(12) of the YJ Act.

Section 43 of the HRA contains the statutory requirements regarding the making of an override declaration.

One interpretation of section 43 of the HRA would suggest that if an override declaration is in place with respect to a provision, it would also extend to amendments to that provision (as once passed by Parliament, those amendments would form part of the provision as a whole). This is the interpretation that appears to have been taken by the Minister who notes in the statement of compatibility that 'The provisions inserted by the amendments are subject to the override declaration in existing section 175A of the YJ Act'.[158] As such, the Minister did not provide a statement of exceptional circumstances when introducing the current Bill. The Minister did, however, reiterate (in the statement of compatibility) the exceptional circumstances that were put forward to support the original override declaration (from the MQS Bill 2024):

[153] Bill, statement of compatibility, pp 1, 4.
[154] HRA, s 43(1).
[155] HRA, s 45(1).
[156] MQS Bill 2024, statement of compatibility – statement about exceptional circumstances.
[157] MAQ Bill 2024, statement of compatibility – statement about exceptional circumstances, p 1.
[158] Bill, statement of compatibility, p 4.

> *I am of the view that the current situation with respect to youth crime in Queensland presents an exceptional crisis situation constituting a threat to public safety such that the addition of the new offences within the scope of the override declaration in section 175A of the YJ Act is justified.*[159]

This view was reiterated by the department at the public briefing.[160]

The alternative view is that a new override declaration is required in respect of the current Bill and the Minister was required to supply a separate statement of exceptional circumstances relating to the addition of these 20 offences. In any event, the HRA provides that failure to provide a statement about exceptional circumstances does not affect the validity of the provision.[161]

2.1.9.7. Stakeholder submissions

In relation to the human rights aspects of the Bill, a significant number of stakeholders submitted that the Bill does not provide an adequate justification for the limits on human rights and that there is no justification for overriding the HRA under the Bill.[162]

The QHRC submitted that '[t]he Bill severely limits the fundamental rights of some of Queensland's most vulnerable children in a way that is disproportionate to the goal of enhancing community safety' and recommended that 'government should make a further exceptional circumstances statement as required by section 44 of the Human Rights Act'.[163] The QHRC also 'does not agree that it is necessary or justifiable to override the Human Rights Act'.[164] This was reiterated by the Commissioner at the public hearing in Brisbane.[165]

The Australian Human Rights Commission (AHRC) was critical of the approach taken under the Bill in terms of human rights stating that '[t]he breaching of the human rights of children is unacceptable and contrary to the evidence which shows that justice systems based on 'punishment and denunciation' do not work to prevent crime by children'.[166]

PeakCare submitted that:

> *… breaches to human rights legislation in Queensland will not only draw criticism from the Australian and international community but will also undermine the intended goals of the legislation. Queensland must ensure that its responses to youth offending are consisted with both domestic human rights law and international standards designed to protect children from harm.*[167]

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[159] Bill, statement of compatibility, p 4.
[160] Public briefing transcript, 28 April 2025, Brisbane, pp 1, 9.
[161] HRA, s 47.
[162] Legal Aid Queensland, submission 11, pp 1,3; Sisters' Inside, submission 16, pp1-2; Soroptomist International Brisbane Inc, submission 18, pp 3-4; PeakCare, submission 23, pp 7-8; AHRC, submission 23, pp 1-2; QHRC, submission 36, pp 8-9; QATSICPP, submission 38, p 9; YAC, submission 41, p 3;
[163] QHRC, submission 35, p 8.
[164] QHRC, submission 35, p 8.
[165] Public hearing transcript, Brisbane, 8 May 2025, p 19.
[166] AHRC, submission 25, p 3.
[167] PeakCare, submission 23, pp 7-8.

QATSICPP expressed concern that:

> *…the continued use of override provisions within youth justice legislation is normalising the suspension of children's rights in Queensland. The application of such mechanisms, particularly in relation to section 175A of the Youth Justice Act, undermines the fundamental integrity of Queensland's human rights framework. It signals a worrying precedent — one in which certain groups, especially Aboriginal and Torres Strait Islander children, are treated as exceptions to the protections afforded by law.*
>
> *We strongly urge the Queensland Government to refrain from using override provisions in legislation that affects children, especially when such legislation imposes adult sentencing measures on children as young as ten.*[168]

At the committee's regional hearings, the committee heard from individuals who detailed their own personal experience with youth crime and its impact on their local communities.[169] One witness outlined her assessment of the current community sentiments around safety in Cairns:

> *Too many years of the soft approach just simply has not worked. The community is being held hostage. We lock our windows, we lock our doors, we sleep with crowbars and we sleep with wasp spray... We are all being held hostage in our homes because we are scared.*[170]

Witnesses at these public hearings also voiced their support for the Bill and expressed hope that the increase to penalties for the offences specified in the Bill would increase community safety and reflect the harm caused by youth crime.[171]

Residents of the Redlands area also voiced their support for the Bill at the public hearing in Redlands and shared their experiences of crime in the community, many as direct victims. Residents described feeling unsafe, the ongoing trauma and impacts of crime, and their frustration with current justice outcomes, particularly for repeat offenders. Residents overwhelming want more to be done to address youth crime including tougher sentences. They identified the need to better support victims rather than focus on offenders.[172]

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[168] QATSICPP, submission 38, pp 9-10.

[169] Jenelle Reghenzani, public hearing transcript, Cairns, 6 May 2025, p 15; Marie Violo, public hearing transcript, Cairns, 6 May 2025, p 17; Maryanne Popovic, public hearing transcript, Cairns, 6 May 2025, p 25; Jeff Phillips, public hearing transcript, Townsville, 7 May 2025, p 3, Christy Guinea, public hearing transcript, Townsville, 7 May 2025, p 4.

[170] Samara Laverty, public hearing transcript, Cairns, 6 May 2025, p 19.

[171] Jenelle Reghenzani, public hearing transcript, Cairns, 6 May 2025, p 15; Alana Hall, public hearing transcript, Townsville, 7 May 2025, p 9.

[172] See for example: Neil Berry, public hearing transcript, Redlands, 9 May 2025, p 2; Maria Sealy, public hearing transcript, Redlands, 9 May 2025, pp 7-8; Chris Sanders, public hearing transcript, Redlands, 9 May 2025, p 9; Rebecca Musgrave, public hearing transcript, Redlands, 9 May 2025, p 11; Carolyn Santagiuliana, public hearing transcript, Redlands, 9 May 2025, p 14; Julie Fox, public hearing transcript, Redlands, 9 May 2025, p 23.

Committee comment

The committee has considered the various views of stakeholders regarding the implications of the inclusion of additional offences in the 'adult crime, adult time' sentencing regime under the Bill on human rights as defined in the HRA.

It is acknowledged in the statement of compatibility tabled with the Bill that these amendments are incompatible with the HRA.

However, while a number of submitters raised concerns about the Bill's incompatibility with human rights, the committee also heard from concerned citizens from across the state at the public hearings who were supportive of the proposed amendments and their purpose to enhance safety in their communities.

The committee understands from the statement of compatibility that an override declaration was deemed not required as this Bill is an amendment bill. In any event, on balance, the information contained in the statement about exceptional circumstances tabled with the MQS Bill 2024 (the parent legislation to the current Bill) is an adequate basis for the HRA to be overridden in respect of the current amending Bill.

While this was the finding of the committee reached in respect of this Bill, the committee stresses that the requirement for an override declaration (and separate statement about exceptional circumstances) will need to be considered for each bill on a case-by-case basis.

The committee further acknowledges that the statement of compatibility tabled with the introduction of the Bill provides a sufficient level of information to facilitate understanding of the Bill in relation to its compatibility with human rights.

2.2. Additional amendments under the Bill

Further to the provisions noted above in section 2.1, the Bill also contains additional amendments to the YJ Act.

2.2.1. 'Opt out' eligible persons register for victims

The Bill proposes to amend the YJ Act[173] so persons who are registered as eligible to receive information (such as release dates and transfers between facilities) about a child who is serving a period of detention for a violent or sexual offence have the option to nominate someone else to receive information on their behalf.

[173] Note that upon the passage of the Bill, the YJ Act will be amended by section 54 of the MQS Act when that provision of the MQS Act comes into effect.

This amendment will allow victims to have control over the way that they, or their nominee, receive potentially triggering information.[174]

Commenting on this aspect of the Bill, Voice for Victims, noted that victims vary in terms of how they deal with trauma, with some preferring to nominate a person to act on their behalf as they navigate the criminal justice system.[175]

2.2.2. Removal of reference to repealed section of the PPRA

The Bill amends section 50 of the YJ Act to remove a redundant cross-reference to a section of the PPRA which was repealed following the decriminalisation of public intoxication.[176]

[174] Bill, explanatory notes, pp 3-4; Bill, cl 7 (new section 282A(3A), YJ Act).
[175] Public hearing transcript, Brisbane, 28 April 2025, p 6.
[176] Bill, explanatory notes, p 4; Bill, cl 4.

Appendix A – Submitters

Sub No.	Name / Organisation
1	Name withheld
2	Confidential
3	Name withheld
4	Don McGrath
5	Jay Cooper
6	Natasha Hayes
7	Sarah Nelson
8	Justice Reform Initiative
9	Marnie Higgins
10	Alcohol and Drug Foundation
11	Legal Aid Queensland
12	Name withheld
13	Confidential
14	Community Justice Action Group
15	Confidential
16	Sisters Inside Inc
17	The Salvation Army Australia
18	Soroptimist International Brisbane Inc
19	Name withheld
20	Queensland Police Union
21	The Qld Network of Alcohol and other Drug Agencies
22	Craig Hillhouse
23	PeakCare
24	Australians for Native Title and Reconciliation, Queensland
25	Australian Human Rights Commission
26	Queensland Council of Social Service
27	Australian Association of Social Workers
28	HUB Community Legal

29	Voice for Victims
30	UQ Pro Bono Centre
31	National Network of Incarcerated & Formerly Incarcerated Women & Girls
32	Confidential
33	Reuben Richardson
34	Anglicare Southern Queensland
35	Victims' Commissioner
36	Queensland Human Rights Commission
37	Deadly Inspiring Youth Doing Good Aboriginal and Torres Strait Islander Corporation
38	Queensland Aboriginal and Torres Strait Islander Child Protection Peak
39	Cairns Regional Council
40	Frank Grahame Drew
41	Youth Advocacy Centre
42	Confidential
43	Aboriginal and Torres Strait Islander Legal Service
44	Lamberr Wungarch Justice Group
45	Uniting Church in Australia Queensland Synod
46	Commissioner Natalie Lewis, Queensland Family and Child Commission
47	Australian Workers' Union of Employees, Queensland
48	Queensland Law Society
49	Women's Health and Equality Queensland
50	Lachlan Carter
51	Principal Commissioner, Queensland Family and Child Commission
52	Human Rights Law Centre and Change the Record
53	Queensland Mental Health Commission
54	LC Distributors
55	Dr Terry Hutchinson
56	The Royal Australian & New Zealand College of Psychiatrists (Queensland Branch)
57	Australian Lawyers Alliance

58	Mayor, The Hon. Cr Lawrence Springborg AM, Goondiwindi Regional Council
59	Heidi Turner, Chief Executive Officer, Townsville Chamber of Commerce
60	Perri Conti
61	Israel Judah, Senior Minister, Lifechangers Ministries International
62	Confidential

Appendix B – Public Briefing, Brisbane, 28 April 2025

Department of Youth Justice and Victim Support

Robert Gee APM	Director-General
Michael Drane	Deputy Director-General, Youth Justice Services

Appendix C – Witnesses at Public Hearing, Brisbane, 28 April 2025

Organisations

Office of the Victims' Commissioner

Beck O'Conner	Victims' Commissioner
Dimity Thoms	Director - Policy and Systemic Review
Sarah Kay	Executive Director

Queensland Aboriginal and Torres Strait Islander Child Protection Peak

Murray Benton	Deputy CEO - Youth Justice
Helena Wright	Deputy CEO - Strategy

Queensland Council of Social Service

Aimee McVeigh	Chief Executive Officer
Lauren Bicknell	Senior Policy Officer (Youth Justice and Human Rights)

Queensland Law Society

Peter Jolly	Vice President
Kristy Bell	Chair, Criminal Law Committee
Damian Bartholomew	Chair, Children's Law Committee

Queensland Police Union of Employees

Shane Prior	General President
Antony Brown	Director - Policy and Legislation

Voice for Victims

Trudy Reading	Victim Advocate
Natalie Merlehan	Youth Crime Victim and Victim Advocate

Appendix D – Witnesses at Public Hearing, Cairns, 6 May 2025

Individuals

Humphrey Hollins

Jenelle Reghenzani

Marie Violo

Maryanne Popovic

Maxwell Lincoln

Perri Conti

Samara Laverty

Sarah Dawson

Organisations

Cairns Regional Council

Amy Eden Mayor

Community Justice Action Group

Aaron McLeod President

Deadly Inspiring Youth Doing Good Aboriginal and Torres Strait Islander Corporation

Stacee Ketchell President

Appendix E – Witnesses at Public Hearing, Townsville, 7 May 2025

Individuals

Alan Wallace

Alana Hall

Christy Guinea

David Forbes

Enid Surha

Israel Judah

Jeff Phillips

Susan Page

Organisations

Miya Services

Lachlan Sloane	Chief Executive Officer
Genus Passi	Head of Development & Cultural Lead

Rennick Lawyers

Phil Rennick	Principal Lawyer

Appendix F – Witnesses at Public Hearing, Brisbane, 8 May 2025

Organisations

Australian Workers' Union of Employees, Queensland

Stacey Schinnerl	Secretary
Joseph Kaiser	Organiser

Goondiwindi Regional Council

Hon Cr Lawrence Springborg, AM	Mayor

PeakCare

Tom Allsopp	Chief Executive Officer

Queensland Family and Child Commission

Luke Twyford	Principal Commissioner
Natalie Lewis	Commissioner

Queensland Human Rights Commission

Scott McDougall	Commissioner
Adriana Siddle	Director - Legal and Policy
Charlotte Wilson	Manager - Public Policy

