




Speech By
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MEMBER FOR SUNNYBANK

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

 **Mr RUSSO** (Sunnybank—ALP) (5.41 pm): I rise to express my wholehearted support for this bill that removes 17-year-olds from the adult prison system. As many people in this House are aware, I have represented people in Queensland including many children. In fact, I have had the opportunity to visit most of the correctional centres throughout Australia. I know the challenges that face our front-line services: the police, the correctional officers and the youth workers. I know the challenges that face the parents and guardians of children who find themselves tangled up in the court system, often through no fault of their own. I have represented a child who was living in an industrial bin because he was too scared to go home. I have represented children from broken homes, I have represented children from good homes and I have represented children for whom no answer can be found. I have long been an advocate for these changes. The legislative change is well overdue. My friends at the Youth Advocacy Centre and other community legal centres have been campaigning passionately on this issue for almost 25 years. It is an area we have been talking about for this long and we long ago fell behind other states and the international standard.

The Palaszczuk government has made a clear commitment to a youth justice system based on restorative justice. We have already legislated to remove penalties and laws based on retribution rather than restoration such as the boot camps and the removal of the sentencing principle of detention as the last resort. In my opinion, a tough on crime approach towards young offenders does not act as an effective deterrent against reoffending but, rather, instils a sense of hopelessness and disconnection. Treating children as criminals and removing them from their homes and schools simply conveys the message that they do not belong in their community. I believe that when writing criminal law it must always be considered whether or not the state's response will do further harm to the community at large.

Despite our best efforts as a government, some children in this state are still struggling through life on a daily basis. Not all children are raised in a stable home with loving parents and food on the table. Not all children are encouraged to go to school every day and to treat others as they would like to be treated. I agree that this disadvantage does not excuse offences against the laws of our society, especially where the crimes are of a violent or sexual nature. However, I think it would be remiss of us not to acknowledge that many of these children could seriously benefit from an education based approach to discipline. It is important to recognise that young offenders who are brought before our courts are overwhelmingly from low socioeconomic areas. The majority are charged with minor offences against property such as shoplifting and fare evasion, and 75 per cent of youth offenders are either homeless or at risk of homelessness and 63 per cent of them do not attend school. These children need to be given every opportunity to rebuild a respectful relationship with their community while their brains are still developing.

It is well known that the human brain does not mature until about the age of 25. American psychologist Laurence Steinberg likened the brain of an adolescent to a car with an overactive accelerator and an underactive brake. Teenagers are more susceptible to impulsive, irrational and risky

behaviour due to their still developing frontal lobe, and this is increased when they are experiencing high emotion or peer pressure. When this information is taken into account, it is not difficult to see why crime rates peak among people aged between 15 and 19. Indeed, some of the data records a 400 per cent increase in crimes committed within this age bracket compared to the rate of people aged over 19.

Generally, between two-thirds and three-quarters of young offenders grow out of their offending behaviour by their early adulthood. This trend is referred to by criminologists as the age-crime curve and is a phenomenon that is well documented across the world. The reason we have developed a specialised youth justice system is to take into account this immaturity and to focus on the rehabilitation of troubled youth to one day become responsible members of our society.

Our youth justice system seeks to divert young people from the court system whenever possible and encourages rehabilitation in the community. This is a major focus on education and contact with family and victims in a controlled environment. The resources committed by the government to this system are substantial compared to the adult system, but this is a choice we have made as a community. As a society, we have chosen to support troubled children by offering them the option and resources to get their lives back on track.

The debate we are having here today is whether 17-year-old offenders should be treated as adults or as children in the criminal justice system. In all other areas of law and society, 18 is considered the age when a child becomes an adult. A child under the age of 18 cannot buy alcohol or cigarettes and they cannot get married or travel overseas without the involvement of an adult. When the age of 17 was chosen for the Youth Justice Act, it was not argued that these children deserve to be treated as adult criminals. It was acknowledged then that 17-year-olds should fall under the Youth Justice Act and it was anticipated that this transition would occur over the years following.

It continues to surprise me that our LNP opposition are so utterly backwards on this issue. We are at the stage now that those on the other side of the room are the last people in the country to stand up and say that children should be delivered straight into the harsh reality of adult prison instead of being rehabilitated back into the community. The members for Broadwater, Albert and Buderim say it is too expensive and too hard. Those members of parliament are on their own with that view. In 1990 the United Nations ratified the Convention on the Rights of the Child, currently accepted by 193 states across the world. The convention defines a child as a person under the age of 18 and lists the protections governments should adopt to ensure the rights of the child are upheld. Our state has been in breach of this convention now for a quarter of a century.

Those opposite criticise our government for acting too decisively on the issue, despite the fact that a detailed and generous transition program has been provided for. This system works in every other state and the benefits are evident in the rehabilitated youth who return to benefit society. The LNP's position on this issue is truly shameful. This unjustified legal anomaly has already been around 25 years too long.

Before I finish I would like to correct something that the member for Mansfield outlined about what is happening in Victoria. The member failed to dig further into what is actually happening in Victoria. In Victoria there has been a suggestion that the parole system be looked at in relation to what is occurring with 17-year-olds there; not that they will be returned to adult prison. I needed to correct that for the record. The Children, Youth and Families Act has governed the way they treat children in Victoria since 2005.

I commend the Premier and the Attorney-General for their courage in bringing this legislation to the House and I commend the legislation to the House.