

Submission to the Justice, Integrity and Community Safety Committee Inquiry into the Making Queensland Safer Bill 2024

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Acknowledgement

SNAICC acknowledges the Traditional Custodians of Country throughout Australia and their continuing connections to land, waters and communities. SNAICC's head office is located on the lands of the Wurundjeri People of the Kulin Nation, and SNAICC operates nationally. SNAICC acknowledges Traditional Owners of all lands and waters across this continent and pays respects to Elders past and present. We acknowledge and respect their continued connection to Country, care for community and practice of culture for generations uncounted.

About SNAICC

SNAICC is the national non-government peak body for Aboriginal and Torres Strait Islander children and works for the fulfillment of the rights of our children, to ensure their safety, development and wellbeing. Since 1981, SNAICC has been a passionate national voice representing the interests of Aboriginal and Torres Strait Islander children and families. At the heart of our work is championing the principles of community control and self-determination as the means for sustained improvements for children and families.

Introduction

SNAICC – National Voice for our Children (SNAICC) provides this submission to the Justice, Integrity and Community Safety Committee's Inquiry into the Making Queensland Safer Bill 2024 (the Inquiry).

The Bill, in its current form, will not improve community safety, and will cause significant harm to Queensland children and young people, and will most significantly impact Aboriginal and Torres Strait Islander children. Given the gravity of these impacts, we hold serious concerns regarding the limited time allocated to scrutinise the Making Queensland Safer Bill 2024 (the Bill).

The Attorney-General and Minister for Justice and Minister for Integrity Deb Frecklington MP concedes in the Statement of Compatibility accompanying the Bill that part of the Bill is not compatible with the human rights protected by the *Human Rights Act 2019* (Qld). Most notably:

The amendments are expected to have greater impact on Aboriginal and Torres Strait Islander children, who are already disproportionately represented in the criminal justice system. The amendments could result in more Aboriginal and Torres Strait Islander children being imprisoned for periods of time.¹

Queensland will not make its communities safer by criminalising, policing and locking up children. Arresting and imprisoning children does not result in safer communities.¹ Evidence indicates that the younger you lock a child up, the more likely they are to reoffend.² Punitive approaches to community safety do not work. The solutions to improve community safety can be found in early intervention, diversion and rehabilitation programs. For Aboriginal and Torres Strait Islander

¹ Statement of Compatibility, *Making Queensland Safer Bill 2024*. Available at: <https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5824t0205/5824t205.pdf> pgs 4-5.

children, these services and supports are best provided through Aboriginal and Torres Strait Islander community-controlled organisations (ACCOs).

SNAICC urges the Justice, Integrity and Community Safety Committee to recommend that the Bill not be passed and for sufficient time be provided to consider and conduct robust enquiries regarding the impacts and efficacy of the Bill.

Recommendations

SNAICC recommends the following:

1. That the Making Queensland Safer Bill 2024 not be passed in its current form.
2. The time allocated for the Justice, Integrity and Community Safety Committee's Inquiry be extended to sufficiently scrutinise the Bill and hear from Queensland communities.
3. The Bill be amended to embed policy reform and principles that address the drivers of youth offending and preserve community safety including:
 - a. Alignment with and commitment to international human rights obligations.
 - b. Preserving the principle of detention as a last resort.
 - c. Reprioritising culturally safe and responsive early intervention, preventative and diversionary options.
 - d. Maintaining the current access provisions under the *Childrens Court Act 1992*.
 - e. Including a child-focused, culturally responsive complaint mechanism for rights breaches in child justice systems.
 - f. Alignment with and commitment to the National Agreement on Closing the Gap, giving effect to the Priority Reforms.

The Bill contravenes human rights

Aboriginal and Torres Strait Islander children have rights under the *Human Rights Act 2019* (Qld) and also under the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). The Queensland government has a pivotal role to play in protecting Aboriginal and Torres Strait Islander children's rights - from creating a culture where these rights are valued, to ensuring that all children and families have the resources, supports and services they need to enjoy equitable realisation of their rights (including rights to housing, health, safety, culture, education and care).

