




Speech By
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MEMBER FOR TOWNSVILLE

Record of Proceedings, 3 November 2016

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

 **Mr STEWART** (Townsville—ALP) (3.38 pm): I rise to support the Youth Justice and Other Legislation (Inclusion of 17-year-old Persons) Amendment Bill 2016 as the chair of the Education, Tourism, Innovation and Small Business Committee, whose responsibility it was to examine the bill in detail. Firstly, I would like to acknowledge the many groups and organisations for their submissions and for those organisations that allowed the committee to come and visit; namely, the Cleveland Youth Detention Centre and the Stuart correctional centre, both located in beautiful downtown Townsville. I would also like to thank the members on both sides of the House who are members of the committee and, of course, the secretariat staff for their involvement in the examination of the bill.

Queensland's current approach to housing 17-year-olds in adult prisons differs from all other Australian states and is inconsistent with the United Nations Convention on the Rights of the Child. Australia signed the convention on 22 August 1990 and ratified it on 17 December of the same year. There is broad recognition that 17-year-olds benefit from being included in the youth justice system rather than being treated as adults in a criminal justice system, specifically in relation to young people's neurological and cognitive development and the need for a justice system that responds to young people in a developmentally appropriate way. The department backed this up when it advised the committee during the public hearing that the youth justice system was a better fit for 17-year-old offenders especially in terms of outcomes in reducing recidivism. The department stated—

Our view is that, in terms of reducing the likelihood of reoffending, those young people are much better served by the intensive support and wraparound services they are able to access in a youth detention centre than they have access to in the adult system.

The committee received 16 submissions on this bill, and it is interesting to note that all 16 submitters supported the bill. In fact, there was no-one who came forward who opposed the bill. Most acknowledged that the reforms were long overdue. For example, the Queensland Council for Civil Liberties applauds the government for finally taking steps to address the issue of bringing 17-year-olds into the youth justice system and under the authority of the Youth Justice Act, submitting that the failure of successful governments to deal with this issue over the last 24 years is unjustified.

The Youth Advocacy Centre, YAC, was extremely pleased to hear that the government's commitment to treat 17-year-olds as children under the Youth Justice Act was being actioned. They submitted—

This has been under discussion for nearly 30 years and we congratulate Premier Palaszczuk and Attorney-General D'Ath on being the ones to move from discussion to action.

Amnesty International is strongly supportive of the bill, submitting that it 'will bring Queensland into line with other jurisdictions in Australia as well as Australia's obligations under the United Nations Convention on the Rights of the Child'. In expressing its support, Community Legal Centres Queensland submitted—

There should be a consistent definition of a "child" across State and Federal legislation. It is incomprehensible that a 17 year old is not old enough to vote, get married, obtain a passport in their own right or be sued but is old enough to face the adult criminal justice system.

The UQ Pro Bono Centre submitted—

The inconsistency between states is particularly arbitrary and problematic, as it is difficult to justify children being granted fewer fundamental rights depending on where they reside.

The YAC submission advised of the need for uniformity across all jurisdictions and was concerned about the anomalies created by the current inconsistencies. It stated—

Queensland is the only jurisdiction in Australia that continues to treat 17 year olds as adults ... It is not acceptable that how a child is treated in the criminal justice process depends on where they live in Australia ...

...

It cannot make sense that a 17 year old can be charged, tried and possibly detained as an adult in Coolangatta in Queensland while their mate literally across the road but who is technically in Tweed Heads in New South Wales is dealt with as a juvenile. The 17 year olds from Victoria and New South Wales coming to Queensland for "schoolies" celebrations—

which we will see on the Gold Coast glitter strip soon—

will not be aware that if they should get into trouble, they will be treated as adults.

What astounds me the most is that, while we have 16 submitters agreeing with the bill, the only group opposed to the bill were the three members of the committee from the opposition. Even the other members of the opposition seem to agree with the bill, as the *Courier-Mail* in an article on 28 October by Jason Tin titled 'LNP trio in way of jail law change' states—

LNP MPs sitting on a parliamentary committee tasked with examining Labor's proposed laws to get 17-year-olds out of adult prisons have declared they won't support them.

The Palaszczuk Government's decision to shift 17-year-olds was applauded by major advocacy groups and stakeholders, including the Queensland Law Society.

But LNP committee members Verity Barton, Mark Boothman and Steve Dickson have voiced their opposition to the legislation.

Opposition Justice spokesman Ian Walker yesterday appeared to distance the party's leadership team from the trio's lengthy submission.