Queensland Police Service

Shane Chelepy	Acting Commissioner
Jessica Mudryk	Acting Director - Strategic Policy and Legislation Branch

Youth Advocacy Centre

Katherine Hayes	Chief Executive Officer

Appendix G – Witnesses at Public Hearing, Redlands, 9 May 2025

Individuals

Andrew Ackroyd

Bianca Kemp

Bob Green

Carolyn Santagiuliana

Chris Sanders

Christine Ford

Dennis Johnson

George Ramsay

Cr Jason Colley

Julie Fox

Kerry Bales

Lee Cooper

Maria Sealy

Michael Sheen

Neil Berry

Rebecca Musgrave

Ric Dunford

Veronica Mahony-Hodges

Appendix H – New offences: child and adult maximum penalties[177]

Offence (all Criminal Code except where indicated)		Maximum Penalties	
		Child Maximum	Adult Maximum
Going armed so as to cause fear	s69		
1. Simpliciter		1. 1 year imprisonment	1. 2 years imprisonment
2. Circumstance of aggravation in section 52B (motivated to commit the offence by hatred or serious contempt for a person or group of persons)		2. 1½ years imprisonment	2. 3 years imprisonment
3. Circumstance of aggravation – publishes material on a social media platform or an online social network		3. 1½ years imprisonment	3. 3 years imprisonment
Threatening violence	s75		
1. Simpliciter		1. 1 year imprisonment	1. 2 years imprisonment
2. Circumstance of aggravation in section 52B (motivated to commit the offence by hatred or serious contempt for a person or group of persons)		2. 1½ years imprisonment	2. 3 years imprisonment
3. At night		3. 2½ years imprisonment	3. 5 years imprisonment
Attempt to murder	s306	10 years imprisonment unless court considers particularly heinous – then life imprisonment	Life imprisonment
Accessory after the fact to murder	s307	10 years imprisonment unless court considers particularly heinous – then life imprisonment	14 years imprisonment

[177] Department, written briefing, 8 April 2025, Attachment 1.

Offence (all Criminal Code except where indicated)		Maximum Penalties	
		Child Maximum	Adult Maximum
Killing unborn child, second limb: unlawfully assaulting a pregnant person and destroying the life of, or doing grievous bodily harm to, or transmitting a serious disease to, the child before its birth	s313(2)	10 years imprisonment unless court considers particularly heinous – then life imprisonment	Life imprisonment
Torture	s320A	7 years imprisonment	14 years imprisonment
Damaging emergency vehicle when operating motor vehicle	s328C	7 years imprisonment	14 years imprisonment
Endangering police officer when driving motor vehicle	s328D	7 years imprisonment	14 years imprisonment
Rape	s349	10 years imprisonment unless court considers particularly heinous – then life imprisonment	Life imprisonment
Attempt to commit rape	s350	7 years imprisonment	14 years imprisonment
Assault with intent to commit rape	s351	7 years imprisonment	14 years imprisonment

Offence (all Criminal Code except where indicated)		Maximum Penalties	
		Child Maximum	Adult Maximum
Sexual assault (2) if the indecent assault or act of gross indecency includes bringing into contact any part of the genitalia or the anus of a person with any part of the mouth of a person	s352(2)	7 years imprisonment	14 years imprisonment
(3) any of the following: (a) immediately before, during or immediately after, the offence, the offender is, or pretends to be, armed with a dangerous or offensive weapon, or is in company with any other person; or (b) the indecent assault includes the person who is assaulted penetrating the offender's vagina, vulva or anus to any extent with a thing or a part of the person's body that is not a penis; (c) the act of gross indecency includes the person who is procured by the offender penetrating the vagina, vulva or anus of the person who is procured or another person to any extent with a thing or a part of the body of the person who is procured that is not a penis.	s352(3)	10 years imprisonment unless court considers particularly heinous – then life imprisonment	Life imprisonment
Kidnapping	s354	3½ years	7 years

Offence (all Criminal Code except where indicated)		Maximum Penalties	
		Child Maximum	Adult Maximum
Kidnapping for ransom	s354A		
(2) simpliciter		(2) 7 years	(2) 14 years
(3) person unconditionally set at liberty without GBH		(3) 5 years	(3) 10 years
(4) attempted kidnapping for ransom		(4) 3½ years	(4) 7 years
Deprivation of liberty	s355	1½ years	3 years
Stealing			
.12 vehicle	s398.12	7 years imprisonment	14 years imprisonment
.14 firearm for use in another indictable offence	s398.14	7 years imprisonment	14 years imprisonment
Attempted robbery			
(2) if the offender is or pretends to be armed with any dangerous or offensive weapon or instrument, or is in company with 1 or more other person or persons, the offender is liable to imprisonment.	s412(2)	(2) 7 years imprisonment	(2) 14 years imprisonment
(3) If the offender is armed with any dangerous of offensive weapon, instrument or noxious substance, and at or immediately before or immediately after the time of the assault the offender wounds, or uses other personal violence to, any person by the weapon, instrument or noxious substance.	s412(3)	(3) 10 years imprisonment unless court considers particularly heinous – then life imprisonment	(3) Life imprisonment
Arson	s461	10 years imprisonment unless court considers particularly heinous – then life imprisonment	Life imprisonment

Offence (all Criminal Code except where indicated)		Maximum Penalties	
		Child Maximum	Adult Maximum
Endangering particular property by fire	s462	7 years imprisonment	14 years imprisonment
Drugs Misuse Act 1986:			
Trafficking in dangerous drugs	s5	10 years imprisonment	Life imprisonment

Statement of Reservation

All Queenslanders hold the unified common goal of making our community safer.

No politician has a monopoly on the universal view that Queenslanders deserve to feel safe and must be safe – in their home, their workplace, their community and as they go about their daily lives.

The Queensland Opposition believes that to continue to protect Queenslanders the legislature should enact strong laws that support community safety, coupled with proper investment in community safety programs, such as early intervention programs.

Legislation alone will not solve the problem.

Increased and strong investment in early intervention programs, our justice and court system, victims support services and our youth justice and corrective services areas are vital to ensure that this unified common goal of making our community safer is realised.

It is important that victims and victim-survivors are supported, but it is equally important to ensure that Queenslanders do not become victims in the first place.

However, the actions of the Liberal National Party (LNP) Government led by Premier David Crisafulli MP have made clear that the LNP rushed their laws through the Queensland Parliament in late 2024, which resulted in unintended consequences.

We have seen the LNP's attempts to fix their bungled laws not only in this Bill, but through amendments moved during consideration-in-detail of an unrelated piece of legislation in a recent sitting of the Queensland Parliament by the LNP's Attorney-General and Minister for Justice and Minister for Integrity.

The Crisafulli LNP Government went to the 2024 General Election with a slogan about community safety, but without a detailed plan. The Crisafulli LNP Government did not outline to Queenslanders exactly what would be in the legislation, nor did they did provide accurate timeframes for their early intervention programs, and Queenslanders have now seen that the issue has not been resolved by Christmas last year, as was intimated by the Crisafulli LNP Government.

While the Queensland Opposition, like many stakeholders, experts and frontline organisations, have reservations regarding this piece of legislation, it goes without saying, that the Queensland Opposition believes and supports strong evidence-based laws when coupled with proper intervention, diversion and rehabilitation investments to keep our communities safe.

EXPERT LEGAL PANEL

The Crisafulli LNP Government established an Expert Legal Panel which is supported by the Department of Youth Justice and Victim Support to provide *"advice and recommendations to the Queensland Government on which offences Adult Time, Adult Crime would apply under the Making Queensland Safer Laws"*. [1] The panel consists of five individuals with varying degrees of expertise in a variety of fields.

It is still unclear to Queenslanders how these individuals were chosen, as well as who else applied to be on the Expert Legal Panel and were not considered for the role. The Queensland Opposition understands that there were many others who applied to be on the Expert Legal Panel, however, an individual with political links to the LNP was chosen.

It is concerning that when the LNP Minister for Youth Justice and Victim Support was asked at the time whether any of the panel appointees were LNP members, the Minister responded, *"not that I'm aware of"*, as reported in The Courier Mail on 12 February 2025.[2] This is just another concerning element of the appointment process of this Expert Legal Panel.

[1] https://www.youthjustice.qld.gov.au/our-department/who-we-are/our-commitments
[2] https://www.couriermail.com.au/news/queensland/qld-politics/head-of-govs-adult-crime-adult-time-panel-married-to-lnp-staffer/news-story/8aaf5bbf1d5caad15f380347d357970d

It is also unclear why other bodies such as the Queensland Sentencing Advisory Council were not utilised to undertake work to provide advice to the Queensland Government. The Queensland Sentencing Advisory Council is an existing body that can be commissioned to undertake work, which could have occurred in this instance with a shorter reporting timeframe requested.

It is interesting to note that the LNP Attorney-General and Minister for Justice and Minister for Integrity recently appointed one of the members of the Expert Legal Panel to the Queensland Sentencing Advisory Council for a period of three years.[3]

The Queensland Opposition does not take issue with government canvassing views and advice from a variety of sources. However, the Queensland Opposition shares the concerns of many stakeholders, including frontline organisations and members of the legal profession, that the advice that the LNP Crisafulli Government has relied upon to add twenty new offences to the Crisafulli LNP Government's Adult Crime, Adult Time policy is not known.

It has been kept secret from Queenslanders.

The Director-General of the Department of Youth Justice and Victim Support said in the public hearing:

> *"The government set up the Expert Legal Panel. They announced it. The panel did its work independent of the department. The panel provided its advice to the Minister. The Cabinet considered that advice. The government have made a policy decision. I do not know if I can add any more than that."*[4]

The Director-General of the Department of Youth Justice and Victim Support went on to state in reference to the Expert Legal Panel that:

> "*They reported expressly to the minister. The minister made decisions. Of course, the department then would have been involved in providing support to the minister around the cabinet submissions and the whole drafting process. Clearly, it is a matter for the minister and it is a policy issue for government."*[5]

In answering questions of the Shadow Attorney-General and Shadow Minister for Justice the Director-General of the Department of Youth Justice and Victim Support stated:

> *"It is a matter for the minister regarding the release of information related to the Expert Legal Panel. Any release would be subject to a discussion, I presume, between the minister and the panel regarding the nature of those arrangements, particularly those made with submitters plus any requirements in the cabinet handbook."*[6]

It is clear from the evidence provided at the committee that the Expert Legal Panel provided advice to the LNP Minister for Youth Justice and Victim Support. It is also deduced that the evidence was then relied upon and considered by the Queensland Cabinet in respect of the Bill, which was then introduced by the LNP Minister for Youth Justice and Victim Support into the Legislative Assembly of the Queensland Parliament.

It is also clear that the LNP Minister for Youth Justice and Victim Support has the power and the ability to make public the advice provided by the Expert Legal Panel to government.

If the LNP Minister for Youth Justice and Victim Support was acting in good faith with the people of Queensland and acting in a transparent way, they would release the advice provided by the Expert Legal

[3] https://statements.qld.gov.au/statements/102507
[4] https://documents.parliament.qld.gov.au/com/JICSC-CD82/MQSACATAB2-9E30/Transcript%20-%2028%20April%202025%20-%20JIC%20-%20Briefing%20-%20Inquiry%20into%20the%20Making%20Queensland%20Safer%20(Adult%20Crime,%20Adult%20Time)%20Amendment%20Bill.pdf
[5] Ibid.
[6] Ibid.

Panel so that all stakeholders, frontline organisations and indeed all Queenslanders, can see what evidence and research was produced and provided to create the new laws.

During the committee's deliberations, it became clear that stakeholders who made submissions or attended the public hearings had not seen the advice provided to the Crisafulli LNP Government from the Expert Legal Panel. During the public hearings on Monday 28 April and Thursday 8 May stakeholders stated:

- **Trudy Reading, Voice for Victims** stated: "*Voice for Victims did not make any submission to the Expert Legal Panel. We are not aware of any information and we certainly have not seen anything at all."*[7]

- **Aimee McVeigh, Queensland Council of Social Service** stated: "*We know that the statement of compatibility refers to the Expert Legal Panel advice as the basis for expanding this framework and as evidence that these measures will improve community safety, yet we have not had the benefit of reviewing or considering that advice in order to then provide feedback in relation to the bill. We are asking the government to release the advice provided by the Expert Legal Panel. "*

  "…all of us have not had the opportunity to look at the evidence the government is relying on to argue for this policy and, on the face of it, all evidence points to this not improving community safety. What is the evidence the government is relying on to say that it will improve community safety? They are referring to advice provided by the Expert Legal Panel and yet none of us have had access to that advice. In order for us to properly understand and provide feedback on this bill, we should have access to that advice."[8]

- **Helena Wright, Deputy Chief Executive Officer, Queensland Aboriginal and Torres Strait Islander Child Protection Peak** stated: "*We have asked that … the advice of the expert legal panel be publicly released to guide any future amendments."*

  "…We made it clear in our submission as one of our recommendations because we believe that it is needed to be made public to ensure stakeholders and the Queensland community understand that decisions which will have significant impacts on the lives of children, young people and families across the state are made transparently, and that the decisions that the parliament makes are made on the best available evidence."[9]

- **Kristy Bell, Chair, Criminal Law Committee, Queensland Law Society** stated: "*Yes, the society would support the disclosure of that report so that we can ensure that legislative change is evidence based and the basis for which these amendments are made is disclosed so that we can appropriately consider whether or not they are justified."*[10]

- **Katherine Hayes, Chief Executive Officer, Youth Advocacy Centre** stated: "*It is really unclear to us why these offences were included, particularly the five or six that already have life imprisonment as an available option for sentencing. For us, and I think the sector and probably the public generally, it would be great to understand why those 20 offences have been included."*[11]

