

Making Queensland Safer Bill 2024

Statement about exceptional circumstances

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 44 of the *Human Rights Act 2019*, I, Deb Frecklington MP, Attorney-General and Minister for Justice and Minister for Integrity, make this statement about exceptional circumstances with respect to the Making Queensland Safer Bill 2024.

In the Bill, the following provisions include subsections which provides that the HR Act does not apply:

- amended section 150 of the *Youth Justice Act 1992*
- new section 175A of the *Youth Justice Act 1992*

The Government accepts that these provisions are incompatible with human rights. Therefore, in this exceptional case, the HR Act is being overridden and its application is entirely excluded from the operation of these new provisions to create a safer community by holding child offenders accountable.

The Government is committed to ensuring that young offenders who commit serious criminal offences are held accountable for their actions and the harm that they cause to others, and that courts are properly considering the impacts of offending on victims and can impose appropriate penalties that meet community expectations. The amendments in the Bill further a range of purposes to achieve this – including, for example, punishment, denunciation, putting the rights of victims ‘front and centre’ in the youth justice process and promoting open justice and public confidence in the justice system. The Government is committed to implementing a range of measures to deter young people from committing serious crimes in the community, and reducing the number of victims that are caused harm by these young offenders.

In the Government’s view, the current situation with respect to youth crime in Queensland presents an exceptional crisis situation constituting a threat to public safety such that amendments being made to amended section 150 of the *Youth Justice Act 1992* and new section 175A of the *Youth Justice Act 1992* must contain override declarations.

The Department of Youth Justice and Victim Support (DYJVS) advises that there were 46,130 finalised proven offences by young people in 2023-24, committed by a smaller number of young people. Of significant concern is the increase in the rate and volume of violent offending committed by young offenders. The rate of violent offending has increased by 8.3% since 2019, with the number of proven violent offences increasing by 553 or 21% from 2,616 to 3,169. This violent offending includes murder, manslaughter, serious assault, and robbery. While the rate per population of young people offending since 2019 has decreased, there has been an increase in victims with the average number of proven offences per young person rising to 14.1 in 2023-24, compared with 7.8 in 2019.

According to DYJVS data, in 2023-24 there was a 12% increase in proven offences over the previous 12 months (an additional 4,975 offences), a 51% increase over the last 5 years

(+15,649 offences), and a 98% increase over the last 10 years (an additional 22,866 offences). Contributing to the overall increase in proven offences were increases in unlawful use of a motor vehicle offences (an additional 3,672 offences over 5 years).

This data highlights that youth crime continues to be a serious issue for Queensland.

These provisions (outlined above) are intended to serve as the override declaration envisaged by sections 43 and 45 of the HR Act. They make clear that the HR Act has no application to these provisions and, a body performing functions or exercising powers under these provisions of the YJ Act is not a public entity within the meaning of the HR Act in respect of its performance of those functions or exercise of those powers.

Deb Frecklington MP

Attorney-General and Minister for Justice and
Minister for Integrity

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