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# Better ways to protect community than proposed youth justice reforms

The Queensland Human Rights Commissioner, Scott McDougall, has today called upon the Queensland Government to urgently change its approach to youth justice policy to better protect the rights of children, victims of crime and the broader community, and to immediately address the inhumane treatment of children who are currently being detained for weeks on end in Queensland watch houses.

The Commission made the recommendation in responding to the Government's proposed 'stronger laws for community safety' changes. The latest proposals follow amendments to Queensland's youth justice laws in April 2021, which amongst other things, removed a presumption of bail for certain offences. As the Commission warned the Government at the time,<sup>1</sup> the changes have resulted in significant increases in children being brought within, rather than being diverted from, the criminal justice system.

"Like the earlier changes in 2021, this later suite of reforms is unlikely to improve the life prospects of children or better protect victims of crime and the broader community from children engaging in harmful behaviours," says Scott McDougall.

"For example, I am unaware of any evidence that increased maximum penalties of imprisonment will deter a child from engaging in risk-taking behaviour."

The Government's proposed changes include increased penalties, further changes to bail laws, more police patrols, fast-tracking of sentencing and the construction of two new detention centres.

"We appreciate the concern in response to the recent high-profile and tragic events involving young people. Everyone in Queensland has the right to feel safe in their community and recent reports of increased car thefts by young people is a serious community safety issue."

"However, to better uphold the rights of victims of crime and children, Queensland must implement policies that are demonstrated to work. There are far better ways to spend the millions of dollars proposed as part of these changes."

"The Commission advocates for an approach that works to tackle the causes and consequences of youth crime. The rights of young people, victims and the broader community are not necessarily in conflict. Reforms that do not achieve the aim of increased community safety may also limit the rights of victims of crime. Similarly, reforms that address the underlying

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<sup>1</sup> [Media release 23 April 2021](#) and [Evidence to Parliamentary Committee 22 March 2021](#)

causes of crime, such as supporting struggling families and at-risk children, uphold the rights of victims.”

“Our suggestion is that there is an urgent need for better coordination across Government to address the underlying causes of these issues. Schools and health care services are critically important service providers that must be at the forefront of preventative measures.”

The Commissioner also expressed concerns regarding the apparent lack of detailed consultation with key stakeholders, other than the Queensland Police Service.

The Commission is concerned that the proposals will lead to even more children being remanded in custody at a time when Queensland’s watch houses have returned to the levels of overcrowding and treatment of children which attracted national condemnation following the airing of an ABC Four Corners program in 2019.

In response to the public outcry the Government released an Action Plan which made the commitment:

*We will ensure no child is held in a watchhouse any longer than is necessary to process their charges.*

“The detention of children in watch houses for weeks on end is not only a breach of that Action Plan commitment, it ignores the right to humane treatment when deprived of liberty and the rights of the child, which are now protected by *Queensland’s Human Rights Act*. To meet its obligations under the Act it is incumbent on the Government to take urgent action to get children out of watch houses as soon as possible.”

“Finally, the Queensland Government must formalise a mechanism for genuine engagement with Aboriginal and Torres Strait Islander communities so that First Nation controlled organisations can decide how best to use resources to take responsibility for the physical, emotional and spiritual wellbeing of children. A focus on this engagement should be identifying opportunities to take a justice reinvestment approach to long term solutions to the current issues we face.”

“Otherwise, for victims, for children and for the wider community, nothing will change. “

*The Commission has functions under the Anti-Discrimination Act 1991 and the Human Rights Act 2019 to promote understanding, acceptance and discussion of human rights in Queensland, and to provide information and education about human rights.*

#### Media contact

Anne Franzmann

Ph: 4421 4001

Email: [anne.franzmann@qhrc.qld.gov.au](mailto:anne.franzmann@qhrc.qld.gov.au)

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#### STATEWIDE

tollfree

1300 130 670

[info@qhrc.qld.gov.au](mailto:info@qhrc.qld.gov.au)

[qhrc.qld.gov.au](http://qhrc.qld.gov.au)

fax 07 3193 9979

#### Brisbane

Level 20

53 Albert Street

Brisbane Q 4000

PO Box 15565

City East Q 4002

#### Cairns

Ground Floor

10 Grove Street

PO Box 4699

Cairns Q 4870

#### Townsville

Ground Floor

187-209 Stanley Street

PO Box 1566

Townsville Q 4810

#### Rockhampton

Level 1

209 Bolsover Street

PO Box 1390

Rockhampton Q 4700