[7] https://documents.parliament.qld.gov.au/com/JICSC-CD82/MQSACATAB2-9E30/Transcript%20-%2028%20April%202025%20-%20JIC%20-%20Hearing%20-%20Inquiry%20into%20the%20Making%20Queensland%20Safer%20(Adult%20Crime,%20Adult%20Time)%20Amendment%20Bill.pdf
[8] Ibid.
[9] Ibid.
[10] Ibid.
[11] https://documents.parliament.qld.gov.au/com/JICSC-CD82/MQSACATAB2-9E30/Transcript%20-%208%20May%202025%20-%20JIC%20-%20Hearing%20-%20Inquiry%20into%20the%20Making%20Queensland%20Safer%20(Adult%20Crime,%20Adult%20Time)%20Amendment%20Bill.pdf

In respect of written submissions to the committee, stakeholders stated:

- **Justice Reform Initiative** stated: "*We also recommend that the Queensland Government releases the report produced by the Expert Legal Panel and submissions made to this panel to ensure there is transparency and accountability around the decision to include an additional 20 offences in the 'Adult Crime, Adult Time' legislation."*[12]

- **PeakCare** stated: "*PeakCare recommends that the formal advice provided by the Expert Legal Panel, established to inform this legislation and determine the offences to be included, be made publicly available. Transparency around the rationale for selecting specific offences, along with the Panel's expert opinions/views on how increased incarceration periods are expected to enhance community safety, is essential to ensuring public confidence and evidence-based lawmaking."*[13]

- **Queensland Council of Social Service** stated: "*In order to facilitate greater transparency on why an expansion to "Adult Crime, Adult Time" is being pursued, we call for the public release of the advice provided by the Expert Legal Panel who were tasked with reviewing expansion of the policy."*[14]

- **Victims' Commissioner** stated: "*The explanatory notes accompanying this Bill do not provide an overarching rationale for the approach adopted by the Government, nor detail the factors considered by the Expert Legal Panel in making their recommendation around the addition of the 20 serious offences. This approach does not appear to me to meet the intention of section 23(1)(c) of the Legislative Standards Act 1992."*

  "The explanatory notes state 'The Expert Legal Panel conducted consultation with stakeholders' without elaboration. It has been stated that the Panel have engaged in 'thorough' consultations 'across Queensland with stakeholders and sector service providers, including workers in our youth detention centres, legal professionals and victim support groups'. However, no detail about these consultations has been included in the explanatory notes. I can think of no reason why this information could not be shared with the public and, in particular, victims of crime who wish to understand the process. I think disclosure of this information would assist with ensuring that victims of crimes not included in this Bill have greater understanding of the process so that they will not feel the same anxiety experienced by victims of sexual violence after the first tranche of reforms."[15]

- **Queensland Human Rights Commission** stated: "*…the Expert Legal Panel, which was appointed 'to provide advice on the next stages of reform… relevant to Adult Crime, Adult Time' should release its Terms of Reference and a report on the consultation undertaken by the Panel. This would facilitate the community to better understand and assess the reasoning for the inclusion of the additional 20 offences."*[16]

- **Queensland Aboriginal and Torres Strait Islander Child Protection Peak** stated: "*QATSICPP remains uncertain on the process for selecting offences for this Bill and calls for the Queensland government to release the advice of the Expert Legal Panel established to review Adult Crime Adult Time offences."*[17]

- **Youth Advocacy Centre** stated: "*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*

[12] https://documents.parliament.qld.gov.au/com/JICSC-CD82/MQSACATAB2-9E30/submissions/00000008.pdf
[13] https://documents.parliament.qld.gov.au/com/JICSC-CD82/MQSACATAB2-9E30/submissions/00000023.pdf
[14] https://documents.parliament.qld.gov.au/com/JICSC-CD82/MQSACATAB2-9E30/submissions/00000026.pdf
[15] https://documents.parliament.qld.gov.au/com/JICSC-CD82/MQSACATAB2-9E30/submissions/00000035.pdf
[16] https://documents.parliament.qld.gov.au/com/JICSC-CD82/MQSACATAB2-9E30/submissions/00000036.pdf
[17] https://documents.parliament.qld.gov.au/com/JICSC-CD82/MQSACATAB2-9E30/submissions/00000038.pdf

Adult Crime Adult Time regime, particularly where all evidence is contrary to this approach as an effective method of reducing youth crime."[18]

- **Uniting Church in Australia Queensland Synod** stated: "*The Uniting Church in Australia Queensland Synod asks that [the Committee] recommend that …the advice given by the Expert Legal Panel on Youth Justice regarding the inclusion of additional offences in the Adult Crime Adult Time list of offences be publicly released by the Queensland government."*[19]

- **Human Rights Law Centre and Change the Record** stated: "*The Queensland Government has widely announced that its approach in the Bill reflects advice from an 'expert legal panel'. Yet, the Government has not made the Panel's advice or full terms of reference publicly available."*

  "We also note that the explanatory notes state that the Bill follows advice from the Panel 'about offences that cause most harm to the individuals and the community more broadly'. They also state that the Panel 'conducted consultation with stakeholders' without outlining the themes and outcomes of consultation. The Panel's advice and formal terms of reference have not been made publicly available. This must occur as a priority for Parliament and the public to be able to assess whether the Bill achieves what it sets out to do and the reliability of the Panel's evidence. As it stands there is currently no evidence to justify the Bill. We take this opportunity to raise some observations about the Panel's process, and query whether the advice is not being released because it contains both concerns from stakeholders and evidence against the Bill."[20]

In a response to a question on notice the Queensland Law Society stated:

"In our view, it would be appropriate to directly approach the Expert Legal Panel to seek publication of all submissions in response to the Expert Legal Panel's call for submissions.

In this regard, we reiterate our request that the final report of the Expert Legal Panel also be published, so that Queenslanders can understand the rationale for the inclusion of these particular offences in this Bill."[21]

It is clear that stakeholders who engaged with the committee process are calling for the Expert Legal Panel advice to be released.

The Queensland Opposition shares this view and believes that the Expert Legal Panel advice should have been released at the very beginning of the process, so all stakeholders and indeed all Queenslanders knew the evidence the Crisafulli LNP Government was relying upon for this legislation.

On the same day that these laws were introduced into the Legislative Assembly of the Queensland Parliament, in a Ministerial Statement regarding these laws, the LNP Minister for Youth Justice and Victim Support stated:

"… I want to thank members of the Expert Legal Panel for their expertise and their hard work.

They have engaged in consultations across Queensland with stakeholders and sector service providers, including workers in our youth detention centres, legal professionals and victim support groups.

They have reviewed and analysed crime data, case law, harm indexes and the impact of these offences on victims and the broader community.

They have done the work to provide us with sound and considered advice and now we are acting on

[18] https://documents.parliament.qld.gov.au/com/JICSC-CD82/MQSACATAB2-9E30/submissions/00000041.pdf
[19] https://documents.parliament.qld.gov.au/com/JICSC-CD82/MQSACATAB2-9E30/submissions/00000045.pdf
[20] https://documents.parliament.qld.gov.au/com/JICSC-CD82/MQSACATAB2-9E30/submissions/00000052.pdf
[21] https://documents.parliament.qld.gov.au/com/JICSC-CD82/MQSACATAB2-9E30/250501%20QLS%20QUESTION%20ON%20NOTICE.pdf

> *it —just as we promised.*
>
> *The panel's work and its advice to the Crisafulli government is ongoing. They have other offences that they are looking at to ensure our laws are the strongest they can be so that ultimately we can have fewer victims of crime in this state."*[22]

It is clear from the Minister's statements that the Expert Legal Panel has undertaken some work, including consulting with stakeholders in Queensland and reviewing data, cases and other measures. In respect of the Expert Legal Panel's advice, Premier David Crisafulli stated during the introduction of this Bill *"...the job of this panel is to provide advice to this government so that we can continue to implement our commitment to making Queensland safer. That is what they have delivered in this stage."*[23]

While it is understood that the Expert Legal Panel's work is ongoing, Premier David Crisafulli has clearly stated that that the Expert Legal Panel has provided advice and delivered it in this stage, in reference to the Bill. As such, if the Expert Legal Panel is delivering their work in stages, there is no excuse that their advice for this stage cannot be released and provided to all Queenslanders to review and understand how the laws that may affect them have been derived.

To ensure that laws in Queensland work and are robust, they need to be evidenced-based. That is why the Queensland Opposition has called for the Expert Legal Panel advice to be released for some time.

In a media statement dated 4 April 2025, the Leader of the Queensland Opposition stated: *"I have sent the Shadow Attorney-General and Shadow Youth Justice Minister to attend the Justice Committee meeting to ensure all avenues are pursued to bring the panel before the committee, and for this advance to be released, and if not have it summonsed".*[24]

The published committee business for that week showed there was a private meeting of the Justice, Integrity and Community Safety Committee that day.[25]

Further, in a public hearing of the Justice, Integrity and Community Safety Committee on Monday 28 April 2025, the Shadow Attorney-General and Shadow Minister for Justice moved the following motion:

> *"Chair, I move that the expert panel be summonsed to provide their report and appear in a public hearing before the committee and that all of those documents generated by the panel be produced to the committee."*[26]

While it is common practice that motions and votes of a committee are held in private meetings, the transcript of the hearing shows that the LNP Chairperson of the Justice, Integrity and Community Safety Committee tried to move a motion to deny Queensland Opposition Members the ability to have the motion moved by the Shadow Attorney-General and Shadow Minister for Justice put. The LNP Chairperson stated, as outlined in the transcript:

> *CHAIR: "I move that we do not move to a private meeting. All those in favour? All those against?"*[27]

Ultimately the committee went into a private hearing about the matter, which is reflected in the transcript.

The transcript outlines that the proceedings were suspended from 12.17pm to 12.19pm, with the LNP Chairperson resuming the meeting by saying:

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[22] https://documents.parliament.qld.gov.au/events/han/2025/2025_04_01_WEEKLY.pdf
[23] Ibid.
[24] https://www.fight4qld.com/post/a-statement-from-labor-opposition-leader-steven-miles
[25] https://www.parliament.qld.gov.au/Work-of-the-Assembly/Sitting-Dates/Dates
[26] https://documents.parliament.qld.gov.au/com/JICSC-CD82/MQSACATAB2-9E30/Transcript%20-%2028%20April%202025%20-%20JIC%20-%20Hearing%20-%20Inquiry%20into%20the%20Making%20Queensland%20Safer%20(Adult%20Crime,%20Adult%20Time)%20Amendment%20Bill.pdf
[27] Ibid.

> *CHAIR: "My apologies for that interruption. We will move to a question from the member for Thuringowa."*[28]

In addition, on Monday, 12 May 2025, the Queensland Opposition renewed its public call on behalf of all stakeholders, including legal experts and frontline organisations, for the Expert Legal Panel advice to be made public.[29]

It is understood that the Crisafulli LNP Government noted the Queensland Opposition calls as senior members of the Crisafulli LNP Government, including Premier David Crisafulli commented on the calls. However, the Expert Legal Panel's advice was not released.

At the time of writing this Statement of Reservation the Expert Legal Panel advice provided to the Crisafulli LNP Government and relied upon for the creation of the Bill has not been released.

This is despite the explanatory notes of the Bill stating:

> *"The Bill adds a further 20 offences (including three where only certain aggravated forms of the offences are prescribed) to the existing 13 offences which are of concern to the community,* ***following advice from an Expert Legal Panel*** *about offences that cause most harm to individuals and to the community more broadly."*[30]

And that the *"Expert Legal Panel conducted consultation with stakeholders".*[31]

It is unclear who the Expert Legal Panel consulted with. This is because many stakeholders who appeared before the committee were asked if they had submitted to the Expert Legal Panel process or had seen the advice produced by the LNP's Expert Legal Panel and in the overwhelming majority of cases the stakeholder had not made a submission or was consulted. And in all occasions they had not seen the advice from the Expert Legal Panel.

So, it begs the question, who did the LNP's handpicked Expert Legal Panel consult with?

If the advice from the Crisafulli LNP Government's handpicked Expert Legal Panel is so good that the Crisafulli LNP Government is relying on it to change the laws in Queensland, then Queenslanders deserve the right to know what advice was provided. This is important because in other situations, such as when the government has implemented recommendations of the Queensland Sentencing Advisory Council, the evidence relied upon by the government for the legislation is published and in the public domain for all to see.

Queenslanders were told by the Crisafulli LNP Government that their first tranche of laws introduced and passed in 2024 would solve youth crime by Christmas last year. However, we have seen certain crime rates go up, particularly in North Queensland and Far North Queensland.

We have also seen the Crisafulli LNP Government go into the Legislative Assembly of the Queensland Parliament and move amendments to fix unintended consequences in their first bill last year, which the Crisafulli LNP Government botched.

It is therefore vitally important that the Crisafulli LNP Government releases their Expert Legal Panel advice, so that Queenslanders can see how the laws are derived and how they will fulfil the policy intentions of the government to reduce victims' numbers and support community safety.

To not release the Expert Legal Panel advice at the start of the process is shameful and is disingenuous of acting in good faith and bringing Queenslanders along with the government on the legislative journey. But to continue to not release the Expert Legal Panel advice after multiple calls by the Queensland Opposition,

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[28] Ibid.
[29] https://www.fight4qld.com/post/lnp-must-release-secret-expert-advice
[30] https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5825T0283/5825t283.pdf
[31] Ibid.

stakeholders and frontline organisations is a prime example of how the Crisafulli LNP Government is governing in secrecy.

It is time that the Crisafulli LNP Government throws open the curtains on the Expert Legal Panel and let the sunshine in on their Panel's advice.