Aboriginal and Torres Strait Islander children, on average, experience greater vulnerability than non-Indigenous children. This greater vulnerability stems from the continuing impacts of colonisation, which have caused generations of harm and trauma for Aboriginal and Torres Strait Islander peoples, and, which compound across the social determinants of health and wellbeing.

The Bill does nothing to address the overrepresentation of Aboriginal and Torres Strait Islander children in the Queensland justice system, nor does it create the requisite policy environment to reduce the vulnerabilities experienced by Aboriginal and Torres Strait Islander children. The Bill, if passed in its current form, will further entrench Aboriginal and Torres Strait Islander children's interaction with the justice system and reinforce, rather than alleviate, the inequities that exist within this system.

In response to Australia's latest report on implementation of the UNCRC, delivered in 2019, the UN OHCHR's Committee on the Rights of the Child (UN OHCHR Committee) clearly articulated significant concerns with Australia's implementation of the UNCRC, particularly in the administration of child justice and related domains. As with the Australian government, the Queensland government also holds responsibilities and obligations to ensure the rights of Queensland children are upheld and protected, including Aboriginal and Torres Strait Islander children.

Specifically, the UN OHCHR Committee conveyed regret that its previous recommendations had not been implemented, and "serious concern" over various issues including:

- a) The very low age of criminal responsibility
- b) The enduring over representation of Aboriginal and Torres Strait Islander children, and their parents/carers in the justice system
- c) Reports that children in detention are 'frequently subjected to verbal abuse and racist remarks', 'deliberately denied access to water', 'restrained in ways that were potentially dangerous', and 'subjected to isolation excessively'
- d) The high number of children in detention, both on remand and after sentencing
- e) Children in detention not being separated from adults
- f) The continuing existence of mandatory minimum sentences applicable to children in the Northern Territory and Western Australia²
- g) The continuing over representation of children with disabilities in the justice system, and

² We note that under this Bill, mandatory minimum sentences will apply, effectively adding Queensland to all listed concerns raised by the UN OHCHR Committee.

- h) Children's lack of awareness about their rights and how to report abuses.³

We urge the Justice, Integrity and Community Safety Committee to recommend amendments to the Bill to incorporate the following UN OHCHR recommendations:

- a) Raising the minimum age of criminal responsibility to an internationally accepted level and make it conform with the upper age of 14 at which *doli incapax* applies;
- b) Immediately implementing the 2018 recommendations of the Australian Law Reform Commission to reduce the high rate of Indigenous incarceration;
- c) Explicitly prohibiting the use of isolation and force, including physical restraints, as a means of coercion/discipline of children under supervision, promptly investigate all cases of abuse and maltreatment of children in detention and adequately sanction the perpetrators;
- d) Actively promoting non-judicial measures, such as diversion, mediation and counselling, for children accused of criminal offences and, wherever possible, the use of non-custodial sentences, such as probation or community service;
- e) In cases where detention is unavoidable, ensuring that the children are detained in separate facilities and for pre-trial detention, that detention is regularly and judicially reviewed;
- f) Reviewing its legislation to repeal mandatory minimum sentences to children in the Northern Territory and Western Australia; (this will include Queensland should the Bill pass)
- g) Ensuring that children with disabilities are not detained indefinitely without conviction and their detention is regularly and judicially reviewed;
- h) Providing children in conflict with the law with information about their rights and how to report abuses.⁴

The Justice, Integrity and Community Safety Committee should be aware the next periodic reporting cycle to the UN OHCHR Committee on the Rights of the Child for Australia is in 2025. The Queensland government's actions regarding Queensland children will come under international scrutiny.

The Bill will cause significant and unjustifiable harm to children and young people

The stated policy objective of the Bill is to "demonstrate to the community that youth offending is treated seriously and will increase community confidence in the justice system". The community cannot have confidence in a child justice system that violates human rights and causes significant harm to children and young people.

