




Speech By
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MEMBER FOR BROADWATER

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

 **Miss BARTON** (Broadwater—LNP) (3.54 pm): I rise to make a contribution to the debate on the Youth Justice and Other Legislation (Inclusion of 17-year-old Persons) Amendment Bill. At the outset, with the indulgence of the House, I would like to put on the record my congratulations to the Chicago Cubs, who after 108 years have broken the hoodoo and have broken the curse of the billy goat. As someone who used to live in Chicago—

Madam DEPUTY SPEAKER (Ms Linard): Member for Broadwater, I am struggling to understand the relevance of your current comments.

Miss BARTON: Madam Deputy Speaker, as I said, with the indulgence of the House—

Madam DEPUTY SPEAKER: Member for Broadwater, could we please get back to the bill.

Miss BARTON: It is nice to know that we cannot celebrate significant events around the world.

As I said, I rise to make a contribution to the debate. At the outset, I acknowledge my fellow members of the Education, Tourism, Innovation and Small Business Committee. I would like to also acknowledge those who took the time to make submissions, the secretariat, representatives of the Department of Justice and Attorney-General as well as those from Corrective Services who in particular assisted the committee when we made a trip to Townsville to visit the Cleveland Youth Detention Centre, as well as the Townsville Correctional Centre in Stuart.

As has been outlined by the shadow Attorney-General and member for Mansfield, the opposition will not be able to support this bill today and there are a number of reasons for that. The first one is that there has been no transition plan formulated at all by this government. Quite frankly, it is very disappointing that the parliament is today debating a motherhood statement. Today we are not talking about how this transition is going to happen. We are not talking about how 10- to 13-year-olds will be managed in youth detention facilities alongside 17-year-olds who may have committed some very serious indictable offences. We are not talking about what changes are going to be made in the youth justice space to see that we do not need to build a new youth detention facility at the cost of \$400 million. Instead, we are dealing with the motherhood statement that contained no plan. As the non-government members' statement of reservation said, 'At best there is a plan for a plan.'

One of the most concerning things for the non-government members—and I know the shadow Attorney-General and member for Mansfield touched on this—is that any detail of the transition plan is going to be provided to this parliament through regulation. That is incredibly disappointing. If this is the really significant transformational change that the government claim it is, why are they not trusting this entire parliament with the details of how they are going to transition 17-year-olds from adult correction facilities into youth detention facilities? There are 89 elected members who are here to be advocates for our community, but this abuse of the sovereignty of the parliament is a slap in the face of the Westminster traditions that we all seek to hold dear.

In a week and a fortnight where this government has demonstrated an inability to understand Westminster traditions and the principles of ministerial responsibility, it is no surprise that this government continues to abuse Westminster traditions. Every single component of the transitional plan is going to be provided by regulation. That is simply not good enough. There are 89 members of this House elected to make sure that any changes to legislation in Queensland are appropriate and that there are no unintended consequences. However, the abuse of the Westminster tradition and the abrogation of the sovereignty of parliament by doing everything through the regulation-making power is absolutely disgraceful. That is one of the reasons, as is outlined in the non-government members' statement of reservation, that the opposition is not in a position to be able to support the legislation before us today.

As I said, we are simply debating and discussing a motherhood statement. As the shadow Attorney-General has pointed out, there have been many opportunities for the Labor Party, if they cared about this issue, to do something. Most galling of all is the reason that we are even considering this motherhood statement is that the member for Woodridge came out and made a statement in September in relation to this issue. If the member for Woodridge had really cared about it, then perhaps he could have done something when he was the member for Greenslopes and the attorney-general of this state. What we have seen is a Labor Party divided and as a result we have a motherhood statement that this parliament is being asked to consider. As I say, the sovereignty of this parliament is being abused by entrusting all of the detail of how this process will work to a regulation. What this parliament is being asked to do is to trust a cabinet subcommittee, which is 47 per cent of cabinet, according to the department and the whole-of-government multiagency entity. We are being asked to put our trust and faith in them. It strikes me that if we are setting up a cabinet subcommittee where the membership is at the moment about 47 per cent, it might have been easier for the cabinet to consider how the transition phase would work in the first place and then bring to this place an actual bill that the parliament can genuinely consider. Given this government's love of inquiries, I am really surprised that we actually have not had an inquiry yet into why there is only a plan for a plan as opposed to actually having a plan.