PROPOSED NEW OFFENCES – DATA

After questioning from the Member for Maiwar, the Department of Youth Justice and Victim Support provided the number of proven finalisations per year for youth offenders over the past five years, in respect of the proposed new offences within the legislation. This is despite the Member for Maiwar asking for figures for the past ten years, which was ignored by the Crisafulli LNP Government.

The data provided by the Department of Youth Justice and Victim Support shows that many of the proposed offences within the Bill have either not been used to charge youth offenders at all in the past five years or have only single digits of proven offences.[32]

5 years - Data on proposed new offences

Number of proven finalisations per year – Youth offenders (10-17 years)

Number of proven offences per year, over the last 5 years (1 September 2019 to 31 August 2024)

ACAT Offence Category		Section	2020	2021	2022	2023	2024
Criminal Code:							
Going armed so as to cause fear		s69	57	101	143	145	124
Threatening violence		s75	83	84	101	116	108
Attempt to murder		s306	-	-	-	-	2
Accessory after the fact to murder		s307	-	-	-	-	-
Assaulting a pregnant person and killing, or doing grievous bodily harm to, or transmitting a serious disease to the unborn child		s313(2)	-	-	-	-	-
Torture		s320A	1	1	1	2	4
Damaging emergency vehicle when operating motor vehicle*		s328C	-	-	-	-	-
Endangering police officer when driving motor vehicle*		s328D	-	-	-	-	-
Rape		s349	30	33	32	30	21
Attempt to commit rape		s350	3	6	1	6	3
Assault with intent to commit rape		s351	-	-	-	1	-
Sexual assault – *involving any part of the mouth, or while armed, in company, or involving penetration* **		s352(2) & (3)	1	1	-	-	-
Kidnapping		s354	-	-	-	-	1
Kidnapping for ransom		s354A	-	-	-	-	-
Deprivation of liberty		s355	8	20	6	13	18
Stealing	of a vehicle	s398.12	10	13	28	49	30
	firearm for use in other indictable offence	s398.14	-	-	-	-	-
Attempted robbery – *armed or in company, or armed and with violence* **		s412(2) & (3)	112	123	81	133	131
Arson		s461	23	13	25	25	15
Endangering particular property by fire		s462	18	12	9	5	5
Drugs Misuse Act 1986:							
Trafficking in dangerous drugs		s5	10	12	7	9	5

* Criminal Code sections 328C and 328D were only introduced in August 2024.
** In practice the included variations of these offences are commonly charged together.

In fact, the evidence provided to the committee by Katherine Hayes from the Youth Advocacy Centre stated:

> *"In recent weeks, we have spent a bit of time drilling down into the available police data. What we can see is that arson seems to have dropped.*
>
> *Theft is definitely going up so that I can see a bit of logic there—if that is the logic behind it, but we do not know. Drug trafficking: six kids and they are mostly dealt with under adult.*
>
> *It is really unclear to us why these offences were included, particularly the five or six that already have life imprisonment as an available option for sentencing.*
>
> *For us, and I think the sector and probably the public generally, it would be great to understand why those 20 offences have been included."*[33]

[32] https://documents.parliament.qld.gov.au/com/JICSC-CD82/MQSACATAB2-9E30/250501%20-%20YJVS%20-%20Question%20on%20Notice%20response.pdf
[33] https://documents.parliament.qld.gov.au/com/JICSC-CD82/MQSACATAB2-9E30/Transcript%20-%208%20May%202025%20-%20JIC%20-%20Hearing%20-%20Inquiry%20into%20the%20Making%20Queensland%20Safer%20(Adult%20Crime,%20Adult%20Time)%20Amendment%20Bill.pdf

This release of data, coupled with calls from experts and frontline organisations, supports the need for the Crisafulli LNP Government to release the Expert Legal Panels advice regarding why the twenty new offences were chosen and included in the current Bill.

- **Youth Advocacy Centre** stated: "*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."*[34]

- **PeakCare** stated: "*PeakCare recommends that the formal advice provided by the Expert Legal Panel, established to inform this legislation and determine the offences to be included, be made publicly available. Transparency around the rationale for selecting specific offences, along with the Panel's expert opinions/views on how increased incarceration periods are expected to enhance community safety, is essential to ensuring public confidence and evidence-based lawmaking."*[35]

- **Queensland Council of Social Service** stated: "*In order to facilitate greater transparency on why an expansion to "Adult Crime, Adult Time" is being pursued, we call for the public release of the advice provided by the Expert Legal Panel who were tasked with reviewing expansion of the policy."*[36]

- **Hub Community Legal** stated**:** "*It is of concern that there does not seem to be any particular rationale for determining which offences constitute an 'Adult Crime'."*[37]

While the Queensland Opposition notes that one offence is one too many, it is vital that Members, elected to represent their 93 constituencies across Queensland, are provided with the full facts in respect of how legislation has been derived and, in this case, why certain offences were included, despite their little-to-no convictions over the past five years.

SUPPORT FOR VICTIM-SURVIVIORS

Supporting victims of crime and victim-survivors is vital.

There is no dispute from anyone in the Legislative Assembly of the Queensland Parliament that resources and legislation should be provided to ensure that there are supports available. That is why the previous Labor Government invested heavily to support victims and established the Office of the Queensland Victims Commissioner to advocate for victims right across Queensland.

During the introductory speech for the Bill, statements from Premier David Crisafulli included:

> *"… reduce the number of victims in our community…"*
>
> *"… the commitment of this government to victims and the safety of our community is paramount…"*
>
> *"our government is putting victims at the heart of our plans for a safer Queensland."* [38]

It then begs the question, why the LNP Attorney-General and Minister for Justice and Minister for Integrity has not progressed any of the recommendations provided to the Crisafulli LNP Government in December last year from the Queensland Sentencing Advisory Council (QSAC) report entitled *'Sentencing of Sexual Assault and Rape: The Ripple Effect'.*

[34] https://documents.parliament.qld.gov.au/com/JICSC-CD82/MQSACATAB2-9E30/submissions/00000041.pdf
[35] https://documents.parliament.qld.gov.au/com/JICSC-CD82/MQSACATAB2-9E30/submissions/00000023.pdf
[36] https://documents.parliament.qld.gov.au/com/JICSC-CD82/MQSACATAB2-9E30/submissions/00000026.pdf
[37] https://documents.parliament.qld.gov.au/com/JICSC-CD82/MQSACATAB2-9E30/submissions/00000028.pdf
[38] https://documents.parliament.qld.gov.au/events/han/2025/2025_04_01_WEEKLY.pdf#page=60

In respect of rape and sexual assault, which are offences proposed to be included in the Adult Crime, Adult Time sentencing framework under this legislation, the written submission from the Victims' Commissioner stated:

> *"Inclusion of these offences in the Adult Crime, Adult Time scheme alone are unlikely to meet the community's expectations of adequate sentencing for such offences committed by children and young people.*
>
> *I say this in light of the findings of QSAC report which found that penalties currently imposed on adults for rape 'do not adequately reflect the seriousness of this form of offending and the purposes of sentencing, including punishment, denunciation and community protection - particularly as these relate to offences against children'."*[39]

The Victims' Commissioner recommended that elements of the Queensland Sentencing Advisory Council's report *Sentencing of Sexual Assault and Rape: The Ripple Effect* be implemented, which would support victims.

If this government is truly about accepting advice from experts, they should progress the amendments from QSAC with priority. Or is the Crisafulli LNP Government only interested in progressing expert advice, which is provided in secret to the Crisafulli LNP Government, rather than that which is published by an independent and reputable body?

The Victims' Commissioner in their testimony to the committee during a public hearing stated:

> *"An alleged offender has a defence attorney and the state has a Crown prosecutor, but a victim of crime needs to navigate all of this as a witness or a complainant on their own. I think there is a lot to do in terms of getting the balance right."*[40]

As such, it is important that the Queensland Government continue to invest in support services and also listen to the experts, who do publicly provide their advice to Queenslanders, including from the Victims' Commissioner, so that adequate support services are provided to victims of crime in Queensland.

EARLY INTERVENTION PROGRAMS

Early intervention programs and proper investment in those programs is key to breaking the cycle of crime.

In respect of written submissions to the committee, stakeholders stated:

- **Justice Reform Initiative** stated: "*We also acknowledge the Queensland Government has also committed to investing in programs that show promise in steering children away from the current failed youth detention system such as the Staying on Track Program and alternative sentencing options through circuit breaker sentencing.*

  However, these programs are yet to be implemented and it is unclear whether they will have the desired therapeutic components and outcomes. Expanding punitive responses that are not grounded in the evidence of what works risks compromising the Queensland Government's return on investments in solutions that are founded in the evidence of what works to improve community safety and reduce victimisation." [41]

- **PeakCare** stated: "*Expanding the use of detention without corresponding investment in early intervention, prevention and the supporting infrastructure of the legal and court systems will continue to result in more children being held in adult watchhouses for extended periods."*

[39] https://documents.parliament.qld.gov.au/com/JICSC-CD82/MQSACATAB2-9E30/submissions/00000035.pdf
[40] https://documents.parliament.qld.gov.au/com/JICSC-CD82/MQSACATAB2-9E30/Transcript%20-%2028%20April%202025%20-%20JIC%20-%20Hearing%20-%20Inquiry%20into%20the%20Making%20Queensland%20Safer%20(Adult%20Crime,%20Adult%20Time)%20Amendment%20Bill.pdf
[41] https://documents.parliament.qld.gov.au/com/JICSC-CD82/MQSACATAB2-9E30/submissions/00000008.pdf

> *"Investing in early intervention is not only more effective but also more cost-efficient than attempting to remedy harm later. As the Brighter Beginnings: The First 2000 Days report shows, for every $1 invested in early interventions, governments save $13 across education, health, justice, and welfare supports."*[42]

- **Voice for Victims** stated: "*Voice for Victims is a strong advocate for an overhaul of youth detention options in Queensland and an expansion of early intervention programs.*

  Victims recognise penalties alone will not fix Queensland's youth crime crisis, and in addition to harsher sentences imposed on the worst offenders, we must engage actively in prevention, early intervention, diversion and rehabilitation both at the pre and post-custody stage, as well as during court processes along with a continuum of intensifying consequences, including detention.

  Whilst in detention, we must see a focus on education, vocational training, skills development, work opportunities, developing pro-social peer groups and community reintegration.
  Much also must be done to intervene in family systems that are broken and dysfunctional. We must provide structured options and opportunities for graduated and supervised release with alternate placement and accommodation options away from the environments that led to the offending."[43]

- **Victims' Commissioner** stated: "*Victims rightfully expect genuine, meaningful effort to be made to increase protections and reduce the risk of harm to others. This includes identifying and managing the factors which contribute to the 'pipeline' of young people who commit offences, and requires a focus on primary prevention and early intervention towards those factors which increase a child's risk of engaging in offending behaviour."*[44]

- **Queensland Aboriginal and Torres Strait Islander Child Protection Peak** stated: "*QATSICPP is concerned that the legislative focus on punishment diverts attention and resources away from early intervention and diversion. In the absence of adequate investment in the social, emotional, and cultural wellbeing of children and their families, harsher sentencing will continue to address the symptoms of offending rather than its underlying causes."*[45]

- **Queensland Law Society** stated: "*At a minimum, the Society urges the Government to prioritise intervention and rehabilitation approaches such as culturally appropriate diversion programs, education and training and family support services that are well known to breaking the cycle of offending and reducing reliance on custodial sentences."*[46]

Upon questioning by the Queensland Opposition during the public briefing, the Director-General of the Department of Youth Justice and Victim Support did not really provide a clear answer. The Shadow Minister for Youth Justice asked: *"is this statement correct: not including funding allocated by the former Labor government, no new money has been provided to an organisation – I say 'provided' – to deliver rolled-gold early intervention?"* Mr Gee responded:

> *"I will say this: additional funding has been provided to the department. We could not be in the market and be in a procurement process for Staying on Track, Regional Reset and Kickstarter as part of the Gold Standard Early Intervention program—*

[42] https://documents.parliament.qld.gov.au/com/JICSC-CD82/MQSACATAB2-9E30/submissions/00000023.pdf
[43] https://documents.parliament.qld.gov.au/com/JICSC-CD82/MQSACATAB2-9E30/submissions/00000029.pdf
[44] https://documents.parliament.qld.gov.au/com/JICSC-CD82/MQSACATAB2-9E30/submissions/00000035.pdf
[45] https://documents.parliament.qld.gov.au/com/JICSC-CD82/MQSACATAB2-9E30/submissions/00000038.pdf
[46] https://documents.parliament.qld.gov.au/com/JICSC-CD82/MQSACATAB2-9E30/submissions/00000048.pdf

> *There is at least one in Rockhampton and one in Townsville. I cannot remember the figures. I think it is $150,000 provided to an organisation in Rockhampton and I will check—*
>
> *…*
>
> *Funding has been provided to at least two organisations, but the vast bulk of that $485 million or half a billion to come is across the forwards—I think it is more than that in the forwards. Over half a billion, of course, is in a tender process at the moment."*[47]

It is understood from the Director-General of the Department of Youth Justice and Victim Support's response, that very limited amount of new funds has been provided to unnamed organisations in two locations, and the bulk of the money allocated in the forward estimates has not been spent.

As such, it can be deduced that the early intervention programs which the Crisafulli LNP Government is currently relying upon are the programs procured and funded by the former Labor Government. While it is noted that the procurement process for the "rolled gold early intervention" programs has commenced, for it is understood two programs, this will not be completed in the near future, and it is disappointing that the Crisafulli LNP Government is dragging their heals with this important and vital investment.

Premier David Crisafulli himself, during the introductory speech of this legislation stated: *"The laws are bolstered by investment in early intervention and rehabilitation to break the cycle of youth crime and ultimately reduce the number of victims, because that is what this is all about."*[48]

It is unclear where these early intervention and rehabilitation programs are. While the Crisafulli LNP Government has commenced a tender process for new early intervention programs, the programs are not up and running and do not exist. Therefore, it appears disingenuous and borderline misleading to state the laws are being bolstered by investment in early intervention and rehabilitation, when it appears nothing has been delivered.

