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Reference: [REDACTED]

Committee Secretary
State Development, Infrastructure and Works Committee

Via email: sdiwc@parliament.qld.gov.au

Dear Committee Secretary

The Queensland Family and Child Commission (the Commission) welcomes the opportunity to provide a submission to the State Development, Infrastructure and Works Committee regarding the Criminal Code (Dangerous Driving) and Other Legislation Amendment Bill 2026 (the Bill).

This submission focuses on provisions of the Bill that affect children and young people, including amendments to the *Youth Justice Act 1992*.

The Commission supports the Bill's objective of improving road safety and acknowledges the devastating impact of transport-related deaths on Queensland children and families. However, the Commission is concerned that the retention of *Adult Crime, Adult Time* (ACAT), the continued use of childhood findings of guilt as priors, and the introduction of mandatory imprisonment for certain repeat offenders are not accompanied by a clear evidence base demonstrating improved outcomes for children and young people.

The Commission therefore supports the objective of the Bill while drawing the Committee's attention to those youth justice elements most likely to increase exposure to detention.

[The Commission's evidence base on child death prevention](#)

The *Family and Child Commission Act 2014* requires the Commission to maintain a register of all child deaths registered in Queensland. In performing this function, the Commission provides evidence-based advice on child death prevention, using data and insights from child death reporting to identify emerging issues, risk factors and opportunities to improve child safety and wellbeing. The Commission also publishes annual child death reports to inform policy development, service responses and prevention initiatives across Queensland.

The *Deaths of children and young people Queensland Annual Report 2024-25* recorded 23 transport-related deaths of children and young people aged 0-17 years during the reporting period. Over the five years to 2024-25, transport-related incidents continued to be a significant cause of preventable child death in Queensland. Motor vehicle incidents accounted for more than half of transport-related fatalities, and 16 children died in motor vehicle incidents in 2024-25 alone, a marked increase from six in 2023-24. These findings highlight the importance of effective road safety measures and inform the Commission's interest in the Bill.

Children and young people require a distinct policy response

The Commission notes that the Bill creates a separate framework for non-motor vehicle offending, with lower maximum penalties than those applying to motor vehicle offences, reflecting the different risks and culpability associated with those forms of conduct.

The Commission is concerned that the continued reliance on a broad assessment of whether conduct was undertaken "dangerously", together with the new offence structure and aggravating circumstances, may have significant implications for children and young people. This is particularly relevant given developmental factors affecting judgement, impulse control and risk assessment during adolescence.

As outlined in my previous submissions (attached), the ability to plan and foresee the consequences of one's actions is vastly less developed in a teenager than an adult.

A review of neuro-imaging research from children and young people at different ages indicates that the frontal lobes—the part of the brain responsible for cognitive functions such as impulse control, future planning, empathy, and social interactions— is not fully developed until around 25 years of age. The underdevelopment of the frontal lobes can have notable effects on adolescent behaviours. It is not unusual for adolescents to experience difficulty controlling emotions, preference high excitement and low effort activities, poor planning and judgement and more risky and impulsive behaviours.

These developmental characteristics do not excuse harmful behaviour. However, they are relevant when considering whether offence provisions and sentencing consequences adequately distinguish between ordinary adolescent risk-taking and conduct that genuinely warrants substantial criminal sanction.

The Commission notes that the restructuring of non-motor vehicle offences into a separate framework introduces new aggravating circumstances and consideration of prior offending histories. This may result in more serious consequences for some children and young people in aggravated or repeat cases and reinforces the importance of ensuring the framework appropriately distinguishes developmental risk-taking from genuinely dangerous conduct. The Commission is concerned that this distinction becomes particularly important where offending behaviour may expose children and young people to detention or other significant criminal justice consequences.

Behaviour change and community safety outcomes

The Commission notes that the Explanatory Notes expressly acknowledge that retaining these offences within the ACAT framework may increase the likelihood that children receive detention or longer periods of detention, and that retaining childhood findings of guilt as prior convictions continues to affect the protection of children's interests.

The Commission's previous youth justice evidence (attached) has consistently highlighted that punitive consequences alone do not necessarily produce sustained behavioural change. Interventions that address underlying causes of offending, including social disadvantage, disengagement and unmet support needs, are more likely to improve long-term outcomes for children and enhance community safety. In this context, mandatory imprisonment

provisions and continued reliance on prior childhood offending histories risk emphasising punishment over behavioural change.

The Commission also notes the introduction of mandatory imprisonment in prescribed repeat offending circumstances. While the Explanatory Notes justify this approach on the basis of the seriousness of repeat offending, the Commission has not identified evidence demonstrating that mandatory imprisonment will improve behavioural outcomes for children and young people or reduce future dangerous driving behaviour. The Commission notes that the mandatory imprisonment provision limits judicial discretion and encourages consideration of whether that limitation is justified in circumstances where developmental and individual factors may be highly relevant.

[Evidence points to prevention and early intervention opportunities](#)

Child death review data also provides insight into the risk factors associated with fatal motor vehicle incidents involving children and young people. Of the 73 children who lost their lives in 68 motor vehicle incidents over the five-year period to 2024-25, more than two-thirds involved a young driver aged 25 years or less (65%) and one-third involved no or inappropriate restraint (34%). Approximately half of incidents involved excessive speed (53%), and approximately one-third involved either: a failure to follow road rules (31%); alcohol/substance use (29%); an inexperienced driver (29%); and reckless/dangerous driving (28%).

These data prompt consideration of whether the Bill's escalating licence disqualification periods will meaningfully change the behaviour of a cohort already prepared to disregard existing disqualifications. Many of these causes reflect preventable risk factors and opportunities for early intervention and education rather than post-incident punitive responses alone.

Approaches, including those included in the *Queensland Road Safety Education Blueprint: Guiding Queensland's Approach to Road Safety Education from Birth to Young Adulthood* (the Blueprint) hold potential to reduce vehicle-related fatalities through early intervention and education, and supports the government's goal of zero road deaths and serious injuries by 2050.

[Transport mortality among Aboriginal and Torres Strait Islander children and young people](#)

The Blueprint reports that the average transport-related mortality rate of Aboriginal and Torres Strait Islander children and young people is three times the rate of non-Aboriginal and Torres Strait Islander children and young people. The Commission's own child death data shows that, over the past five years, transport-related deaths involving Aboriginal and Torres Strait Islander children were at a rate of 3.7 per 100,000 compared to 2.1 per 100,000 for non-Aboriginal and Torres Strait Islander children.

The implementation of road safety education campaigns provided by, and for, community, including through partnerships with community-controlled organisations has the potential to curb these disproportionate mortality rates.

Conclusion

In closing, the Commission supports efforts to reduce the devastating impact of dangerous driving on Queensland children and families.

However, we encourage the Committee to carefully consider whether the Bill's youth justice measures, including mandatory imprisonment, retention within the *Adult Crime, Adult Time* framework and the continued use of childhood findings of guilt as prior convictions, are supported by evidence and likely to improve long-term behavioural outcomes. Particular consideration should be given to ensuring that the framework appropriately distinguishes ordinary adolescent risk-taking from genuinely dangerous conduct.

The Commission also encourages continued investment in evidence-based prevention, education and early intervention measures that address the factors contributing to dangerous driving behaviour before harm occurs.

If you would like to discuss this matter further, please don't hesitate to contact me directly on [REDACTED] or via email at [REDACTED].

Yours sincerely

Luke Twyford

Principal Commissioner

Queensland Family and Child Commission

15 July 2026