

JustComment

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Youth Justice

Queensland Youth Justice Reform

In April 2025, Queensland's Parliament passed the Making Queensland Safer (Adult Crime, Adult Time) Amendment Act 2025, widely known as the "Adult Crime, Adult Time" laws. These reforms amend the Youth Justice Act 1992, allowing children aged 10 to 17 to be sentenced as adults for certain serious offences, including murder, rape, kidnapping, and sexual assault, with 33 youth crime offences now captured under the tough new laws.

Proponents argue these changes will enhance public safety. However, critics—including legal, health, and child development experts—warn of significant risks to children's wellbeing and long-term community safety.

In 2022–23, nearly 10,000 children aged 10–13 and a further 38,000 aged 14–17 were processed through the criminal justice system—a 6% increase from the previous year. Of concern, roughly one-third of these young people were charged on more than one occasion, indicating systemic failures in rehabilitation and support.

Calls to raise the Minimum Age of Criminal Responsibility (MACR) to 14 years are not new. In 2017, Australian medical, legal, and child health professionals advocated for this change, citing evidence from neuroscience that children under 14 lack the neurological maturity to fully understand the consequences of their actions. These concerns are especially pressing in cases involving children affected by Fetal Alcohol Spectrum Disorder (FASD) and other neurodevelopmental conditions. Although limited research exists, the Australian Reform Commission found that children with FASD are 19 times more likely to be incarcerated. Almost 40 per cent of young people in detention have signs of FASD and almost 90 per cent have a neurological impairment.

Key Provisions of New Laws?

- **EXPANDED SENTENCING POWERS:** Children aged 10 to 17 can now receive adult sentences for 33 designated serious offences. This includes potential penalties such as life imprisonment and non-parole periods of up to 20 years.
- **REVISED SENTENCING GUIDELINES:** Judges must consider a child's entire criminal history—including matters already resolved in the Children's Court—when determining sentences.



- **REMOVAL OF DETENTION AS LAST RESORT:** The reforms eliminate the long-standing principle that detention should be a last resort for juveniles, raising concerns about increased incarceration rates among children.

Potential Negative Impacts on Children

- **DISPROPORTIONATE IMPACT ON INDIGENOUS YOUTH:** First Nations children are already vastly overrepresented in the youth justice system. Though they represent only 5% of the population aged 10–17, they account for 56% of those in detention. Indigenous young people are also more likely to enter the system at an earlier age: in 2017–18, 39% of Indigenous youth offenders entered the system aged 10–13, compared to 15% of non-Indigenous youth. *These laws risk further entrenching racial disparities and systemic disadvantage.*
- **VIOLATION OF INTERNATIONAL HUMAN RIGHTS STANDARDS:** The reforms appear to breach international obligations under the United Nations Convention on the Rights of the Child, which Australia has ratified. The Convention stresses rehabilitation, not punishment, for children in conflict with the law. The Australian Human Rights Commission recommended in 2021 that all states and territories raise the MACR to at least 14 years. *These laws move Queensland further away from international best practices.*

Removing rehabilitative safeguards and exposing children to the adult justice system may undermine efforts at long-term behaviour change....

- **INCREASED RISK OF REOFFENDING:** Research consistently shows that incarcerating children—especially in punitive environments—increases the likelihood of reoffending. *Removing rehabilitative safeguards and exposing children to the adult justice system may undermine efforts at long-term behaviour change and social reintegration.*
- **NEGLECT OF ROOT CAUSES OF YOUTH CRIME:** The legislation fails to address underlying drivers of youth offending, such as childhood trauma; family violence; poverty and homelessness and lack of access to education, mental health services, and drug and alcohol support. *Without addressing these root causes, reforms risk being both ineffective and harmful.*
- **PSYCHOLOGICAL AND SOCIAL HARM:** Involvement in the adult justice system can have devastating psychological impacts on children including increased risk of mental health deterioration, self-harm, and suicide. Separation from families and communities, especially for Indigenous youth, can cause irreparable emotional damage. *A 2017 investigation by the WA Coroners Court into the deaths of 13 Indigenous youth in the Kimberley Region found that 12 had died by suicide—many following contact with the criminal justice system. These outcomes must not be ignored.*

Conclusion

While the Queensland Government's goal of improving community safety is important, the "Same Crime, Same Time" laws may produce serious unintended consequences. These include:

- Increased incarceration of vulnerable children
- Worsening outcomes for Indigenous youth
- Breaches of international law
- Higher rates of reoffending
- Long-term psychological harm

A more effective approach would balance accountability

with rehabilitation, focusing on early intervention, culturally appropriate services, and addressing the root causes of youth crime. Lasting community safety comes not from harsher penalties, but from policies that support young people to make better choices and lead productive lives.

Key Policy Recommendations

1. Raise the minimum age of criminal responsibility to at least 14 years in all jurisdictions.
2. Guarantee significant wrap-around supports for all young people in contact with the youth justice system, with a focus on (re)engagement in education.
3. Prohibit the detention of children in police watch-houses and cells.
4. Provide appropriate accommodation for children under 16 who are in custody.
5. Treat detention strictly as a last resort, reserved for only the most serious offenses.
6. Reframe incarceration as a rehabilitative space, centred on learning, growth, and reintegration—not punishment.

We also strongly support the following evidence-informed strategies - psychological and health assessments for trauma or learning disorders amongst all young people in the youth justice system; targeted early intervention programs designed for specific needs of all young people; programs supporting parents; provision of wrap-around on-site services with health & social care; and provision of a greater number of alternative models of programs and schools that seek to reengage young people in education and community organizations.

Discussion Points

1. There are no "quick fixes" to youth crime. Decades of experience have shown us that "tough on crime" doesn't work. Discuss alternate approaches that might be considered.
2. What are some principles of Catholic social teaching and social justice that may inform policy approaches of government and responses by society?
3. Why is it in the interest of society to invest in long-evidence based approaches that target prevention, early intervention and rehabilitation over detention?



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