INFRASTRUCTURE CAPACITY ISSUES

The Director-General of the Department of Youth Justice and Victim Support during the public briefing stated:

> *"Having said all of that, it is too early, in the department's view, to model with precision the impact of these laws."*
>
> *…*
>
> *"There are more decisions around probation—very small numbers—and our very strong view in the department is it will take 12 months to two years to provide accurate modelling. Simply put, for matters to get to the higher courts, it takes nine to 10 months. I do not want to take up too much time, but essentially what I am saying is that there is a need to keep a close eye on infrastructure and how it is provided."*[49]

It is concerning to hear that the Crisafulli LNP Government's department charged with the responsibility for providing Youth Detention Centres appears not to be able to undertake any accurate modelling regarding capacity issues as a result of the previous and potentially new laws for some time.

[47] https://documents.parliament.qld.gov.au/com/JICSC-CD82/MQSACATAB2-9E30/Transcript%20-%2028%20April%202025%20-%20JIC%20-%20Briefing%20-%20Inquiry%20into%20the%20Making%20Queensland%20Safer%20(Adult%20Crime,%20Adult%20Time)%20Amendment%20Bill.pdf
[48] https://documents.parliament.qld.gov.au/events/han/2025/2025_04_01_WEEKLY.pdf#page=60
[49] https://documents.parliament.qld.gov.au/com/JICSC-CD82/MQSACATAB2-9E30/Transcript%20-%2028%20April%202025%20-%20JIC%20-%20Briefing%20-%20Inquiry%20into%20the%20Making%20Queensland%20Safer%20(Adult%20Crime,%20Adult%20Time)%20Amendment%20Bill.pdf

After trying to avoid answering the question, the Department of Youth Justice and Victim Support during the public briefing finally conceded and stated that *"For Wacol, 16 months. For Woodford 3 and a half to four years".*[50]

This was in respect of the line of questioning from the Shadow Minister for Youth Justice regarding how long it takes for a youth detention centre to be planned and built.

The Crisafulli LNP Government has been in government for just over six months. Therefore, it is clear that the Wacol Youth Remand Centre was commissioned by the former Labor Government and has recently come online to support the youth justice system.

The evidence received by the Department of Youth Justice and Victim Support during the public briefing is alarming on two accounts. The first that there will be no accurate modelling regarding the new laws for potentially 12 months to two years. The second is that it takes up to four years to bring a new youth detention centre online. These two facts coupled together is alarming as it is clear that the new laws from this Bill and the previous laws introduced in December 2024 will cause capacity issues in the existing infrastructure.

For the Director-General of the Department of Youth Justice and Victim Support to say *"… there is a need to keep a close eye on infrastructure and how it is provided,"* is the understatement of the century.

However, later on in the same hearing the Director-General of the Department of Youth Justice and Victim Support, after questioning from the Shadow Attorney-General and Shadow Minister for Justice regarding modelling on detention capacity impacts, the Director-General of the Department of Youth Justice and Victim Support said:

> *"I am not at liberty to divulge anything that would be part of the budget process.*
>
> *I think it would be naive to suggest that any department did not model, and I have said this many times in this environment. We continue to model, but that modelling, of course, generally ends up within a budget process.*
>
> *…*
>
> *It is not a simple yes or no answer. Whilst I am around, we model every day the impacts of what is happening."*[51]

So, on one hand the Department of Youth Justice and Victim Support is saying it is *"too early, in the department's view, to model with precision the impact of these laws"*, but then on the other, the department is saying that they "…*model every day the impacts"* and referred to the budget process.

In the hearing on Thursday 8 May 2025, the Acting Director, Strategic Policy and Legislation Branch of the Queensland Police Service similarly said:

> *"I can confirm that consideration has been given to the impact on watch house capacity for the first tranche of the Making Queensland Safer Laws.*
>
> ...
>
> *It is too early to determine whether there has been a significant impact as a result of the earlier tranche of these laws to identify if there will be any significant impact following the introduction of these other laws, noting that there are a number of factors that can play into this.*
>
> *I do note that there has been increased capacity in the Wacol Youth Remand Centre that will help alleviate and get young people out of watch houses faster. Certainly the QPS works diligently with all of our partner agencies to ensure children spend the least amount of time in watch houses as*

[50] Ibid.
[51] https://documents.parliament.qld.gov.au/com/JICSC-CD82/MQSACATAB2-9E30/Transcript%20-%2028%20April%202025%20-%20JIC%20-%20Briefing%20-%20Inquiry%20into%20the%20Making%20Queensland%20Safer%20(Adult%20Crime,%20Adult%20Time)%20Amendment%20Bill.pdf

> *possible and we can have them in more appropriate places. I do not believe there is appropriate modelling that could be done to really predict the impact of these offences with any kind of true accuracy."*[52]

It is therefore unclear once again what the Crisafulli LNP Government is doing and another example of how the Crisafulli LNP Government is governing in secret.

It is vital that investment in youth detention centres is provided to ensure the safety of the workers within these centres. As the Australian Workers' Union outlined in their submission:

> *"While the AWU supports these goals in principle, we are concerned these reforms may shift violent crime off our streets and into our members' workplaces without the necessary staffing or infrastructure to accommodate it.*
>
> *Queensland's Youth Detention Centres are running at constant capacity. Our members do not currently have the staffing resources to safely run these facilities day-to-day, let alone provide consistent access to education or meaningful rehabilitation programs.*
>
> *With this Bill set to increase the number of young people in the system carrying longer sentences, we foresee a surge in detainees entering a system that is already stretched to its limits. This raises a series of concerns about how the Queensland Government plans to accommodate this influx."*[53]

It is apparent from the testimony of the Department of Youth Justice and Victim Support that there might not be enough planning or resources provided to support the hardworking and dedicated frontline staff at the youth justice facilities.

It is important that the Crisafulli LNP Government listens to the workers and provides them with the necessary resources, supports and infrastructure to facilitate not only an effective youth justice system, but also a safe working environment for the workers.

However, from an infrastructure perspective it is not only youth detention centres that need to be considered, but also police watchhouses. While it is noted that during the public briefing the Department of Youth Justice and Victim Support outlined the low numbers of youths being held in watchhouses that day, historically there has been a requirement to utilise watchhouses, due to a variety of reasons.

As the Queensland Police Union outlined in their submission:

> *"…the QPU again flags the potential for increased or sustained detention capacity issues at Queensland Police Service (QPS) watchhouses. Young offenders remanded in custody or sentenced to a period of detention are held in QPS watchhouses until there is availability in a detention centre. Youth detention centres are continually over capacity and young offenders are often held in QPS watchhouses for lengthy periods.*
>
> *There is universal agreement that police watchhouses are not suitable for the extended detention of young people. Police watchhouses are unable to provide the level of care and support that is present in a youth detention centre."*[54]

While the Queensland Police Union did note that the new Wacol Youth Remand Centre (which was commissioned by the former Labor Government) may alleviate any impacts on watchhouses, they did say that they acknowledged the government's commitment to monitor the demand and impacts and respond through the normal budget process.

[52] https://documents.parliament.qld.gov.au/com/JICSC-CD82/MQSACATAB2-9E30/Transcript%20-%208%20May%202025%20-%20JIC%20-%20Hearing%20-%20Inquiry%20into%20the%20Making%20Queensland%20Safer%20(Adult%20Crime,%20Adult%20Time)%20Amendment%20Bill.pdf
[53] https://documents.parliament.qld.gov.au/com/JICSC-CD82/MQSACATAB2-9E30/submissions/00000047.pdf
[54] https://documents.parliament.qld.gov.au/com/JICSC-CD82/MQSACATAB2-9E30/submissions/00000020.pdf

However, the Queensland Opposition does not share the same optimism regarding infrastructure investment, based on the testimony of the Department of Youth Justice and Victim Support during the committee process. It is unclear, whether the department is undertaking modelling or not, and any investment in capital infrastructure is years in the making.

On the subject of watchhouses, it is unclear when Queenslanders will see the outcome of the Queensland Police Service watchhouse review. This review is important and will no doubt have impacts on facilities, capacity and operational issues. All of these issues need to be looked at as a whole, and it is time the Crisafulli LNP Government release the review and not hide it like the Expert Legal Panel advice.

It is clear that there will be capacity issues at youth detention centres and even watchhouses in Queensland.

It is also clear that while the Crisafulli LNP Government continue to monitor the situation, they are delaying the delivery of new infrastructure which will be needed.

The evidence heard at the hearing is that it takes up to four years to build a youth detention centre. So, it begs the question, where are the new facilities being built? Where is the Cairns facility?

With the apparent lack of modelling occurring in respect of the new laws, coupled with the lead time to build new infrastructure such as the Woodford facility, there appears to be no capacity in the system to deal with any uplift required in the facilities.

VICTIM NUMBERS

Premier David Crisafulli has clearly stated that he will resign as Premier of Queensland if victim numbers do not fall.

Premier David Crisafulli also stated that he wanted to see victim numbers go down, year on year.

As outlined in the statement of reservations for the previous Act, during a leaders debate during the 2024 State General Election, the then Leader of the Liberal National Party, now Premier David Crisafulli answered *"you bet"* to a question from a respected Nine News television journalist who asked:

> *"Opposition Leader, your biggest campaign promise is that crime will be lower under the LNP, and there will be fewer year on year. If you're elected, if you fail to do that, will you resign as Premier?"*

During that debate and other times during the 2024 State General Election campaign the now Premier, David Crisafulli went on to quote statistics from the Australian Bureau of Statistics data.

On Thursday, 28 November 2024 in the Legislative Assembly of the Queensland Parliament in respect to a question without notice, Premier David Crisafulli stated: *"I am asked whether or not I accept accountability for victim numbers going down. The answer is yes".*[55]

But how is the Crisafulli LNP Government counting victim numbers. It is clear for the Queensland Opposition, and indeed all Queenslanders, that if you are a victim of crime in Queensland, you are a victim and you should be heard and counted.

However, during the public hearings of the previous Act in 2024, the Director-General of the Department of Youth Justice and Victim Support, let the cat out of the bag when he stated: *"I know that the government will announce how it intends to count the number of victims in the near future. That is a matter for whole-of-government consideration".*[56]

During the introductory speech of the Bill, Premier David Crisafulli stated, *"our government is putting victims at the heart of our plans for a safer Queensland"*; however, it is still unclear if the Crisafulli LNP

[55] https://documents.parliament.qld.gov.au/events/han/2024/2024_11_28_WEEKLY.pdf
[56] https://documents.parliament.qld.gov.au/com/JICSC-CD82/IMQSB2024-B002/JICSC%20PB%20241202%20MQSB2024.pdf

Government is changing the way that victims in Queensland are recorded and reported, and it is time that the Crisafulli LNP Government provide regular reports on this matter.[57]

It was clear in 2024 during the previous debate, and it is clear now, that Queenslanders deserve open and transparent information and data and it is important that regular data is published to ensure that Queenslanders can hold Premier David Crisafulli and the Crisafulli LNP Government to account.

DATA TRANSPARENCY

It has been reported a number of times that Premier David Crisafulli has promised to set serious Key Performance Indicators (KPIs) for the Ministers of the Crisafulli LNP Government. One such KPI was publicly declared before the election, whereby Premier David Crisafulli would resign if victim numbers do not go down.

To ensure that the Crisafulli LNP Government is held to account and more importantly, to ensure that Queenslanders have confidence in the policy settings of government to ensure community safety, it is important that community safety data is consistent and published regularly.

It was therefore concerning to hear the testimony from the Director-General of the Department of Youth Justice and Victim Support where he stated in respect of release of quarterly data on department website: *"I do not expect us to be in a state to provide the traditional data for at least another six months".*[58]

The Director-General of the Department of Youth Justice and Victim Support stated that:

> *"The former government invested a considerable amount of money and the new system is called Unify. The first release was done. The second release occurred a week before caretaker. Unify still has work to do. It is a work in progress."*[59]

While it is noted that the system is still being worked through, it is also clear from the testimony of the Director-General of the Department of Youth Justice and Victim Support that investment was provided by the former government and it is understood at least two releases of data has occurred via the new system, demonstrating that the system is capable of compiling the data for release to the Queensland public.

It therefore begs the question why the Crisafulli LNP Government has stopped the release of this youth justice-related data, which was committed to by the former government. To not release this data will mean that Queenslanders are in the dark since September 2024 regarding key youth justice service standards and a myriad of useful data which was published in the youth justice pocket stats.

During the course of the committee's deliberations of the Bill, the Crisafulli LNP Government has released a variety of cherry-picked data regarding youth justice and community safety matters. On Monday 28 April 2025, the Courier Mail reported data in respect of cases lodged in the Children's Court. Under questioning by the Shadow Attorney-General and Shadow Minister for Justice regarding that data, the Director-General of the Department of Youth Justice and Victim Support stated:

> *Mr Gee: "What I am saying is that the data that was referred to today and is the subject of a Courier Mail article is data held by the Department of Justice."*
>
> *Ms SCANLON: "It is not public? "*
>
> *Mr Gee: "Not to my knowledge, no, but I am aware of it …"*[60]

[57] https://documents.parliament.qld.gov.au/events/han/2025/2025_04_01_WEEKLY.pdf#page=60
[58] https://documents.parliament.qld.gov.au/com/JICSC-CD82/MQSACATAB2-9E30/Transcript%20-%2028%20April%202025%20-%20JIC%20-%20Briefing%20-%20Inquiry%20into%20the%20Making%20Queensland%20Safer%20(Adult%20Crime,%20Adult%20Time)%20Amendment%20Bill.pdf
[59] Ibid.
[60] https://documents.parliament.qld.gov.au/com/JICSC-CD82/MQSACATAB2-9E30/Transcript%20-%2028%20April%202025%20-%20JIC%20-%20Briefing%20-%20Inquiry%20into%20the%20Making%20Queensland%20Safer%20(Adult%20Crime,%20Adult%20Time)%20Amendment%20Bill.pdf

In respect of the formerly released data, when asked by the Shadow Attorney-General and Shadow Minister *"…but it was a commitment to do it quarterly. Are you saying that it will not be released quarterly under the new government at this point?"* the Director-General of the Department of Youth Justice and Victim Support responded, *"that is a matter for the government."*[61]

It is clear that the Crisafulli LNP Government are selectively using data that suits their narrative, not publishing consistent data and not using data which is regularly published in the public domain. It is time that the Crisafulli LNP Government publish all of the data sets that they are relying on in the public realm on a consist basis, so that all Queenslanders are able to have the full facts.