This is not the first time the trio have got the team message wrong. Who can forget earlier this year when the LNP members of the committee did not support the ETISB Committee's estimates report and thereby effectively adopted the stance of not supporting the expenditure of the budget. Not only was this the first time in anyone's memory that opposition members did not support the expenditure and thereby put at risk the very functioning of the education department; when the vote was taken in the House the opposition did not support the stance by the LNP trio on the committee and in fact supported the estimates report. This will be the second strike against the LNP trio of the committee. We all know what happens at strike 3. Either they are getting the wrong advice or methinks there is skulduggery afoot.

We will hear from those opposite that there is no plan for the transition of 17-year-olds into youth detention centres in this bill. The transition of these young people will be complex, challenging, well planned, thorough and successful. When introducing the bill, the Attorney-General and Minister for Justice said—

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.

This was also supported by the department when addressing the committee's inquiry when it advised—

The work of the multiagency group gets underway and we start establishing, identifying and preparing for the various strategies that will be implemented. It will not just be one; it will be a number. We might find that we are ready for different cohorts at different times. There might be geographic differences. There are a whole range of options that are on the table. The way that this has been progressed provides for the flexibility for us to move with whatever works at the time.

This is the important part—

We will not be picking up 50 17-year-olds in a bus on day one and taking them to detention centres; a whole range of different options will be considered.

The YAC noted the complexity of the transition but believes the approach proposed in the bill 'seems a reasonable and practical way to proceed'. In particular, YAC welcomed the government's commitment to working with stakeholders on the detail that will be involved during the bill's transition phase. In addition to supporting the bill, Amnesty International recommended—

... the Parliament ensure the cabinet subcommittee, whole-of-government panel and Stakeholder Advisory Group charged with overseeing the transitional arrangements for the transfer of 17-year-olds from the adult criminal justice system are advised and guided by relevant bodies including the First National Action Board, the Queensland Child and Family Commission and the Office of the Public Guardian.

Queensland Family and Child Commission, QFCC, believes that the 12-month implementation time frame will allow the appropriate consideration of establishing or strengthening safety measures for young detainees prior to the introduction of 17-year-olds into youth detention.

Those opposite will focus solely on the cost of this transition process. The department advised that approximately 80 per cent of young people in the youth justice system are on remand, requiring a median stay of around 14 days in detention centres. Notably, Aboriginal and Torres Strait Islander youth are 23 times more likely to be held in detention than non-Indigenous people. It was interesting to hear the member for Mansfield say that we need to be doing something about that but within the next breath was sprouting that we should lock them up and throw away the key.

The department acknowledged that remand reduction strategies and reducing the over-representation of Aboriginal and Torres Strait Islander youth in detention were key strategies to meeting the challenge of including 17-year-olds in the youth justice system. The department advised—

Central to this bill and one of the reasons it is such a transformational initiative really is that it does envisage a change to the way in which youth justice operates, and that is why it needs to be a multiagency approach. The aim is to not have to build, not have to immediately go to a \$400 million build because you are doing things like the remand reduction strategies.

This approach was supported by submitters. The Youth Advocacy Centre submitted—

There will clearly be costs involved in changing the situation (although presumably this was the same for Tasmania in 1998, the NT in 2000 and Victoria in 2004): however, these costs need to be balanced against the financial costs of ongoing involvement with the criminal justice system and the personal costs to victims of crime. Where a young person is sentenced to incarceration, the youth detention centre provide opportunities to attend the therapeutic program and participate in education which are not available in prison and therefore there is more likelihood that young people can be diverted. That is not to say that this is operating to its greatest potential at the moment, but monies invested appropriately here could save the significant cost of keeping an adult in prison for years into the future. Further, there is evidence to suggest that those going to prison are more likely to offend than those kept in the youth justice system with the costs that accompany that.

The Anglican Church Southern Queensland Social Responsibilities Committee believed the cost of implementing the bill was an investment that will benefit the community as a whole. They said—

It is critical therefore that support for this Bill is not derailed by a preoccupation with possible short term budget implications ... national and international evidence demonstrates that investing in rehabilitative and therapeutic responses that will help children in trouble—including 17 year olds—to become contributing members of our community, is both cost effective and future thinking.

The Community Legal Centres Queensland contended that the costs of the change 'are not prohibitive', submitting—

Considering the cost of imprisonment of one young person is approximately \$237,980 per year then diverting this to better funding diversionary methods would be more cost effective. By adopting preventative, therapeutic and rehabilitative approaches, it is possible to achieve far better outcomes than punitive measures.

It is clear. For almost 30 years, the government of the day has found this issue of moving 17-year-olds from adult prisons to youth detention centres too hard, too difficult. The Palaszczuk government has said there has been enough talk and it is now time for action. This bill will achieve what should have been done all those decades ago. I commend the bill to the House.