

16 April 2025

Our ref: [MC]

Committee Secretary
Justice, Integrity and Community Safety Committee
Parliament House
George Street
Brisbane Qld 4000

By email: [REDACTED]

Dear Committee Secretary

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

The Queensland Law Society (**the Society**) thanks the Justice, Integrity and Community Safety Committee for inviting submissions regarding the Making Queensland Safer (Adult Crime Adult Time) Amendment Bill 2025 (**Bill**).

Introductory comments

The Society is the peak professional body for over 14, 000 solicitors practising in Queensland. Our overarching objective is to support the creation of good law for the public good. The Society strives to support our members to deliver legal services to communities across Queensland and maintain the highest ethical standards to that the public has confidence in Queensland's legal system.

Our members not only serve the community, they are also a part of the community. They are parents, small business owners, homeowners, volunteers and alongside their fellow community members, sadly, are also victims of crime. When an individual is a victim of crime, the ripple effects cuts across the community and can be long-lasting. The Society and its members are deeply committed to legislative reform that is evidenced-based and adapted to reducing crime and reducing recidivism. We stand with victims of crime and encourage the implementation of mechanisms that support them through the justice system. We are also supportive of measures to assist the community feel safe and aiding their understanding of the youth justice and criminal justice systems.

The Childrens Court of Queensland and *Youth Justice Act 1922* (Qld) deals with youth offending. What generally underlies youth offending is a childhood of deprivation and challenge. These challenges are complex and inter-related. We know that many of these challenges disproportionately impact First Nations people. In order to address these challenges, we must be innovative and forward thinking in our development of youth justice legislative reform. We can only expect positive change after we have considered all the ways we, as youth justice experts and professionals, can ensure the youth justice framework delivers just and timely outcomes.

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The Society has repeatedly reaffirmed its position that children must be treated differently to adults due to their age, vulnerability and cognitive development. The Society supports adherence to previously articulated standards that fosters the rule of law and continues the Society's consistent support for recognising that children's diminished culpability and greater prospects for rehabilitation make them different from adults for sentencing purposes, and children whose crimes reflect transient immaturity should not be subject to life imprisonment with a minimum parole period of 15 years.

Comments on the Bill

The Society opposes the passage of the Bill.

The Society acknowledges the Government's election commitments giving rise to the first tranche of reforms. The current Bill, however, purports to significantly extend the offences included in this sentencing regime. As such, should the Bill be progressed, we make the following recommendations in relation to its scope.

We submit the additional offences in Clause 5 are disproportionately and unnecessarily wide. The Bill should be amended to remove references to the following offences: wounding (s323), kidnapping/kidnapping for ransom (s354, s354A), deprivation of liberty (s355), arson (s461), endangering particular property by fire (s462). The deletion of these references would mitigate the broad net cast by the proposed amendments and associated increased custodial sentences.

It is also the Society's strong view the offence of rape and sexual assault offences should be removed from Clause 5.

Life imprisonment is the ultimate sanction. It is the Society's view that the Explanatory Notes accompanying the Bill do not provide any, or any adequate, justification for increasing the maximum penalty for certain offences in Clause 5 to life imprisonment. In the absence of such justification, the Society is concerned that the amendments run foul of the longstanding principle of proportionality in sentencing.

We also submit the Bill should be amended to include a statutory review provision. Review of the impacts should, in the shorter term, consider the wider impacts on the entire youth justice system, including the cost of increased levels of remand for children and young people. In the medium to longer term, the impacts on affected families, communities and individuals of disconnecting incarcerated young people from their families and communities should be reviewed, including the criminogenic consequences of even short periods of remand custody and custodial sentences. This should include impacts on Closing the Gap targets, as well as any impacts on the life expectancy gap itself, between First Nations and other Australians in the affected cohort of children and young people.

Furthermore, these reforms add an additional 20 charges where a child cannot receive a restorative justice order as the only penalty for their offending. This may significantly restrict the capacity of victims to participate in the outcome a young person receives for their offending.

Youth on remand

The Society acknowledges the Departmental Briefing Note's recognition that the proposed amendments in the Bill will result in an increase in youth remand and detention centre populations.

The Cleveland Youth Detention Centre Inspection Report August 2024 provides a stark illustration of the current state of youth detention in Queensland. The Report revealed that, at

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the time of inspection, 97% of detainees were Aboriginal and Torres Strait Islander children, 90% were young males, 80% were on remand, and 21% were under the age of 15. These figures highlight the disproportionate impact of the youth justice system on vulnerable groups, particularly Aboriginal and Torres Strait children.

If passed, the proposed amendments will exacerbate this disparity by further increasing the youth remand and detention centre populations. This outcome is counterproductive to the Government's parallel objections of rehabilitation, as prolonged detention, particularly for young people, can have lasting negative effects on their development, mental health and risk of future offending.

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.

Broadening scope and increasing complexity

As the scope of the Adult Crime Adult Time law reforms continue to broaden, solicitors must grapple with the complexities this creates in advising their clients who are navigating the legal process. This requires solicitors to not only stay up to date with the reforms but to continuously adapt their advice in accordance with an evolving legislative framework. The legal uncertainty caused by such iterative changes can result in inconsistencies in how matters are adjudicated and resolved, placing additional burdens on solicitors, their clients, complainants and the Courts.

Another foreseeable consequence of the addition of further offences to the Adult Crime Adult Time laws is that there will be an increase in criminal trials because as there will be no tangible benefit to an accused young person to plead guilty. This places an additional burden and strain on the already under resourced criminal justice system.

The Society emphasises the importance of consultation with legal stakeholders to identify the practical consequences and develop solutions that support the efficient and fair operation of the youth justice system. We remain committed to assisting in the development of reforms that balance the interests of community safety and justice while minimising disruptions to legal practice and legal outcomes.

Thank you for your consideration of these issues. We remain ready to assist in respect of improving outcomes both for children and young people and affected communities.

Yours faithfully



President