The question therefore is, how is the LNP's Minister for Youth Justice and Victim Support achieving their objectives outlined in their charter letter. In particular their key portfolio deliverable of *"increase transparency of reporting on youth justice"*.[62]

Premier David Crisafulli in an answer to a Question on Notice in 2024, stated that *"each Director-General's KPIs and goals are as set out in the Ministerial Charter Letter issued to their Minister. Directors-General are responsible for working with their Minister to deliver on the Charter Letter commitments within their responsibility"*.[63]

While the Director-General of the Department of Youth Justice and Victim Support may wish to state that reporting of data is a *"… matter for the government"* (as outlined above), it is clear that their KPI also is to increase transparency of reporting on youth justice.

As such, important questions remain unanswered.

When did the Director-General of the Department of Youth Justice and Victim Support brief their LNP Minister for Youth Justice and Victim Support that they would be reducing public reporting of data and information in the youth justice portfolio?

When did the LNP Minister for Youth Justice and Victim Support inform Premier David Crisafulli about the decrease in transparency of reporting on youth justice data?

And what has Premier David Crisafulli done as a consequence of his LNP Minister and Director-General's failure to meet their KPIs?

UNINTENDED CONSEQUENCES

LNP Premier David Crisafulli stated in the introductory speech that *"before Christmas, we passed the first tranche of the Making Queensland Safer Laws to implement Adult Crime, Adult Time for youth offenders."*[64]

As was outlined by the Queensland Opposition and many stakeholders, experts and frontline organisations at the time, those laws were rushed through the Queensland Parliament.

The laws considered in 2024 were drafted quickly, the parliamentary committee processes was truncated, and the laws were rushed through the Legislative Assembly of the Queensland Parliament, resulting in unintended consequences. The Crisafulli LNP Government is admitting to these unintended consequences through this legislation, in addition to the amendments moved by the LNP Attorney-General and Minister for Justice and Minister for Integrity in an unrelated bill during the recent sitting week.

During the recent sitting of the Queensland Parliament, the LNP Attorney-General and Minister for Justice and the Minister for Integrity dropped a number of unrelated amendments to the Crime and Corruption Bill debate, including amendments to the *Youth Justice Act 1992* to fix matters in respect of the *Making Queensland Safer Act 2024*, in particular, in relation to section 6.

[61] Ibid.
[62] https://cabinet.qld.gov.au/ministers-portfolios/assets/charter-letter/laura-gerber.pdf
[63] https://documents.parliament.qld.gov.au/tableoffice/questionsanswers/2024/1129-2024.pdf
[64] https://documents.parliament.qld.gov.au/events/han/2025/2025_04_01_WEEKLY.pdf#page=60

While the act of moving unrelated amendments is not a new phenomenon, it must be clearly stated that the LNP Attorney-General and Minister for Justice and the Minister for Integrity was the Minister responsible for the passage of the *Making Queensland Safer Act 2024*, and their action of coming into the Legislative Assembly of the Queensland Parliament and moving amendments to that Act during the recent sitting week, clearly demonstrates that they rushed the laws, they got elements of their laws wrong, and the laws that they rushed through, clearly had unintended consequences.

The fact that attempted murder was not included in the laws in 2024 and now it appears in the Bill is another indication that the Crisafulli LNP Government rushed and botched their original laws. It is understood from multiple whistle-blowers to the Queensland Opposition that the Crisafulli LNP Government was blaming each other internally for the non-inclusion of attempted murder in the original laws.

LEGISLATIVE REVIEW

To ensure that laws in Queensland are working and effective, they must be properly reviewed. The *Making Queensland Safer Act 2024* did not include a review mechanism. The current Bill does not either. These laws are significant and have and are changing the justice landscape in Queensland.

Therefore, similar to other significant legislation which has been considered by the Legislative Assembly of the Queensland Parliament, it is vitally important that a mandated review be enshrined in legislation, to ensure that these laws are reviewed at the appropriate time.

Stakeholders such as the Youth Advocacy Centre Inc. have called for a review in their submission, where they have stated "*YAC recommends or an independent review of the effectiveness and consequences of the amendments within 12 to 18 months of the implementation of the Bill."*[65]

The Queensland Victims' Commissioner also recommended that *"an independent statutory review of the Adult Crime, Adult Time sentencing provisions (both the 2024 and 2025 amendments)*" occur.[66]

This legislative review will enable all facets of the laws, including the data to be analysed to understand its effectiveness and to see if they are meeting the communities' expectations and keeping Queenslanders safe.

Ultimately the question for Queenslanders is "is this making me and my family safe?" Given the problems and unintended consequences of the 2024 bill and the lack of ability for the Queensland Opposition, stakeholders, frontline organisations and Queenslanders to see the apparent advice relied upon by the Crisafulli LNP Government from the LNP handpicked Expert Legal Panel, it is prudent and essential that a legislative mandated review of the laws occurs, and that the reviews outcomes is made public.

PIECEMEAL APPROACH

The Crisafulli LNP Government introduced the *Making Queensland Safer Bill 2024* last year. They have now introduced another Bill, the *Making Queensland Safer (Adult Crime, Adult Time) Amendment Bill 2025*. In the intervening periods, they have also introduced legislation, such as the *Youth Justice (Monitoring Devices) Amendment Bill 2025*, a six-page bill, including the cover page etc. which deals with a number change. This could have been dealt with in the *Making Queensland Safer Bill 2024* if the Crisafulli LNP Government were across their brief and genuine about the issue.

While the Queensland Opposition understands and appreciates that legislation is ever evolving and that laws are modernised overtime. It is concerning that there is a pattern of behaviour from the Crisafulli LNP Government to drip feed new laws for political purposes. This approach is vastly different to the preferred approach of legislation which is to introduce comprehensive evidence-based laws to start with, to support programs and investment to support community safety.

[65] https://documents.parliament.qld.gov.au/com/JICSC-CD82/MQSACATAB2-9E30/submissions/00000041.pdf
[66] https://documents.parliament.qld.gov.au/com/JICSC-CD82/MQSACATAB2-9E30/submissions/00000035.pdf

COMMITTEE PROCESS

The parliamentary committee process is an important process to enable parliamentarians on behalf of their communities, and indeed all Queenslanders, the ability to scrutinise legislation before it is considered by the Legislative Assembly of the Queensland Parliament.

It was disappointing to Opposition Members that there was not enough time allocated at hearings for key stakeholders to give evidence. A brief review of the committee public hearings also shows a tendency to give some witnesses more time than others. It was also disappointing that time was not allocated for the Department of Youth Justice and Victim Support to attend the committee again to provide follow up evidence and information, which would benefit the committee process.

It is also normal practice and a prudent way of undertaking legislative review, by ensuring that the relevant department comes back before the committee to answer any new questions out of testimony and submissions, since their original briefing.

The Queensland Opposition thanks the submitters and witnesses who engaged with committee process and also the Queensland Parliamentary service staff, in particular the secretariat of the committee and Hansard for their support during the inquiry.

In addition, the Queensland Opposition members on the committee wish to state that not all committee comments, statements or elements of the committee report align to the views of the Queensland Opposition.

GOVERNMENT DEPARTMENTS AND FRONTLINE ORGANISATIONS

Laws are not the simple fix. If it was, it would have been done by now. We all know that it is the individuals who work every day in our community safety and victims support arena who make our communities safer.

The Queensland Opposition places on record our thanks to the hardworking and dedicated public sector employees right across Queensland, particularly those who are involved in frontline early intervention programs and the youth justice system.

We know that community safety is a multifaceted and multi-targeted approach and there are many non-government organisations who are doing a lot of the heavy lifting to support young Queenslanders in the youth justice system, and also victim-survivors.

The work that you all do, each and every day, is truly remarkable and is appreciated, and on behalf of the Queensland Opposition, we thank you for your work.

CONCLUSION

Queenslanders deserve and expect to be safe in their community.

Queenslanders deserve and expect that their legislature, elected on their behalf, will consider, debate and pass laws which are evidenced based and will advance community safety.

However, just like the Act in 2024, the feedback regarding this Bill continues to be that more information and more evidence from the Crisafulli LNP Government is required to ensure that it is accurately assessed.

As previously outlined, there is no silver bullet – instead, targeted prevention, intervention and detention is required to ensure continued community safety in Queensland.

The Queensland Opposition supports tough evidence-based laws that will protect Queenslanders.

However, any laws need to be coupled with proper investment - not only in early intervention and diversion programs, but the courts, the justice system and detention as well.

To date, we have seen no substantial new investment in early intervention programs in Queensland. What we have seen is the Crisafulli LNP Government release a tender process, with very little investment in programs.

It is also unclear how the Crisafulli LNP Government has derived these new offences.

While the Crisafulli LNP Government continue to hide behind the secret Expert Legal Panel advice, then questions will continue to be asked by the Queensland Opposition, by experts, by frontline organisations and by Queenslanders about how these offences have been derived and what evidence supports their inclusion, which will ultimately support Queensland being a safer community.

If the Expert Legal Panel advice was so good that the Crisafulli LNP Government is relying upon it, then it should have released it by now, so that everyone could have considered it during the committee process.

There are also several infrastructure capacity issues that need to be addressed, which will ultimately be supported by proper modelling. However, it is unclear if the Crisafulli LNP Government is undertaking proper modelling or not. Increased capacity is vital, not only to support any uplift in offenders, but to ensure that the hardworking and dedicated frontline staff are supported.

As previously outlined with the apparent lack of modelling occurring in respect of the new laws, coupled with the lead time to build new infrastructure such as the Woodford facility, there appears to be no capacity in the system to deal with any uplift required in the facilities.

We have already seen unintended consequences arise out of the rushed laws the Crisafulli LNP Government put through the parliament last year. Some of those unintended consequences are being fixed up in this Bill and have already been fixed up by amendments moved by the LNP Attorney-General and Minister for Justice and Minister for Integrity last sitting.

Victims and support for victims is vital and should be at the centre of any laws and investment. It is clear that the government can do much more to support victims, including implementing recommendations from the publicly available advice from the Queensland Sentencing Advisory Council. Rather than govern in secret and rely on secret advice from an Expert Legal Panel.

The Crisafulli LNP Government have form for governing in secret, they still have not released the Cabinet submissions which supported the 2024 version of these laws and they also have not released the 2025 version. In short, what does the Crisafulli LNP Government have to hide?

The Queensland Opposition reserves it right to articulate further views through the second reading debate of the Bill, when it comes on for debate in the Legislative Assembly of the Queensland Parliament.

PETER RUSSO MP
MEMBER FOR TOOHEY
DEPUTY CHAIR OF THE COMMITTEE
SHADOW ASSISTANT MINISTER FOR JUSTICE

THE HONOURABLE DI FARMER MP
MEMBER FOR BULIMBA
SHADOW MINISTER FOR EDUCATION AND THE EARLY YEARS
SHADOW MINISTER FOR YOUTH JUSTICE

Dissenting Report

MICHAEL BERKMAN MP
Member for Maiwar

15 May 2025

Dissenting report - Justice, Integrity and Community Safety Committee Report on Inquiry into the Making Queensland Safer (Adult Crime, Adult Time) Amendment Bill 2025

While the shortcomings of a government controlled portfolio committee system have been clear for some time now (especially in the context of estimates hearings, for example) this inquiry has laid bare how completely partisan the committee processes can be, and undermined any pretence of independence or impartiality in this Committee's legislative inquiry process. The Chair's casting vote on any matter deadlocked between the 3 government and 3 non-government members of portfolio committees affords the Government absolute control over committee proceedings, which is routinely exercised but rarely accounted for in publicly available committee publications. As I've said previously in respect of estimates hearings, the faux scrutiny and accountability created by inquiries such as this risks creating a false sense of security that perhaps does more harm than good.

In my view, this report does not accurately reflect the evidence presented to the committee, nor does it properly interrogate the Government's supposed justification and the legal basis of this legislation.

Most notably, in the preparation of this report:

1. Some committee members have adopted a very selective presentation of the overwhelming evidence against the Bill, and refused to include what I and some submitters consider to be important evidence around the impact of increasing maximum penalties for children, to such an extent that I consider the report is misleading with respect to some evidence presented to the committee;
2. The committee did not hear from the Expert Legal Panel - the body whose advice to Cabinet appears to be the sole justification for this Bill - either by way of summons to appear before the committee or by providing documents to the committee; and
3. The committee did not take independent legal advice, or even seek advice from the Clerk of the Parliament, on a significant question of statutory interpretation under the Human Rights Act 2019 (HR Act) - specifically, whether the override declaration and statement of exceptional circumstances tabled with the Making Queensland Safer Bill 2024 (the 2024 Bill) are sufficient for the purpose of expanding the 'Adult Time, Adult Crime' provisions in this Bill.

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I will address these and other issues further, and attach my dissenting report on the 2024 Bill, which I consider is entirely relevant to the current Bill despite the broader scope of the changes in the 2024 Bill. As various submitters observed, there are only so many ways one can restate the same evidence that ill-conceived legislation like this will ultimately make the community less safe, so I'll largely rely on my earlier dissenting report.