Queensland's current age of criminal responsibility is 10 – meaning children as young as 10 years of age will be subject to the principles and practices outlined in the Bill. In addition, Aboriginal and Torres Strait Islander children and young people are over-represented in the justice system. The Queensland Family and Child Commission reported that Aboriginal and Torres Strait Islander

³ United Nations Office of the High Commissioner on Human Rights 2019, 'Committee on the Rights of the Child: Concluding observations on the combined fifth and sixth periodic reports of Australia.' Retrieved from: <https://www.ohchr.org/en/documents/concluding-observations/committee-rights-child-concluding-observations-combined-fifth-and>, pg. 14.

⁴ Ibid.

children between the ages of 10-17 are 21 times more likely than non-Indigenous children to be under youth justice supervision and 23 times more likely to be in detention.⁵

As well as not having any meaningful impact on community safety, the Bill in its current form will also cause significant and likely irreparable harm to Aboriginal and Torres Strait Islander children, families and communities.

‘Adult Crime, Adult Time’

SNAICC does not support ‘Adult Crime, Adult Time’ as a principle of the youth justice system. Under the Bill, children will face the same maximum sentence as adults for 13 offences including murder, manslaughter, grievous bodily harm, burglary, robbery and dangerous operation of a vehicle.

By the Queensland Government’s own admission, this principle is a violation of human rights. It is also grossly unjust. Children are still undergoing formative phases of growth and development. Medical scientific evidence shows that a child’s cognitive development is still ongoing at the age of 14.⁶ As their brains are still developing, a child’s cognitive immaturity before the age of 14 can lead them to act impulsively and affect their reasoning about and reckoning with potential consequences.⁷ To treat children in this fundamental stage of development the same as adults is misguided.

In addition to this, a number of children and young people in justice systems have complex needs, including mental health concerns, cognitive or intellectual disabilities and/or developmental delay, behavioural difficulties, histories of trauma and/or mistreatment, lack of secure housing and drug and alcohol use.⁸ These children require access to holistic supports. that address their needs. These supports are not adequately provided through the child justice system, with evidence highlighting that contact with the child justice system, particularly youth detention, exacerbates these challenges rather than providing a response.

Removal of principle of detention as last resort

SNAICC does not support the removal of the principle of detention as a last resort. Australia is a signatory to the Article 37 of the UNCRC, which states “the arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time”. Removal of the principle of detention as a last resort is a direct violation of Queensland’s international human rights obligations.

It also will not keep Queenslanders safer. Incarceration is ‘criminogenic’, meaning that imprisonment at any point in a child’s life increases their chances of future contact with the justice system. The younger a child is incarcerated, the more likely they are to have contact with the

⁵Queensland Family and Child Commission, 2023, ‘Child Death Review Board Annual Report’. Retrieved from: <https://www.qfcc.qld.gov.au/board/publications>

⁶ Baldry, E, Dowse, L and Clarence, M 2012, ‘People with Intellectual and other Cognitive Disability in the Criminal Justice System.’ Retrieved from: https://www.facs.nsw.gov.au/_data/assets/pdf_file/0005/591368/189-Intellectual_and_cognitive_disability_in_criminal_justice_system-accessible.pdf.

⁷Cunneen, C 2020, ‘Arguments for Raising the Minimum Age of Criminal Responsibility.’ Retrieved from: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4183933, p. 11; Crofts, T. (2015). ‘A Brighter Tomorrow: Raise the Age of Criminal Responsibility.’ *Current Issues in Criminal Justice* 21 (1) 123-131. Retrieved from: <https://www.tandfonline.com/doi/abs/10.1080/10345329.2015.12036035>; Delmage, E. (2013). ‘The Minimum Age of Criminal Responsibility: A

Medico-Legal Perspective.’ *Youth Justice* 13 (2) 102-110. Retrieved from: <https://journals.sagepub.com/doi/abs/10.1177/1473225413492053>.

