one iota. There will still be individuals running terrible practices and they are people we all abhor who are abusing the good workers of Queensland.

Clearly, there were recommendations that it would be much better addressed through the federal sphere of legislation. Perhaps at COAG they could bring these matters forward and then put in place laws that effectively work. It was identified that we did not have proper regulation through the Fair Work Ombudsman and that all those matters could be better addressed if the government funded better Fair Work officers to go out and supervise these matters where people are bending the rules and breaking them quite clearly now.

From our point of view, if there is any movement to this licensing regime, it will be more bureaucracy and more jobs for union mates. They will run the licensing arrangement. It is clear that since this government came in on day one it has danced to the puppeteers of the union movement. That is where this proposal is basically coming from. The best estimate that all members put forward was that the number of problem operators from Victoria right through to Queensland was a single digit number. They basically said that most of them were wonderful for the industry and were doing a great job for employees. They said that if there were not these labour hire groups, there would be no jobs. For a government that keeps rolling on about jobs, jobs, jobs, I can say that any further impediments on this labour hire industry will roll back those jobs, jobs, jobs and, again, this government will be responsible for a lessening of work practices throughout this state.

Clearly, licensing does not fix the problem. Even the people who presented from unions et cetera basically said that licensing will not stop the rogue operators because the rogue operators are exactly that—rogue operators that we do not want in our system today. We want this government to use all of the facilities through the laws that are available now and can be effective now to address this matter, instead of sitting on their hands and saying, 'Let's have a licensing regime and let our union mates run it. If they're not in the CFMEU'—or whatever particular union it is—'you don't get the licence if you don't hire union members.' That is what this proposal is all about. It is not about looking after those workers who were disadvantaged through bad employers—and those bad employers are out there.

This is all about serving their political masters who do not have the interests of the workers at hand. All they want is more members because I think they are down to about 13 per cent of the workforce now. They want more members so they can get more union fees to fund these Labor campaigns. That is how it works. There is no evidence whatsoever that a licensing regime will satisfy anything other than the pockets of the union masters who drive this lot on the other side of the House.

We are totally opposed to the licensing regime as it is another burden on industry. There is not one instance that could show us where a licensing regime would fix the problem. I can guarantee that the minister will bring in some you beaut, whoopee do legislation to help out her union mates, and that will be coming shortly. This is a thought bubble. There is no sustainable supporting evidence to bring in that legislation. It is just more crippling of Queensland, where this government will do anything in its power unfortunately to break down industry so industry cannot get on with the job of fixing Queensland's parlous state.

Question put—That the motion be agreed to.

Motion agreed to.

Mr DEPUTY SPEAKER (Mr Crawford): The time for the debate of committee reports has expired.

020

YOUTH JUSTICE AND OTHER LEGISLATION (INCLUSION OF 17-YEAR-OLD PERSONS) AMENDMENT BILL

Introduction

Hon. YM D'ATH (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (12.38 pm): I present a bill for an act to amend the Corrective Services Act 2006, the Youth Justice Act 1992 and the acts mentioned in schedule 1, for particular purposes. I table the bill and the explanatory notes. I nominate the Education, Tourism, Innovation and Small Business Committee to consider the bill.

Tabled paper: Youth Justice and Other Legislation (Inclusion of 17-year-old Persons) Amendment Bill 2016.

Tabled paper: Youth Justice and Other Legislation (Inclusion of 17-year-old Persons) Amendment Bill 2016, explanatory notes.

I am proud to introduce this historic legislation, the Youth Justice and Other Legislation (Inclusion of 17-year-old Persons) Amendment Bill 2016. These amendments will bring 17-year-olds into the youth justice system. This bill speaks to our values as a community and as a parliament. Queensland is the only jurisdiction in Australia that treats 17-year-olds as adults in the criminal justice system. In Queensland the law defines adulthood as commencing at the age of 18 except in the criminal justice system. By treating 17-year-olds as adults in the criminal justice system, we are not just inconsistent within our own state and with the rest of Australia; we are in breach of the United Nations Convention on the Rights of the Child.

When the Juvenile Justice Bill 1992 was first introduced, it stood alongside a clear commitment to including 17-year-olds in the system. Twenty-four years later the Palaszczuk government is determined to resolve this issue once and for all. Yes, it is complicated, but we cannot continue to deny 17-year-old people proper recognition under the law. While we have an efficient and effective adult corrective services system, we appreciate that 17-year-olds are still youths and not adults, and the youth justice system provides:

- increased ability to be diverted from the court system;
- access to more age appropriate education, training and specialised programs;
- more intensive staff support and supervision in custody;
- reduced exposure to adult offenders; and
- the sentencing principles of the Youth Justice Act, which prioritise support and rehabilitation in the community wherever practicable and appropriate.

