

21 February 2023

Commissioner alarmed about rush to pass harsher youth justice laws

Without proper consultation, the Government has today introduced legislation, including a new offence of breach of bail for young offenders, which the Commission is concerned won't meet the goal of protecting the community from the small number of Queensland children engaging in harmful behaviours.

The Queensland Human Rights Commissioner, Scott McDougall, is alarmed by the State Government's announcement that it will remove the protections of the Human Rights Act applying to new youth justice laws. This is the first time a government in Queensland has sought to expressly remove human rights protections.

"It is deeply concerning that the Government has sought to exclude the Human Rights Act from the operation of new provisions of the Youth Justice Act, because the government accepts that they are incompatible with human rights".

"The Government must consult widely, and properly consider evidence-based solutions rather than rashly overriding human rights protections."

The Human Rights Act requires that the government justify limitations on human rights including demonstrating how new legislation will achieve its purpose.

"The measures introduced are predicated on a flawed perception that recidivist children will respond positively to punitive measures. As countless reviews have found, including from former Police Commissioner Bob Atkinson, such measures do not work to reduce crime and therefore do not protect the rights of victims."

"This is yet another piecemeal reaction to youth crime, and with no overarching co-ordinated multi-agency plan to meaningfully address the causes of youth offending."

The protections for children in the Human Rights Act are long-agreed, international and Australian standards.

"Removing the rights of children ultimately does not uphold the rights of victims of crime."

The Commissioner also remains concerned about the lack of consultation informing proposed changes to youth justice laws in Queensland.

"There has been a lack of meaningful engagement with the community particularly victims, young people, legal experts and key stakeholders such as Aboriginal and Torres Strait Islander organisations and communities. The community is ready to be part of finding evidence-based solutions to these complex issues."

“I am deeply concerned about the lack of any plan to immediately cease the practice of prolonged watch house detention. The proposals will inevitably lead to greater pressure on detention centres and threatens to normalise the inhumane treatment of children by exposing them to an unacceptable risk of psychological and physical harm”.

“In Queensland, we have become desensitised to the practice of holding children in small police cells for days and weeks at a time. We have heard troubling accounts of up to 11 children held for long periods in a single cell with only one toilet. This would be unacceptable in any jurisdiction, but for it to occur in Australia’s newest human rights jurisdiction is particularly distressing.”

“We appreciate the concern in response to the recent high-profile and tragic events involving young people. The rights of victims are important and everyone in Queensland has the right to feel safe in their community. However there is no evidence that the amendments will work to improve community safety in the immediate or longer term.”

The Commission calls on the Government to consult broadly to develop:

- An urgent plan to remove children from watchhouse detention and ensure compliance with international human rights standards; and
- A whole of government plan that balances the wellbeing of children and the need to protect community safety in the long term.

“Without meaningful engagement to identify long lasting solutions, for victims, for children and for the wider community, nothing will change.”

Contact

Anne Franzmann

Director, Community Engagement

07 44214001 or anne.franzmann@qhrc.qld.gov.au

STATEWIDE

tollfree
1300 130 670
info@qhrc.qld.gov.au
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