Selective and potentially misleading presentation of evidence

Presenting a false balance - or 'bothsidesism' - in committee reports on unpopular or unjustifiable legislation is certainly not new, and it's absolutely the case in this report that the overwhelming expert evidence is minimised and treated as comparable to individual opinion or personal experience.

For example, numerous submitters, including the Justice Reform Initiative, Youth Advocacy Centre, Human Rights Law Centre, Change the Record, Queensland Human Rights Commission, the Queensland Family and Child Commision, and others, gave evidence that harsher penalties are not an effective deterrent to youth offending. The notional counter evidence presented in the report is nothing of the sort. Rather, it consists of:

- The Queensland Police Union saying "**if**" the penalties act as a deterrent, "then it is a good day";
- A single lawyer (who is also a former police officer), Phil Rennick, providing his own anecdotal assertions, and the observation that increased penalties will "take the main offenders out of the action for a while" - in effect, kids can't offend when they're locked up; and
- Acting Police Commissioner Shane Chelepy, whose actual evidence when asked about deterrence effect of harsher penalties was:
  "I can only draw on my 38 years of policing experience in answering that question. I cannot draw on any research or direct evidence because the laws have been in only a short time. I can say from my experience of 38 years of policing that if recidivist offenders are not in the community then fewer offences are committed."

Perhaps a greater concern is the selective presentation of the available evidence in an attempt to support the Government's position - this is, in my view, so egregious as to misrepresent the evidence in some respects. As I addressed in my dissenting report on the 2024 Bill, the Department has in recent times sought to challenge the long-standing and well understood research that youth detention causes harm, increases reoffending, and is detrimental to community safety as a whole. In addition to the criticism in my earlier dissenting report, it is now clear that **the meta-analysis relied on by the Department[1] does not relate to only youth detention**.

It was brought to our attention, and the Committee considered, that the Department's preferred evidence on the efficacy of youth detention **includes research into people as old as 25 years old** - a completely

[1] Pappas and Dent (2023) "The 40-year debate: a meta-review on what works for juvenile offenders", Journal of Experimental Criminology (2023) 19:1-30.

different cohort to those considered by this Bill and our Youth Justice Act as a whole. This discrepancy was not even acknowledged in the committee's report.

This is, in my view, a glaring omission of significant evidence. It neglects the overwhelming evidence that the detention of children drives higher recidivism and can lead to more serious offending to such an extent that risks misleading the parliament. Indeed, in Queensland we have a >90% recidivism rate within 1 year of leaving detention,[2] and data directly from the Department of Youth Justice shows a 21% increase in serious offending in the 12 months after young people leave Cleveland Youth Detention Centre in Townsville.[3]

Moreover, the committee was presented with new research, published in April 2025 (only last month) in The Lancet and specific to children detained in Queensland's youth justice system, that shows "a markedly increased risk of premature death from largely preventable causes".[4] This evidence conspicuously didn't make the cut in the committee's report.

So much for the Premier's commitment to listen to the experts.

No evidence from the "Expert Legal Panel"

One could be forgiven for assuming that the Government, acting on reliable advice from a panel of experts, would be eager to share that advice and afford the community an opportunity to understand the rationale and evidence in support of such a bold legislative response. You might expect this is especially the case where the legislation overrides Queensland's own Human Rights Act and the international human rights obligations we've adopted as a country.

It is a matter of public record that a motion was put to the committee that sought to bring the Expert Legal Panel before a public hearing to give the committee evidence, their report to Cabinet, and other documents generated by the Panel. Nonetheless, the committee did not receive any evidence from the Expert Legal Panel.

It seems clear from the Explanatory Note to the Bill that the advice from the Expert Legal Panel is the only purported basis for the selection of the 20 new offences for which children will be sentenced as adults. As a number of submitters observed, it is effectively impossible for them or the committee to understand the justification for this Bill without the advice provided by the Panel. Nor can we know what consultation was undertaken in the preparation of the Bill, since the Explanatory Note simply relies on the fact that "[t]he Expert Legal Panel conducted consultation with stakeholders" - it appears no other consultation was undertaken prior to the Bill's introduction.

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[2] Queensland Family and Child Commission (2024) *Exiting Youth Detention: Preventing crime by improving post-release support*.
[3] See answer to Question on Notice No. 1177-2024.
[4] Kinner et al. (2025) *Rates, causes, and risk factors for death among justice-involved young people in Australia: a retrospective, population-based data linkage study*, The Lancet Public Health, Volume 10, Issue 4, e274 - e284

Override declaration and statement of exceptional circumstances

The Minister's Statement of Compatibility provides the following interpretation of the Human Rights Act:

> "The provisions inserted by the amendments are subject to the override declaration in existing section 175A of the YJ Act which provides that the section has effect despite being incompatible with human rights, and despite anything else in the HR Act.
>
> Because the Bill does not contain an override declaration, a statement of exceptional circumstances is not required by section 44 of the HR Act."

There should be no dispute that there are different possible interpretations of the HR Act, which result in different conclusions of whether an override declaration and a statement of exceptional circumstances is required in this instance. An override declaration and a statement of exceptional circumstances, as required under ss43 and 44 of the HR Act, has been included in each previous bill that was incompatible with the HR Act.

It is certainly open to the committee to seek independent legal advice or an opinion from the Clerk of the Parliament on this question of statutory interpretation.

Yet the committee has not taken what I would consider appropriate steps to test the veracity of this interpretation, which I believe to be an abrogation of our responsibility to properly scrutinise the legislation referred to the committee.

I don't have a strong view on which is the correct interpretation, and any failure to provide a statement of exceptional circumstances clearly doesn't affect the validity of the Bill.[5] But, in my view, that's beside the point.

The Government has made clear that this is not the end of their changes to the YJ Act, and that they'll likely add further offences to s175A in future. I strongly recommend that the Parliament seek an opinion from the Clerk of the Parliament on this issue. It is also open for the Parliament to seek independent legal advice from an appropriately qualified expert in statutory interpretation.

Labor must oppose this bad legislation

This Bill, like the 2024 Bill, is baseless, counterproductive legislation that we know will harm children, and do nothing to deter young offenders or reduce recidivism.

Instead, it will drive even worse overcrowding of our youth prisons, that are already understaffed and operating beyond capacity. It will mean youth detention centres are even less likely to "have the staffing

[5] Section 47 of the HR Act provides that "A failure to comply with section 44 in relation to a Bill that becomes an Act does not affect the validity of the Act or any other law."

resources to safely run these facilities day-to-day, let alone provide consistent access to education or meaningful rehabilitation programs."[6]

It will mean more children being locked up and criminalised before the Government's early intervention and prevention programs have even commenced, let alone had a chance to work - programs that the Government has committed to and that experts and advocates actually support.

It will do nothing to abate the media frenzy that both Labor and the LNP have inflamed with their persistent 'tough on crime' rhetoric.

Nobody wants to see more victims of crime, but that's exactly what this bill will cause, even if the offending behaviour is delayed by a few extra years while children are serving longer sentences and experiencing more harm. Tom Allsop, CEO of PeakCare, made this point beautifully:

> "Addressing youth crime is not difficult. It is actually quite simple: you prevent it through effective early intervention and prevention which keeps young people out of harm. You provide the right detention system that actually addresses and reduces recidivism rates, and then you walk alongside young people and their families once they exit so they do not come back. ...
>
> There have been remarks that we might be seeing anecdotally some early successes or at least some pressure being placed on reducing rates of crime. I would suggest the committee reflect on it in the same way that we see the tide drawn out when a tidal wave is coming. What we are seeing right now is the water retracting, but what we will see in the years to come, in the generations that are yet to be before us, is a tidal wave of consequence for the inaction of today. We will have generations of Queenslanders to whom we need to be accountable. In terms of the decisions we are making, for every day we do not invest in prevention and early intervention more victims of crime will exist within Queensland. Every time we put forward bills that do not address the causal factors of crime we do not reduce victim numbers; we make every person in Queensland a victim."

The Government finds itself increasingly painted into a rhetorical corner. The public messaging from the LNP and the purpose of legislation like this is to lock up children for longer - to treat children as adults. Continual references throughout committee hearings to the fact that judges retain some discretion in sentencing decisions under the YJ Act, implying that children aren't likely to actually serve "adult time", seem a weak attempt to distract from the distasteful objective of this bill.

The former government found itself in a similar bind. The headlines about 'removing detention as a last resort' stood in stark contrast to the details of the proposal, wherein Labor sought to comfort us that the legislation would simply reflect the existing judicial decision-making.

[6] Australian Workers' Union of Employees, Queensland - Submission 47.

Such contradictions will only become more pronounced as ever more children are locked up in jails and watch houses - a horrendous outcome that the community is no more willing to accept than increasing victim numbers. Queensland already has the highest incarceration rates in the country and, as we've been consistently warned by all the experts, the problem of youth offending will only worsen as more children are locked up.

There is no end to successive Queensland Governments' punitive approach to youth crime but, sadly, the LNP has given every indication that they will simply continue to get 'tougher', whatever the cost to children and the community.

It's time for Labor to rip off the bandaid and stop supporting bad legislation. Stop making decisions based on fear that the LNP will attack them, because it's not going to stop either way. Give the Government sole responsibility for its own bad laws, and the poor outcomes that we know we'll see as a result.

The Bill should not be passed.

Michael Berkman MP

Attachment

5 December 2024

Dissenting report - Justice, Integrity and Community Safety Committee Report No. 1
Inquiry into the Making Queensland Safer Bill 2024

At the outset, I want to distance myself from the 'committee comment' scattered throughout the report since I substantially or completely disagree with each such comment, and I do not agree with the committee's sole recommendation. This Bill should not be passed.

The new LNP Government has put forward this Bill as the first to progress through Committee, albeit with an obscene reporting deadline of 8 days from its introduction and only 5 days for submissions.

The LNP's glib, 4 word slogan certainly played an outsized role in the recent election. It generated and amplified existing fear and division in the community, and no doubt played some role in the LNP's election to government. But whatever 'mandate' the LNP claims for this Bill (and the absurdly truncated reporting timeframe for this committee's inquiry) cannot justify the passage of such ill-conceived, counterproductive legislation as this Bill. The evidence given at the public hearing by Katherine Hayes, CEO at the Youth Advocacy Centre (YAC), goes to this point:

> "...the mandate has not been provided on an informed, honest debate. All of the statistics show that since the 1990s youth crime has been going down. There are always blips; there are always statistics that can be cherrypicked to show that particular situations arise, but if you take a step back and look at the big picture, youth crime and youth offending is going down.

The LNP election campaign was a masterclass in scaremongering, misinformation and political opportunism.

Despite the very title of this Bill, "Adult crime, adult time" will not make Queensland safer, nor is it intended to. In the words of the Attorney-General:

> "The purposes of the [Adult crime, adult time] amendments are punishment and denunciation", not community safety.

To the contrary, and as detailed below, the credible expert witnesses in the inquiry made clear that this Bill will, in fact, ultimately make Queensland **less** safe.

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Before elaborating on my concerns or considering the serious issues raised by the relevant experts or submitters, the most offensive and regressive elements of the Bill can be reasonably well understood simply by reading the Attorney-General's characterisation of the Bill in the Statement of Compatibility (SoC). According to the AG, this Bill:

- is "in conflict with international standards regarding the best interests of the child";
- "will result in more children who are found guilty of [certain 'adult'] crimes being sentenced to, and spending more time in, detention";
- "will further strain capacity in youth detention centres in Queensland, and may result in children being held in watchhouses for extended periods of time";
- is "expected to have a greater impact on Aboriginal and Torres Strait Islander children, who are already disproportionately represented in the criminal justice system";
- "will lead to sentences for children that are more punitive than necessary to achieve community safety";
- "will, in essence, create a sentencing system where adults are better protected from arbitrary detention than children."[1]

While accepting that these are the consequences of the legislation, the explanatory note to the Bill also acknowledges "that detention is inherently harmful for children and, by extension, the community as a whole." In light of the extrinsic material tabled by the AG, this legislation is self-evidently counterproductive legislation that will harm children, disproportionately impact Indigenous children, take Queensland backwards and ultimately make our community less safe.

"Adult crime, adult time" will make Queensland less safe

As suggested above, the Bill's title is a complete misnomer - the AG even concedes that the ultimate purpose of the Bill is punishment and denunciation, and the LNP Government's intention that more children will be incarcerated for longer.

A number of submitters with various expertise provided evidence on the detrimental impacts of detention on young people, reflecting the long-standing evidence that it causes harm, increases reoffending, and impacts community safety as a whole.

The following four excerpts from submitters make the point clearly:

[1] Statement of Compatibility, Making Queensland Safer Bill 2024, pp4, 5 and 6.

1. ***Dr Joseph Lelliott and others from the TC Beirne School of law, School of Social Science, and Institute of Social Science Research, University of Queensland***

   "There is overwhelming evidence that imposing harsher penalties on offenders, including children, does little to reduce offending. On the contrary, interaction with the criminal justice system is criminogenic: it makes it more likely that children will commit offences. In particular, the use of detention on children does not deter them from future offending. Youth offending is driven by a range of complex factors (individual, societal, environmental etc). Overly lenient judges are not key contributors to youth offending, nor are the numerical penalties attached to offences in the Criminal Code or the length of detention that follows a criminal conviction the key means by which offending is reduced."[2]

2. ***Professor Tamara Walsh, TC Beirne School of law, University of Queensland***

   "The international evidence overwhelmingly shows that punitive responses to children's offending will not improve community safety. Children will not desist from offending unless they have a pathway out of crime. They need to be safe, housed and nurtured. Many of them require mental health treatment and disability support services. These should be the priorities of a government that truly wishes to address 'youth crime'."[3]

3. ***Queensland Indigenous Family Violence Legal Service***

   "We believe that exposing children to greater risks of serving custodial terms of imprisonment will not ensure community safety but rather entrench children in the criminal justice system and exacerbate the risks of recidivism amongst serious repeat offenders, especially. This will only serve to work against the need for these children to be rehabilitated."[4]

4. ***Peakcare***

   "Effective youth justice strategies must be grounded in evidence, not punitive measures that have consistently shown to be ineffective in addressing the causes of youth offending. Research clearly indicates the threat of tougher punishments and punitive approaches does not deter young people from criminal activities. Longer sentences often result in higher recidivism rates as young people are placed in environments that may reinforce and further encourage criminal behaviour, leading to institutionalisation and further detachment from positive social networks. There is also a lack of evidence to support the efficacy of mandatory minimum sentencing in deterring or reducing youth crime."[5]

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[2] Submission 76, p2.
[3] Submission 21, p3.
[4] Submission 64, p2.
[5] Submission 71, p4.