Moving 17-year-olds into the youth justice system is the right thing to do. It is the right thing for our young people and it is the right thing for community safety because improving rehabilitation outcomes for 17-year-olds will make our communities safer. It is the right thing for Queensland and brings us into line with the rest of our nation and with international law and standards.

The amendments I will introduce today will increase the upper age of a 'child' for the purposes of the Youth Justice Act from 16 to 17 years. These changes will commence by proclamation, to ensure thorough planning for a safe and proper transition is undertaken. The government will undertake a comprehensive and rigorous process working with stakeholders to ensure our infrastructure and services are ready to safely meet the increased demands that will accompany the 17-year-olds. The bill establishes heads of power for a regulation to provide the necessary detail of the arrangements. Final arrangements will be needed to ensure a fair and safe outcome in transitioning young people for whom proceedings have already commenced in the adult system.

It is highly unlikely that all 17-year-olds in Corrective Services custody—approximately 50 at any one time—can be moved to youth detention centres on the day of commencement. Final arrangements will need to facilitate this transition over a reasonable period and will need to be flexible enough to accommodate every possible scenario including illness, imminent court dates or imminent release from custody. We will continue to work with stakeholders to identify all possible scenarios and develop arrangements to resolve these. This work will, in turn, inform the regulation.

I turn to the detail of the bill. The Youth Justice and Other Legislation (Inclusion of 17-year-old Persons) Amendment Bill 2016 changes the definition of 'child' for the purposes of the Youth Justice Act from under 17 years to under 18 years. It then provides for the management of this change by dealing with three cohorts of 17-year-old offenders: those who have not yet been charged, those for whom proceedings are on foot, and those who have been sentenced and are under Corrective Services supervision, under either an imprisonment order or a community based order such as probation or community service.

The bill will commence by proclamation 12 months after passage. From commencement, a 17-year-old in the first cohort, one who is alleged to have committed an offence whilst aged 17 but has not yet been charged, will be treated as a child for the purposes of the act. I note that part 6, division 11 of the act deals with child offenders who become adults and will apply if the person has turned 18 or when the person turns 18. The second cohort—17-year-olds who are the subject of current court proceedings—and the third cohort—those who are serving current adult sentence orders—require more careful planning. I note that the government had the option of utilising the existing section 6 of the act by making a regulation to raise the age of a child, but that would have left these two cohorts in the adult system.

We acknowledge that the extent of the planning and capacity building required means that these cohorts—those who are close to turning 18, close to the finalisation of their proceedings or close to

completing their sentences—will need to be considered on an individual basis as part of the transitional arrangements. Accordingly, the bill provides a transitional regulation-making power to deal with these cohorts. For the second cohort—those for whom proceedings are on foot—a transitional regulation may provide for the person to be treated as a child in relation to the offence or the alleged offence. For some, this will be a simple matter of transferring proceedings to the Children's Court; but the regulation will need to provide certainty for a range of different scenarios including, for example, a case where a lengthy hearing is part heard at commencement, or a joint trial of a 17-year-old with a co-accused 18-year-old. The proposed new subsection 390(3) provides a broad power for a court to make an order or give directions to facilitate the transition to ensure that any unanticipated scenarios can be managed in the most appropriate way.

For the third cohort—those subject to a sentence order—a transitional regulation may provide for the application of the Youth Justice Act and other acts to the person as if the sentence, or any subsequent order about the sentence, were a sentence or order made under the Youth Justice Act. This is important because it preserves the independence of the judiciary. The bill does not interfere with sentence orders made prior to commencement; rather, it provides for the administration of those orders for 17-year-olds in the youth justice system rather than the adult system.

It would simply not be practicable to go back and rewrite the last 24 years and the way the legal system has historically dealt with 17-year-olds. What we can do is improve the law into the future and ensure the effective transition to a new system. To that end, an adult probation order, for example, will be able to be administered as though it were a youth justice probation order. The adult order would stand, but the person would report to a youth justice service centre and take direction and receive the support from a youth justice caseworker. Similarly, a person sentenced to imprisonment would serve that term of imprisonment in a youth detention centre, subject to the relevant provisions of the Youth Justice Act in relation to supervised release orders in place of parole or transition to an adult corrective services facility on reaching a certain age.

The bill contemplates exceptional circumstances where a 17-year-old might not be transferred from adult to youth custody. This is to provide for circumstances where, for example, the person is due for release only a short time after they would otherwise have been transferred. For these cases, a regulation may provide for relevant provisions of the Youth Justice Act to apply even though the person is in adult custody.

