




Speech By
Hon. Shannon Fentiman

MEMBER FOR WATERFORD

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

 **Hon. SM FENTIMAN** (Waterford—ALP) (Minister for Communities, Women and Youth, Minister for Child Safety and Minister for the Prevention of Domestic and Family Violence) (8.52 pm): I rise to speak in support of the Youth Justice and Other Legislation (Inclusion of 17-year-old Persons) Amendment Bill which will finally transition 17-year-olds from adult correctional facilities—a place they should never have been. As a Labor member of parliament and also as the Minister for Youth, I welcome this decision by the Palaszczuk government. As the Premier said when she announced this reform, this issue has finally been taken out of the too-hard basket. This is not a new issue and in fact there are many members of this House, myself included, who have been fighting for this legislation for years and, in some cases for some members, decades. At my first Queensland Labor conference removing 17-year-olds from adult prisons was the first motion that I spoke on. It was one of the issues that convinced me to join the Labor Party. It is a great feeling standing here in this House today as a member of parliament speaking in favour of this legislation.

As we all know, Queensland is the only jurisdiction in this country that treats 17-year-olds as adults within our criminal justice system. No other state or territory treats 17-year-olds as adults and imprisons them in adult facilities. We also know that this anomaly in Queensland has meant that for more than 20 years we have been breaching the United Nations Convention on the Rights of the Child. In 2012 the UN committee overseeing the Convention on the Rights of the Child tabled its report on Australia's progress on child rights and once again the UN committee condemned Queensland's inaction on this issue. It took Queensland to task for failing to remove 17-year-olds from the adult justice system, and sadly it was not for the first time.

Increasing the age at which young people are transferred to adult prison from 17 to 18 will bring us into line with nationally and internationally accepted law. This will increase the age at which children and young people are subject to periods of detention under the Youth Justice Act 1992 to be transferred to adult corrections from 17 to 18 years of age and empower a court on application to delay a young person's transfer for up to six months. This bill will ensure that Queensland is offering appropriate legal protection to 17-year-olds. Another consequence of 17-year-olds being treated as adults in our criminal justice system is the fact that they are excluded from youth restorative justice programs. We know that restorative programs like youth justice conferencing do have an impact on reducing crime and reducing recidivism because they give young people a chance to be accountable for their actions. They also give young people who have done the wrong thing a second chance, because 17-year-olds are not adults. They are still maturing. Their brains are still developing and they are still vulnerable to the expectations and influences of others.

In 2004 while campaigning for 17-year-olds to be removed from adult prisons in Victoria, Father Peter Norden from the Victorian justice coalition said—

You put a 17-year-old who is vulnerable in an adult prison and he will make heroes of criminals.

By putting 17-year-olds in our adult prisons, we run the risk of setting our young people up for a life of crime. We will set up our society for higher recidivism rates, an increased chance of more serious criminal offences and more young Queenslanders stuck in a cycle of crime. We have listened. We have listened to the Queensland Family and Child Commission which in its submission to the committee supported the transfer of 17-year-olds from adult justice to youth justice, citing Queensland's responsibilities under the UN Convention on the Rights of the Child. We have listened to the Queensland Law Society which in its submission once again supported removing 17-year-olds from adult prisons, as it has for many years. We have listened to those on the ground who work every day with young people whose lives may have gone off track.

As the Minister for Youth this issue has been raised with me time and time again by the youth sector. The legislation is yet another example of the government not only listening to the community but also valuing its contribution. Through discussions with organisations like Brisbane Youth Service, YETI in North Queensland and YANQ, I have heard loud and clear that this change is needed. I also want to acknowledge the advocacy of Sisters Inside and in particular the work of Deb Kilroy. Deb has been a tireless advocate for this change for many years and has bravely shared her personal story many times over the years with the hope that this day would come. Deb, hats off to you and all the campaigners in the youth and legal sector who never gave up on advocating for this change.

I also want to thank the tireless advocates in this House. I want to particularly thank the Attorney-General for introducing this legislation. I want to thank my good friend Peter Russo, the member for Sunnybank, who has been instrumental in keeping this issue on the agenda. I want to extend my particular thanks to Damien Atkinson at the Youth Advocacy Centre. The passage of this legislation will be a testament to his many years of work and I want to join with Damien and call for a bipartisan approach to youth justice. As Damien said in the Youth Advocacy Centre submission to this bill—

A situation where youth justice policy 'chops and changes' in order to assuage populist opinion rather than all sides of politics properly understanding the evidence base, and assisting to educate the broader community in relation to this, does a great disservice to the Queensland community, including its young people.

We have a clear evidence based plan and I call on the LNP to put this important issue above politics. I commend this bill to the House and I am again proud that the Palaszczuk Labor government is creating a fairer and more just Queensland.