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Human Rights Commissioner ‘deeply troubled’ by changes to Queensland’s youth justice laws

Queensland’s Human Rights Commissioner Scott McDougall says he is ‘deeply troubled’ by changes to youth justice laws passed by the State Parliament last night.

“I understand the Government is trying to respond to community concerns over the issue of youth crime, particularly in light of some recent very tragic high profile incidents,” says Queensland Human Rights Commissioner, Scott McDougall.

“The family and friends of those affected are understandably angry and protecting the rights of victims must be paramount in any response. But the best way of achieving that protection is to make the current situation better, and I have serious doubts these changes will achieve that.”

The changes include the removal of the presumption of bail for some offences and the possibility for courts to mandate GPS trackers for 16 and 17 year old offenders.

“I am yet to see any solid evidence base for the introduction of these measures, or any reason to believe they will work to improve community safety – in fact, the evidence I have seen suggests the effect could be the exact opposite,” says Mr McDougall.

The Commission, along with other legal and advocacy bodies, made submissions to the parliamentary committee inquiry into the Bill that “punitive ‘tough on crime’ programs and measures are not effective in rehabilitating offenders and reducing recidivism,” and that the amendments could undermine the promising progress made under the Government’s current youth justice strategy, which has seen a 23% drop in the overall youth crime rate.

The Commissioner also remains concerned about the potential for more young offenders to be held for extended periods in police watchhouses due to limited capacity in Queensland’s youth detention facilities, particularly if bail is to be withheld more often for youth offenders.

“There is a real concern that this latest crackdown – and there have been several in recent years – is going to result in children being detained in watchhouses, which are simply not designed to house children for any length of time,” says Mr McDougall.

The Commission argues that the measures will disproportionately target young Aboriginal and Torres Strait Islander Queenslanders, and work against the refreshed Closing the Gap targets agreed to by governments just last year.

Amongst the refreshed Close the Gap targets was a 30% reduction in First Nations children and young people in youth detention, by 2031.

The Commission says the new youth justice laws will have the opposite effect.

“In the refreshed targets, issues like over-incarceration and high suicide rates were finally named as a priority for government attention,” says Mr McDougall.

“The scandalously disproportionate numbers of Aboriginal and Torres Strait Islander men, women and children detained in our criminal justice system is an international embarrassment.

“It is profoundly disappointing to witness governments publicly commit to reduce the numbers of Indigenous children in detention and then, within a matter of months, pass legislation that will, unquestionably, have the exact opposite effect.

“Rather than changing the law, we should be investing in services and diversion options that will address the underlying causes of offending behaviour – and given the lack of evidence to support the introduction of the measures in the first place, it’s critical their impact is monitored and evaluated to inform future evidence-based decision making in relation to youth justice.”

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