⁸McCausland, R and Baldry, E. (2023). ‘Who does Australia Lock Up? The Social Determinants of Justice.’ *International Journal for Crime, Justice and Social Democracy* 12 (3) 37-53. Retrieved from: <https://www.crimejusticejournal.com/article/view/2504>.

justice system again.⁹ While the data on unsentenced children is difficult to find, the data on children released from sentenced incarceration is unequivocal: 85% return to incarceration within 12 months.¹⁰ According to Queensland Government data, in 2023 between 84 and 96 per cent of young people reoffended within a year of being released from youth detention centres.¹¹ This strongly suggests that existing approaches to rehabilitation and reintegration are not working.

Prison also harms children by deepening trauma and negatively impacting a child's physical and psychological resilience and development.¹² In Queensland, 80% of Aboriginal and Torres Strait Islander children in a detention centre reported mental health problems, and research shows pre-existing mental health problems can be worsened by the experience of incarceration.¹³ This retraumatises children, creating and/or worsening feelings of hopelessness and worthlessness, while doing nothing meaningful to address the root causes of these issues.¹⁴ Youth detention is also associated with an increased risk of suicide, psychiatric disorders, and drug and alcohol abuse, and long-term outcomes such as impacted emotional development and poorer mental health in adulthood. As adults, Aboriginal and Torres Strait Islander peoples who have left incarceration are ten times more likely to die than the general population, with suicide the leading cause of death.¹⁵

The Bill's proposal to remove the principle of detention as a last resort is an overreach and completely out of step with existing evidence, and domestic and international expectations.

Childrens Court

SNAICC does not support the posed amendments to the *Childrens Court Act 1992* (Qld) proposed under the Bill. The Act currently provides for a victim or relative of a deceased victim and accredited media entity to be present at a proceeding before the court relating to a child.¹⁶ Removing the exclusion order provisions under the Act means there is no mechanism for the court to prevent prejudice to the proper administration of justice or to ensure the safety of any person including the child.

Procedural fairness and safety of all persons in the proceedings must be maintained. It is absurd for a Bill intending to promote community safety, to strip away safety mechanisms intended to protect all involved and the process of justice itself.

⁹ Singh, Y. (2023). 'Old enough to offend but not to buy a hamster: the argument for raising the minimum age of criminal responsibility.' *Psychiatry, Psychology and Law* 31 (1) 51-67. Retrieved from: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9848384/#>; Sentencing Advisory Council 2016, 'Children Who Enter the Youth Justice System Early Are More Likely To Reoffend.' Retrieved from: <https://www.sentencingcouncil.vic.gov.au/news-media/media-releases/children-who-enter-youth-justice-system-early-are-more-likely-reoffend>.

¹⁰ Australian Institute of Health and Wellbeing 2023, 'Young people returning to sentenced youth justice supervision 2021–22.' Retrieved from: <https://www.aihw.gov.au/reports/youth-justice/young-people-returning-to-sentenced-supervision/summary>.

¹¹ Queensland Family and Child Commission (2024), 'Exiting youth detention: Preventing crime by improving post-release support.' Retrieved from: <https://www.qfcc.qld.gov.au/news-and-media/young-people-reveal-solutions-reduce-reoffending>

¹² Australian Medical Association (2024), 'Prison no place for children'. Retrieved from: <https://www.ama.com.au/ama-rounds/30-august-2024/articles/prison-no-place-children>

¹³ Finlay, S., Chang, E., Collova, J., Dudgeon, P. (2022) 'There needs to be substantive change in how young people who come into contact with the justice system are treated'. Retrieved from: <https://www.uow.edu.au/media/2022/locking-up-kids-has-serious-mental-health-impacts-and-contributes-to-further-reoffending.php>