Again, the bill provides a broad power for a court to ensure that any unanticipated scenarios can be managed in the most appropriate way. The proposed section 389(4) will allow a court to make orders or give directions or, in the interests of justice and having regard to the application of the act or another act under the transitional regulation, to vary the sentence or even to discharge a sentence and replace it with an equivalent youth justice sentence. I anticipate a discharge would only occur in an extreme case where, for example, the intention of a sentencing court would otherwise be thwarted and could not be achieved by way of an order, direction or variation of the sentence order. These powers the bill gives to the courts will ensure flexibility and the preservation of the intention of sentencing courts through this transition process.

I also note the proposed section 389(3) (a), which facilitates the continued application of other acts to an adult sentence that is being administered using the provisions of the Youth Justice Act. This will facilitate, for example, the application of appeal provisions to the sentence, again preserving the integrity of the adult sentence order made prior to commencement. Taken as a whole, these heads of power for a transitional regulation are broad enough but clearly defined enough to facilitate a regulation which will provide for all of the detailed arrangements necessary to achieve the policy intent of this bill.

This bill will complement the reforms already underway by the Palaszczuk government. The work undertaken in the first 18 months of government in youth justice provide us with the platform to bring about this historic change. Reform in Youth Justice is clear in its objectives: reducing offending and reoffending, reduced use of remand and increased numbers of children and young people successfully supported in the community. Reform in Youth Justice acknowledges the responsibility we have when a child or young person offends to intervene and stop them from progressing into a life of crime. Reform in Youth Justice acknowledges that how we intervene with young offenders will have a profound impact on whether they continue into a life of crime and on our community's safety.

Importantly, evidence is driving this reform. Research and government data shows clearly that all government agencies need to work together more effectively to respond to the highly complex needs of children and young people in the youth justice system. It is clear that children and young people who

do not have their basic health and welfare needs met and who are not participating in education, training or employment are at high risk of being remanded to custody and of reoffending.

021 This complex support cannot be provided by youth justice alone. This magnitude of change will require a coordinated, comprehensive, whole-of-government approach. A whole-of-government youth justice policy is being developed to: secure agreement and drive coordinated effort to identify safe and better alternatives to remand in the community; divert children and young people from the youth justice system; provide support for the underlying complex needs that lead to offending; and provide support beyond the completion of a youth justice order to sustain change and reduce reoffending.

A priority of the reform is to reduce the unacceptable overrepresentation of Aboriginal and Torres Strait Islander children and young people, who are 23 times more likely to be held in detention on an average day. The high use of remand, with almost two-thirds of children and young people in detention and not sentenced, is a feature of the youth justice system that cannot be left to continue and is a priority of this reform. These reforms will also target the high rate of reoffending for children who have been in detention, with 90 per cent of these children or young people reoffending within a year. Under these reforms youth justice continues to hold children and young people accountable for their offending, courts will continue to impose appropriate outcomes and youth justice continues to administer youth justice orders.

This process of reform is well underway. Amendments to the Youth Justice Act which have already passed through this parliament this year have restored balance to the youth justice system. This bill will bring Queensland into line with the rest of the nation; however, this is not enough. The Palaszczuk government seeks to lead the country in the way we engage with young people by developing strategies and initiatives to stop our youth turning to crime and divert those that are in the youth justice system away from reoffending. We all know that we cannot stop every young person from offending; however, this should not be used as an excuse to avoid our obligation as members of parliament and citizens of this state from identifying and intervening early to support young people and their families so that crime does not become part of their future. By doing this, these young people can go on to live productive lives in society and our communities are made safer.

There is nothing easy about this, but good government is not about making the easy decisions. Good government is about tackling the important issues and making decisions that improve the lives of people who call Queensland home. The amendments support the act's rehabilitative focus and reintroduce restorative justice processes as a powerful diversionary option for children and young people. Evidence based practice is being rolled out across youth justice.

The bill I present to parliament today supports the comprehensive reform work that has been developed over the past 18 months and contributes positively to the fulfilment of youth justice's strategic objectives. The focus going forward for all government agencies will be on concrete and measurable strategies to reduce reoffending and remands in custody. A whole-of-government panel will be convened to oversee the development and implementation of programs and practices necessary to achieve these aims and safely integrate 17-year-olds within the youth justice service system. A stakeholder advisory group will also support and advise the government panel on this work. A cabinet subcommittee has been formed to oversee the progression of this work.

The government is unequivocal: bringing 17-year-olds into the youth justice will happen. This bill represents a profound opportunity to change the way Queensland delivers youth justice. If done right, these reforms can change young people's lives and improve community safety, which is an objective that all of us in this chamber should strive to achieve. I commend the bill to the House.

First Reading

Hon. YM D'ATH (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (12.53 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

~~Referral to the Education, Tourism, Innovation and Small Business Committee~~