One of the other significant concerns that the non-government members have above and beyond the abrogation and the abuse of the sovereignty of parliament is that there is a significant lack of detail around the cost. The explanatory notes mention a figure of \$44 million per annum and they also talk about a potential cost of \$400 million. When we had a public briefing with the department, members of the committee took the opportunity to find out a little bit more detail about the costings because \$44 million is a lot of money and \$400 million above and beyond that is a lot of money, as has been outlined by the shadow Attorney-General. What we were told by the department is that if there are no changes to the youth justice framework in this state and we move the 17-year-olds who are currently in the adult system into the youth detention facility and into the youth justice system, that will result in a cost of \$400 million for a new facility. The government says that they will not need to build a new youth detention facility because they have a plan. The only problem is we have no idea what that plan is. The opposition simply cannot put its trust and faith in this asleep-at-the-wheel Labor government's ability to actually manage the plan properly. A number of people have approached me in my community, other members of the committee and other members of the opposition with respect to concerns they have around this change.

The chair of the committee spoke about the fact that 16 people made a submission on the bill and supported it. In a state of four million people, 16 people writing submissions is not necessarily the only thing that we need to consider. As I say, a number of people have raised with me their concerns about how we are going to manage that. When we had the opportunity as a committee to visit the Cleveland youth detention facility, we were told about a particular individual who had committed some very serious and heinous crimes. That person was of age and was being moved to the Stuart correctional centre the next day. There are going to be 10- to 13-year-olds who are part of a very vulnerable cohort in youth detention facilities who are potentially going to be exposed to perpetrators of very, very serious indictable crimes, and at no point in time has any detail been provided to the committee or to this parliament about how that is going to be appropriately managed.

Mrs Stuckey interjected.

Miss BARTON: I will take the interjection from the member for Currumbin. It is about risk management because as a parliament we need to have confidence in the ability of any facility to appropriately manage 17-year-olds alongside 10- to 13-year-olds. However, at the moment no plan has been announced; no detail of the transition has been announced, so how is the parliament supposed to have confidence in the government's ability to do something that it has not even at this stage worked out? It makes no sense that the opposition would be asked to support what is simply a motherhood statement and is a plan for a plan.

When the member for Woodridge first came out in September and said that he thought that it was time for 17-year-olds to no longer be in adult correctional facilities, the minister for corrections himself said that there were some practical issues that need to be considered. The shadow Attorney-General says that there are practical issues which need to be considered. The problem is the solution to those practical issues and the consideration of them has not as yet been provided to the committee nor have they been provided to the parliament. If the minister for corrections himself acknowledges that there are practical considerations that need to be dealt with and that there are practical issues which need to be considered, surely the minister for corrections himself acknowledges that it is unreasonable for this parliament to consider this bill without these considerations even being outlined as well as the solution.

What we have seen is this government has shown on a whole range of issues, particularly in the youth justice framework, that they are weak on crime. The shadow Attorney-General outlined a couple of months ago—I think it was during budget week when we were considering some changes to the youth justice legislation and also even earlier in this parliament when we were considering changes—some of the great reformative things that we did in government and that we were starting to see some positive changes from that. It is of grave concern that we are now told by the department that they do not look at recidivism rates for those in youth detention or 17-year-olds in adult correctional facilities. How are we supposed to know what people are being placed in youth detention facilities and how appropriate it is for those 17-year-olds to be alongside 10-year-olds if we do not have an idea of how often they have been in detention or, indeed, their rate of recidivism?