¹⁴ Finlay, S., Chang, E., Collova, J., Dudgeon, P. (2022) 'There needs to be substantive change in how young people who come into contact with the justice system are treated'. Retrieved from: <https://www.uow.edu.au/media/2022/locking-up-kids-has-serious-mental-health-impacts-and-contributes-to-further-reoffending.php>

¹⁵ Finlay, S., Chang, E., Collova, J., Dudgeon, P. (2022) 'There needs to be substantive change in how young people who come into contact with the justice system are treated'. Retrieved from: <https://www.uow.edu.au/media/2022/locking-up-kids-has-serious-mental-health-impacts-and-contributes-to-further-reoffending.php>

¹⁶ *Childrens Court Act 1992*, section 20(1).

Issues regarding persons attending Childrens Court proceedings were debated in May 2024 in relation to the *Queensland Community Safety Bill 2024*. We note the submission made by the Youth Advocacy Centre:

The vulnerability and disadvantage of young people in the youth justice system is well established as is their or their family's involvement with child safety, domestic violence and/or sensitive family law issues. Often the same information presented in youth justice matters has been provided in the Family, Domestic and Family Violence courts or in Child Protection matters. Courts dealing with these matters recognise the vulnerabilities of the parties and prohibit the media's presence.

The dominant news agencies reporting on youth crime in Queensland have not shown commitment to fair and accurate reporting and have contributed to a pervasive misconception that there are historically high levels of youth crime.¹⁷

We draw the Justice, Integrity and Community Safety Committee's attention to the submission made by the Queensland Human Rights Commission and the Queensland Law Society about access to Childrens Court proceedings and state our support of these positions.¹⁸

The Bill will not improve community safety

The Bill seeks to improve community confidence in the youth justice system. Community confidence in the system will only be improved through crime reduction and genuine community safety. The Bill in its current form will not achieve this.

As outlined above, the key elements of the Bill will not create any meaningful improvements to community safety. Punitive child justice system approaches make little difference when it comes to reducing crime and making Australian communities safer. Australian child justice systems have been heavily invested in incarceration for many decades.¹⁹ While this policy is made in response to legitimate or perceived community concerns about safety, and accountability for harms done to victims, evidence demonstrates that incarceration has the opposite effect to creating safe communities. In fact, incarceration leads to a large majority – around 3 out of 4 children who come into contact with child justice systems – reoffending within 12 months.²⁰

Unlike punitive and carceral child justice responses, community-led and place-based early intervention and prevention services are evidence-based means of bringing down offending rates including violent offending rates and making Australian communities stronger and safer.²¹ As this submission has outlined, a complex and persistent set of socioeconomic drivers cause Aboriginal and Torres Strait Islander children to come into contact with justice systems. Communities will not be made safer without sufficiently addressing and mitigating these drivers. Early intervention

¹⁷ Youth Advocacy Submission on the Queensland Community Safety Bill 2024, Available at: <https://yac.net.au/wp-content/uploads/2024/05/20240516-YACs-submission-on-the-Queensland-Community-Safety-Bill-2024.pdf> pg. 5.

¹⁸ Queensland Human Rights Commission, *Submission Queensland Community Safety Bill 17 May 2024*. Available at: <https://www.qhrc.qld.gov.au/resources/submissions#2024Submissions> pgs. 6-10; and Queensland Law Society, *Submission Queensland Community Safety Bill 2024*. Available at: <https://www.qls.com.au/Submissions/2024/Queensland-Community-Safety-Bill-2024> pg. 8.

¹⁹ Productivity Commission 2021, 'Australia's prison dilemma: Research paper.' Retrieved from: <https://www.pc.gov.au/research/completed/prison-dilemma/prison-dilemma.pdf>; Y, WW et al. (2012) 'The effect of arrest and imprisonment on crime.' *Contemporary Issues in Crime and Justice* 158, 1-20.

