

# Public Statement



## QAI strongly rejects the Making Queensland Safer Bill 2024.

The Bill will disproportionately impact children with disability who are already overrepresented in the youth justice system. While data shows that at least 44% of children in custody in Queensland have a disability, our experiences and anecdotal evidence suggests that the number is significantly higher than this.

QAI echoes the calls for increased community safety. However, the only way to achieve this is through a system that effectively reduces crime using evidence-based and supportive interventions that uphold the human rights of children.

Research shows that a punitive approach that relies upon the use of **detention does not reduce youth crime**. It fails to address the root causes of young people's behaviour and causes additional harm to children, families and the broader community. Ironically, evidence shows that **a punitive approach leads to increased rates of offending**. It disrupts schooling and important connections to family, peers, culture and community; all of which are essential to successful rehabilitation.

**The threat of detention also doesn't reduce crime.** It is well known that children's executive functioning and decision-making skills are still developing throughout their adolescence. This means that children may not have the maturity to fully comprehend the potential consequences of their actions. Some children's decision-making may also be impacted by disability. Without appropriate support, this can lead to incidents escalating to a point at which law enforcement becomes involved. Punishing children and threatening detention in these circumstances will not address the underlying causes of this behaviour.

We also know that **detaining children causes significant harm and increases the social determinants of crime**. It increases children's exposure to violence and abuse and stigmatises children, impacting future education and

If a parent were to lock up their child for 22 hours a day, restricting their access to sunlight, exercise, education and in some circumstances, basic sanitation and essential medical and disability support, the community would be outraged and would label this as abuse and neglect. However, when this occurs in a detention setting, this treatment is legitimised in the name of “community safety.”

**Detaining children with disability is particularly harmful.** Detention settings are inflexible environments and are unsuitable for many children with disability, particularly children with autism or cognitive disability who require a more individualised support approach. This can result in children with disability being punished for their inability to follow directions or comply with certain rules, leading to an escalating trajectory of behaviour that further entrenches them in the system.

Accessing disability support for children in detention is also extremely difficult. Many National Disability Insurance Scheme (NDIS) funded supports are not available to children in prison and children are not routinely screened to identify disability or their related support needs, meaning that many go without essential daily supports.

This Bill goes against best practice, ignores the views of experts and breaches several of Australia’s human rights obligations, including Queensland’s own Human Rights Act.

The Bill’s Statement of Compatibility acknowledges it “will lead to sentences for children that are more punitive than necessary to achieve community safety.” It even admits that a key objective is to “demonstrate to the community that youth offending is treated seriously”. In other words, to achieve political gain amidst a moral panic about youth crime in Queensland.

The Bill also undermines the government’s stated intention to divert youth away from crime and to provide early intervention, sending contradictory messages to children, law enforcement agencies and the wider community.

QAI stands with children with disability in strong opposition to this Bill.

Alternatives to detention offer real opportunities for growth and meaningful change and can better provide developmentally appropriate responses to offending behaviour.



## **Acknowledgement of Country**

We recognise Aboriginal and Torres Strait Islander peoples as the Traditional Custodians of the lands on which we live and work, and we respect and honour their Elders past, present and future. We acknowledge the stories, traditions and living cultures of Aboriginal and Torres Strait Islander peoples on this land and commit to building a brighter future together.

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