> Global examples highlight the potential of systemic change. In the United Kingdom, the number of children in youth detention decreased from 2,800 young people to 750 between 2010 to 2020. There has also been a reduction in arrests of children every year for the past ten years, a reduction in knife crime and the lowest recidivism rates following a period in youth detention in 20 years. These successes are attributed to preventative policing, early intervention programs and non-custodial alternatives to youth detention. Queensland has the opportunity to learn/draw from these proven strategies, prioritising prevention and early intervention to achieve sustainable reductions in youth crime and build safer communities.[6]

Included as an Annexure is a selection of additional excerpts from submissions that further reinforce this body of research. There are countless other excerpts that I would include if this inquiry afforded sufficient time.

Alternative evidence in support of detention?

The Department gave evidence at the public briefing (albeit very limited evidence) in an apparent attempt to contradict this long-standing and well understood research.[7]

What was described to the Committee as "high-end literature" ultimately proved to be a fifteen year old publication, based on 3 years' worth of data from the US state of Washington that was collected around the turn of the century. To suggest this is in any way comparable to, or a substantial counter to, the decades of contrary research would be farcical, and it would be of grave concern if this signals a broader willingness on the part of the LNP to simply ignore the overwhelming view of experts, or an intention to cherry-pick convenient data to seek to justify ill-founded policy.

In the very limited time available, the YAC provided the following response:

> "27. In the public hearing on 2 December 2024 before this Committee, the Director-General of Youth Justice, Mr Bob Gee, presented data regarding re-offending rates post detention which is inconsistent with research confirming the ineffectiveness of detention to reduce recidivism for children. At best, the purported improvement to offending is too insubstantial to justify the abrogation of human rights of the most vulnerable, abused and disadvantaged children in Queensland, and cannot justify the anticipated expenditure of up to $1 billion for a new detention centre required to support these new laws. Without greater scrutiny, it would be dangerous to rely upon this information as the basis for overturning well-established and internationally recognised principles of detaining young people as a last resort. YAC would welcome the opportunity to review this data alongside comparative data for other interventions.

[6] Submission 71, p10.
[7] See testimony from Mr Gee, Public Briefing in Brisbane on 2 December 2024, p3.

28. In the meantime, YAC makes the following comments in relation to the paper cited by Mr Gee, "Juvenile Jails: A Path to the Straight and Narrow or to Hardened Criminality?"

a. The paper assesses the juvenile justice system in Washington State for the years 1998 to 2000. Current Queensland data showing Queensland recidivism rates of around 90% post detention should clearly be preferred over American data, some of which is over a quarter of a century old.
b. The paper does not address in any way the condition inside the Washington juvenile detention centres. We therefore cannot ascertain whether the results are comparable to Queensland.
c. The results may justify detention over diversion (but we question this conclusion in any event),but cannot be used to justify increasing the current Queensland sentences as proposed because the Washington sentencing guidelines use a 'grid' from which a sentence is determined once data (age, criminal history etc) is entered. Importantly, the sentence lengths appear to be much lower than is being proposed in this Bill, with class A felonies including arson, assault, rape, robbery having an upper limit of around 2.5 years of detention, and car theft having an upper limit of 1.25 years.
d. The paper has difficulty accounting for whether offenders who turn 18 go on to offend. This is a significant limitation.[8]

The Department provided one further piece of correspondence on 4 December 2024, attaching a journal article[9] that was again presented as apparent evidence of "need to continue to question existing orthodoxy or approaches" around the rehabilitative function of youth detention. This paper examines mainly American research from the last 40 years on the effect of intervention programs on recidivism for juvenile offenders. It does not in any meaningful way contradict the evidence of submitters, and makes a significant number of findings that are entirely consistent with the conventional wisdom that quality supports and interventions are the key to reducing recidivism:

- "...intervention programs are associated with a significant reduction in recidivism for juvenile offenders, suggesting that the rehabilitative mode is more promising in this regard than the punitive model alone. Overall, programs that target a response to the micro- and meso-level needs of the offender (eg, multisystemic treatment, family based treatment) combining rehabilitative and deterrence-based strategies show the strongest impact on recidivism for juvenile offenders. " (page 26)
- "...participating in an intervention program has the strongest association with a reduction in recidivism for sexual offenders and serious of violent offenders... suggesting that policymakers

[8] Submission 137, p7.
[9] Pappas and Dent (2023) "The 40-year debate: a meta-review on what works for juvenile offenders", *Journal of Experimental Criminology* (2023) 19:1-30.

and practitioners should include those who are traditionally labelled as "high-risk", "serious" or "violent in early release policies and work-release programs". (page 21)

- "Increasing the quality and quantity of treatment services that focus more on support rather than surveillance may provide more positive options for youth and help them avoid the behaviours and environmental factors that may have initially led them to delinquency" (page 22)

While this article does suggest that participating in an intervention is much more effective in an institutionalised setting (page 22), this surely relies on the adequacy and efficacy of the interventions being provided. Clearly, the detention centres in Queensland are nowhere near adequately providing effective interventions due to overcrowding, staffing issues and the limitations of the built environment.

Additionally, the recidivism rate in Queensland is simply inconsistent with this finding. Queensland's very high numbers of young people in detention, and the very high recidivism rates, demonstrates that the interventions being undertaken in Queensland's detention centres are simply not as effective as those in the studies. This supports the view, as suggested by other submitters, that the operation of Queensland's detention centres (both current and proposed) should be subject to an urgent review.

Proceeding with a detention facility that costs around $1 billion in Woodford without a proper consideration of the available evidence is a failure of policy. Clearly the best option is to improve community-based interventions and programs which are much more cost-effective and less disruptive.

Process and timing

I support the position of the many, many submitters and witnesses that the process for this inquiry is completely unacceptable. Such a short inquiry for changes as significant as this are simply unjustifiable and, no matter what election commitments were made, it is completely unacceptable that the Department undertook no external consultation before introducing such consequential changes.

This is especially the case given that the changes to sentencing and penalties will substantially increase the number of children detained (including in watch houses) over the summer months, as intended, while the finalisation of the new remand facility has been pushed back to at least April.

Early intervention and prevention programs that the LNP has now committed to are clearly welcome, and will likely be supported by far more stakeholders than these legislative changes. If the Government had any regard for the evidence, these programs should have been funded, developed and implemented before any legislative changes begin to drive more children into the youth justice system. Sadly, it appears that these programs are far from ready.

Breach of human rights

Finally, like countless submitters to the Bill, I have grave concerns about the ways in which this Bill will breach the Queensland Human Rights Act (issues are identified in respect of nine separate human rights, as set out in section 1.5.2 of the report) and our international human rights obligations.

It is a disgraceful indictment on the LNP that it has so little hesitation in suspending the Human Rights Act to ensure more children - and predominantly vulnerable Aboriginal and Torres Strait Islander children - are incarcerated, and for longer. But we shouldn't forget that the former Labor Government paved the way for this to happen, by **twice** suspending the Human Rights Act for similar purposes.

I note the committee comment in s1.5.2 of the report indicates that only "some" committee members raised concerns about the extent of the impacts on the rights of children. This is perhaps not surprising, given the context of this report, but it is a damning indictment on the LNP members that they can't even bring themselves to express concern about such severe potential impacts on children, and the evidence about the harm this will cause.

The LNP has wasted no time in showing its complete disregard for the human rights of some of Queensland's most vulnerable children, and history will reflect poorly on them.

This dissenting report has been completed in the few hours available between adopting the committee report and the deadline to provide a dissenting report in accordance with Standing Orders, which further highlights how unreasonably brief this inquiry is because of the urgency motion moved by the Premier. There is much else I would like to say that will have to go unsaid.

But again, this Bill and the inquiry process is clearly about claiming some kind of political win, not improving community safety.

Michael Berkman MP

Annexure - selected extracts from submissions

ANTAR:

> "Queensland detains more children each day and overall than any other state or territory and has the highest youth recidivism rate in Australia. This alone is evidence of the fact that the largely punitive responses of the criminal legal system in Queensland are not addressing the root causes of crime and recidivism. Doubling down on this broken system, as the Bill proposes, will not produce better results. So what does work?
>
> We know that children are less likely to engage in reoffending behaviours if they are given access to long term, flexible, holistic, trauma-informed and culturally responsive early intervention programs, as well as to system responses that prioritise maximum diversion and minimal intervention.[10]

YFS Legal:

> "Given the extensive evidence linking early justice system involvement to lifelong criminalisation, YFS strongly opposes applying the Bill's measures to children under 14. Research shows that early system contact increases the likelihood of reoffending, violent offending, and ongoing justice involvement. Children are better served by interventions that prioritise diversion, minimal intervention, and restorative practices.[11]

Queensland Law Society:

> "The Society believes that the Bill will have an inimical effect on community safety. The provisions will entrench children in the youth justice system. The punitive effects of the legislation will far outweigh attempts to address the underlying causes of crime. Our longstanding position is that community safety is best served by investment, and expansion of early intervention initiatives, diversionary options, restorative justice and rehabilitation programs.[12]

Justice Reform Initiative:

> "Studies show **recidivism and re-incarceration rates are higher when children spend longer periods incarcerated**. Increasing the number of children incarcerated and the length of sentences for children incarcerated is also likely to increase (re)offending and fail to meet the rehabilitation aims set out by the Queensland Government. Australian Institute of Health and

[10] Submission 113, p11.
[11] Submission 91, p3.
[12] Submission 114, p1.

Welfare (AIIHW) data shows 9 in 10 children (91.26%) who are released from sentenced detention in Queensland return within 12 months. This tells us detention is not working to break the cycle.[13]

There are a number of reasons why 'deterrence' in the form of the threat of harsher penalties is unsuccessful when it comes to improving community safety. Research has consistently shown that individuals who commit crime are rarely thinking of the consequences of their actions. This is because the context in which most crime is committed often does not lend itself to someone rationally weighing up the consequences of their actions. This is further exacerbated for children and adolescents given the evidence noted earlier in this submission with regards to brain development and developmental crime prevention.39 The threat of harsher penalties or longer sentences is not something that most people who engage in offending, especially children, are considering at the moment they are committing crime.[14]

Public Health Association Australia:

"There is abundant evidence that the impact of incarceration is extremely negative. Commencement of justice system entanglement often begins when the detainee is a child, and the earlier that entanglement with the criminal justice system begins, the worse long-term outcomes become. The individuals in question become less economically productive and secure, less capable of contributing to society financially, and in many other ways are more prone to a variety of physical and mental harms. These consequences create a greater cost burden on public services including the justice system, the health system, and social security.

The involvement of young people in the child justice system is also tragically self-perpetuating. Children who first encounter the justice system at age 10-13 are more likely than other justice-involved children to experience future criminal justice involvement. [1, pg.19] Placing young people, especially those under 14, into detention greatly increases the likelihood of further criminal offending, and much more serious offending, over the individuals' lifetimes.

Rates of re-offending once involved in the Australian criminal justice system are astonishingly high, with 42% of incarcerated people returning to prison within two years in Australia. [5] The recent Safety through support [6] report explored recidivism, finding that of children sentenced to detention 80% return to youth justice supervision within 12 months, and of children aged 10 to 12 years who receive a supervised sentence, 94% will return to youth justice at some point.

The future conduct of repeat offenders impacts victims of crime in many ways, including higher rates of physical violence, and causes other forms of property and financial damage. The administration of the law in respect of future activities needlessly expands the demands on the

[13] Submission 95, p6.
[14] Submission 95, p10.

justice system including law and order services, legal processes, and repeated incarceration. The cycle perpetuates its harms.[15]

knowmore:

> "In some cases, the evidence has suggested that the laws and policies being pursued will harm victims and survivors and make the community less safe.
>
> ...
>
> Reforms that lack an evidence base are often ineffective and harmful, and not respectful of children or victims and survivors of crime. As an overarching recommendation, knowmore considers that the Queensland Government should prioritise reforms that are evidence based, having regard to both academic research and the expertise of community-based organisations, including Aboriginal and/or Torres Strait Islander community controlled organisations.[16]

QNADA:

> "Evidence domestically and internationally is clear, incarcerating young people who use drugs is associated with a host of negative outcomes including recidivism with the experience of being in a youth detention facility increasing the likelihood of future offending. Incarcerating young people who use alcohol and other drugs is also certain to negatively impact long term health outcomes.[17]

Australian Association of Research in Education:

> "AARE members strongly oppose the amendment to the Youth Justice Act 1992 to include adult time for adult crimes. Education research provides evidence that punitive and exclusionary approaches should not be supported because of the immediate and longer term impact on children, with vulnerable and marginalised children disproportionately affected by zero tolerance policies. The research also indicates that effective early intervention supports positive pathways for young people at risk of offending. Association member Professor Andrew Hickey and colleagues' (2024) Queensland Government funded research into young peoples' pathways shows how setting the right conditions for young peoples' success represents a more feasible way of circumventing youth crime and anti-social behaviour. As Professor Ross Homel (2024) identifies 'expensive, punitive youth crime policies do not make the community safer'.[18]

[15] Submission 126, p3.
[16] Submission 5, pp10-11.
[17] Submission 57, p5.
[18] Submission 82, pp1-2.