²⁰ Australian Human Rights Commission 2024, 'Help way earlier!' How Australia can transform child justice to improve safety and wellbeing.' Retrieved from: https://humanrights.gov.au/sites/default/files/document/publication/1807_help_way_earlier_-_accessible_0.pdf, pg. 89.

²¹ Justice Reform Initiative 2023, 'Alternatives to incarceration in Queensland.' Retrieved from: https://assets.nationbuilder.com/justicereforminitiative/pages/337/attachments/original/1685393777/JRI_Alternatives_QLD_FULL_REPORT.pdf?1685393777, pp. 18-27.

and prevention are more likely to contribute to community safety by ensuring that these causes of offending are addressed and that cycles of offending are broken. They therefore hold substantially more promise for safer communities than punitive justice responses.

Effective community safety is founded in the prioritisation of and investment in early intervention and prevention, and diversionary pathways. Prioritising community-based early intervention and prevention child and family services delivered by ACCOs will help keep Aboriginal and Torres Strait Islander children safe in their families and homes, in school, in their communities and away from the justice system.²²

While most Aboriginal and Torres Strait Islander children are supported by a network of family and community to grow up strong in their culture and communities, the historic and ongoing impacts of colonisation mean that some children experience disadvantage and vulnerability. Aboriginal and Torres Strait Islander children that come into contact with the justice system often experience a number of risk factors, including the ongoing impacts of colonisation, racism, overt and systemic discrimination, intergenerational trauma experienced by Stolen Generations survivors and descendants, socio-economic inequities and the experience of poverty and socioeconomic disadvantage.²³ It is these risk factors which drive over-representation in the justice system.

In the Northern Territory, a recent audit of the child justice system found that every single child in detention under the age of 14 years had had contact with child protection, and 77% had unmet mental health, cognitive disability and poor health needs.²⁴ This association indicates that reform to child justice cannot be undertaken in isolation to reform to child protection systems. Reforms must embed self-determination and focus on reducing social determinants of contact with child justice. This includes investing in ACCOs to provide holistic, wraparound prevention and early intervention supports in line with community need.

The Bill should prioritise evidence-based solutions

Connection to family, community and culture are robust protective factors for Aboriginal and Torres Strait Islander children. Culture is critical to their development, identity and self-esteem, and strengthens their overall health, wellbeing and lifelong capacity to manage intergenerational trauma. Nurturing a child's culture and connections to family and community supports their social and emotional wellbeing, which is an integral protective factor in child justice prevention.

For decades, ACCOs have been delivering holistic, integrated and culturally safe child and family early intervention services proven to improve children's developmental trajectories and strengthen Aboriginal and Torres Strait Islander families. The culturally appropriate and holistic way that ACCOs provide services make them best placed to meet the needs of children and families and provide early support that prevent contact with tertiary systems.²⁵ Despite this,

²² Victorian Government 2022, 'Wirkara Kulpa: Aboriginal Youth Justice Strategy 2022-2032.' Retrieved from: <https://www.aboriginaljustice.vic.gov.au/wirkara-kulpa-aboriginal-youth-justice-strategy-2022-2032>

²³ Rosco, K and Godfrey, B. (2022). 'Postcolonial churn and the impact of the criminal justice system on Aboriginal people in Western Australia, 1829–2020.' *Journal of Criminology* 55 (4), 532–549. Retrieved from: <https://journals.sagepub.com/doi/full/10.1177/26338076221129926>.

²⁴ Office of the Children's Commissioner Northern Territory 2024, 'Our most vulnerable children bearing the consequences of a failed system.' Retrieved from: <https://occ.nt.gov.au/resources/occ-publications/other-reports>.

²⁵ SNAICC 2022, 'Stronger ACCOs, Stronger Families Final Report'. Retrieved from: [SNAICC-Stronger-ACCOs-Stronger-Families-report-2022.pdf](https://www.snaicc.org.au/stronger-accos-stronger-families-final-report-2022.pdf), pg. 13.

