Speech By

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

Mr CRANDON (Coomera—LNP) (8.08 pm): I rise to speak against the Youth Justice and Other Legislation (Inclusion of 17-year-old Persons) Amendment Bill. To be clear, I support the concept that Queensland be brought into line with other states regarding the treatment of 17-year-olds in our justice system but not in this way—not as a kneejerk reaction to the negative press around the treatment of juvenile offenders in another jurisdiction. This government is on track to worsen the risk for young offenders as a whole with this ill-thought-through, kneejerk response.

Firstly, the government cannot guarantee the safety of much younger detainees—some as young as 10—if 17-year-olds are moved into the juvenile justice system without properly considered planning. Secondly, the cost of transition as proposed by the government is not able to be properly determined. Why? Because the transition plan is yet to be properly established and put into place.

Whether we are talking about 17-year-olds or younger people, the majority have come from very different lives than most in this House have experienced. In my investigations into the area of recidivism, the message comes through very clearly—the majority of these young people are damaged. They have been damaged by the treatment they have experienced when very young—sexual abuse, physical abuse, malnutrition, a home life or a lack of a home life that just beggar belief. I have spoken to people in our justice system who have never experienced the love of a parent or a significant other. They have never been told that someone cares and as a result they have never cared for anyone else. The life they have lived from a young age eventually causes mental health issues or drives them to seek refuge in drugs. Most are suffering in a state of comorbidity. Drug taking has brought on mental health issues, or mental health issues have caused them to become drug abusers. The research confirms that a huge proportion of these young people experience both mental health issues and drug addiction. So many of them have become young offenders due to their mental health issues, drug dependence or a combination of both.

The broad objectives of this bill are to increase the upper age of who is a child for the purposes of the Youth Justice Act 1992 from 16 years to 17 years and to establish a regulation-making power to provide transitional arrangements for the transfer of 17-year-olds from the adult criminal justice system to the youth justice system. That is all fine and dandy, but the issues in our youth detention centres are already incredibly complex—the point being we have not properly dealt with the problems that are there now and this government wants to introduce the complexity of these additional older offenders from our adult prisons and place them alongside our juvenile offenders without proper thought and planning.

The unintended consequences—consequences that we cannot even imagine—could be far more devastating for our young people. Our juvenile detention centres have mainly remand prisoners in them. On average, more than 80 per cent are in this category. Many, perhaps most, are first-time offenders or second-time offenders, so it follows that with less than 20 per cent of young people in our youth

detention centres as sentenced prisoners why then would we mix in so many additional prisoners? The number of sentenced prisoners who would transition would be in the order of 20 or so, added to the 30 or so current sentenced prisoners who are already in our youth justice system. That is a huge percentage increase—and, remember, we are talking about the oldest cohort in the system. We are likely to see issues arise around control where this older cohort will look to dominate others in our facilities. That is a real concern to me—as are the many issues that need to be properly considered.

In terms of where to start, I believe alternative options should be considered to reduce the number currently in our youth detention centres. It can be done. By way of comparison, I looked at Tasmania. In Tasmania just a few years ago, the number in youth detention was approaching 40 young people. Today that number is around 10. That is something like a 70 per cent reduction in numbers achieved through a focused approach in the knowledge that detention is not the best option for many young people who find themselves in the youth justice system. If Queensland achieved just a 30 per cent reduction, we would have far more alternatives available to us to transition 17-year-olds into the youth justice system, but do that first before we start looking to transition. We could perhaps use this $44 million that has been talked about as an annual cost, or the $400 million lump sum, to go towards these other programs that could reduce the numbers in our youth justice system now before we then move 17-year-olds across in an orderly fashion.

As I stated at the outset, I am supportive of the transition of 17-year-olds to the youth justice system but this is the wrong way to go about it. Slow down, Attorney-General. Consult with stakeholders. Work to reduce the number of those already in detention and then act. In conclusion, I note the report talks about the financial cost of this proposal. My fear is that the real cost will be further damage to the young people in our juvenile justice system, young people who by many measures are already the most marginalised in our society. This kneejerk reaction, this ill-thought-through plan, should not proceed until a thorough and complete transition plan has been properly formulated.