When the committee visited the Cleveland youth detention facility—and can I place on the record again my thanks and acknowledgement for staff at the Cleveland youth detention facility for their hospitality and for taking their time to show members of the committee around—we had an opportunity to have a look at what kind of education is being offered. I know that the member for Albert in particular is very, very concerned about what kind of vocational educational opportunities there are for 15- and 16-year-olds and particular potentially 17-year-olds in youth detention facilities. Surely if we are going to have someone in a youth detention facility, we want to give them as many tools as possible to empower them to make positive change in their life. A great way that we can potentially do that is by providing them with an education so that when they leave a youth detention facility they can go out and get a job. I am sure that the member for Albert will touch on this in greater detail in his contribution. Certainly non-government members of the committee were very concerned that there were not sufficient resources to be able to provide a quality vocational education for those older juveniles in youth detention facilities, and that is quite concerning.

As I have said, we are simply dealing with a motherhood statement in the House today. It is reactionary. The government is divided. They have had ministers come out ahead of cabinet considering what it would do and say that change needs to be made. The real irony, of course, is that the first person to do that had the opportunity to do it when he was attorney-general and he squibbed it. The member for Townsville suggested that perhaps people were weak for not having done it before. Quite frankly, I am not sure that the member for Woodridge would appreciate being told that he did not have the courage to do something when he was the attorney-general. The reality is that it is rank hypocrisy for members of the Labor Party, who have had the opportunity in the past to make this change, when they are no longer the attorney-general to break cabinet ranks and come out and say, 'Well, we need to do something about it. It's time.' The person who should have been—

Mr DICK: I rise to a point of order. I find the words personally offensive. I ask the member to withdraw. As she well knows, the attorney-general in the Bligh government was not responsible for youth justice. It was her government, the Newman government, that conflated youth justice and I ask her to withdraw.

Madam DEPUTY SPEAKER (Ms Linard): Order! Member for Broadwater, the minister has asked that you withdraw. Do you withdraw?

Miss BARTON: I am happy to withdraw. As I was saying, it is disappointing that there are people who were members of the Bligh government who had an opportunity to make this change if they really, really cared, but perhaps there was a little bit of factional rumbling. Perhaps someone wanted to put forward their credentials to someone who might be about to seek a change of leadership. Perhaps they were putting forward their credentials to be considered as the treasurer of this state, or perhaps they were looking to be deputy premier to someone else. What we have seen is that people who had an opportunity before squibbed it, and they now come into this House and seek this change.

Of course the problem is that we now have a motherhood statement, and there is no real detail and there is no real plan. It is unfortunate that this government is absolutely abrogating the sovereignty of this parliament by asking us to put our trust and faith in a transition plan that does not even exist yet.

It is absolutely disgraceful but, as I say, given this government's history of ignoring Westminster traditions it is hardly surprising that we again see Westminster traditions trashed by the Labor Party in this state because it seems that there is one rule for Labor and one rule for everyone else. Whether that is ministerial responsibility, whether that is the sovereignty of parliament, whether that is breaking a solemn commitment and promise to the people of Queensland, we again see that it is one rule for the Labor Party and one rule for everyone else.

As I say, this government has put in a motherhood statement and at best has a plan for a plan. It is disgraceful that this government would seek to come into this House and ask all 89 members to put their trust and faith in half of the cabinet—and then a multi-agency working group—to detail what this plan is going to be. We have seen very, very clearly that this Attorney-General and this government does not want to put a plan in front of the parliament, and that is an absolute disgrace. It is a slap in the face to Westminster tradition and a slap in the face to the people of Queensland who have elected 89 members to this House to make judgement calls about these things, and the 89 members do not get an opportunity to make that judgement call because there is no plan in place. As I say, at best there is a plan for a plan. The opposition cannot and will not support this bill, as has been outlined by the shadow Attorney-General, and I know that my colleagues on the non-government side of the Education, Tourism, Innovation and Small Business Committee will also outline their concerns, as will a number of members of the opposition.