ACCOs continue to receive far less funding for these services nationally than non-Indigenous organisations.²⁶

In the context of child justice, ACCOs deliver holistic, wraparound services that aim to reduce children's contact with the justice system. Early intervention can take place as early as pre-conception, pre-birth, and during a child's first years by delivering services and supports that focus on strengthening families and supporting parents to grow their care giving skills. ACCO services range from holistic universal supports in fields such as early education, health, and disability to more targeted and intensive, culturally safe supports aimed at addressing the complex needs of families experiencing vulnerabilities, and assistance for families to access and navigate the broader service system.

ACCOs work with children and families to support their mental health and social and emotional wellbeing, their learning and development, their relationships with each other and the wider community, and support their access to health and wellbeing services.²⁷ These services may also include early developmental screenings and interventions for children with neurodevelopmental risks, as well as drug and alcohol supports. ACCOs provide a holistic and relationship-based set of supports for families with children as young as newborns. They focus these supports on families which are exposed to risk factors including the adverse effects of racial discrimination, socioeconomic disadvantage, disengagement from school or peer groups, and unstable housing and home environments, and other forms of socioeconomic disadvantage.²⁸

The Inquiry provides the opportunity to recommend a reorienting of Queensland's child justice systems and government investment toward Aboriginal and Torres Strait Islander community-based early intervention, preventative, and diversionary options that will lead to better outcomes for Aboriginal and Torres Strait Islander children and young people while supporting policy goals to achieve community safety and accountability for offending.

Aboriginal and Torres Strait Islander children must also be appropriately supported while they are incarcerated, and as they are leaving it. This support will enable them to exit the cycle of incarceration, return to their families and communities, and reduce the incidence of crime in Queensland communities. Supporting a child's safe and effective transition out of child justice systems must begin early, and comprise both pre- and post-release supports. Children transitioning out of incarceration face a range of challenges including insecure housing, interrupted education, limited employment opportunities. For many Aboriginal and Torres Strait Islander children, these are exacerbated by experiences of discrimination, social exclusion and adverse mental health and social and emotional wellbeing.²⁹

The Bill should include oversight and accountability mechanisms

The Bill proposes to intentionally and actively breach the rights of Queensland's children without a mechanism for children to access appropriate complaint processes and remedies. Children must be able to bring claims against governments and other entities when their rights have been

²⁶ Ibid.

²⁷ Ibid.

²⁸ Ruth McCausland and Eileen Baldry, 'Who does Australia Lock Up? The Social Determinants of Justice' (2023) 12(3) International Journal for Crime, Justice and Social Democracy;

²⁹ Justice Reform Initiative 2023, 'Justice is Failing: Alternatives to incarceration in the Northern Territory.' Retrieved from: https://assets.nationbuilder.com/justicereforminitiative/pages/337/attachments/original/1685393777/JRI_Alternatives_QLD_FULL_REPORT.pdf?1685393777, pg. 3.

breached. Importantly for all people but especially Aboriginal and Torres Strait Islander children, consideration needs to be given to the accessibility of redress pathways. Ensuring that Aboriginal and Torres Strait Islander children can access these pathways will require investment in the ACCO legal sector and significant efforts to ensure children, especially those in contact with child protection and child justice systems, understand their rights to remedies and that the processes are culturally safe to make these pathways as accessible as possible.

Conclusion

SNAICC asks the Justice, Integrity and Community Safety Committee to make recommendations amending the Bill to provide for an effective child-focused and culturally responsive complaints mechanism for rights breaches in child justice systems. To ensure that the complaints pathway is culturally responsive to the rights and needs of Aboriginal and Torres Strait Islander children the mechanism must be developed through shared decision-making, and in alignment with the National Agreement Priority Reforms.

SNAICC is pleased to have the opportunity to contribute to the Inquiry and is available to be contacted on the points raised in this submission. We welcome the opportunity to provide the Justice, Integrity and Community Safety Committee with additional information regarding the impact of the Bill on Aboriginal and Torres Strait Islander children, if required.