




Speech By
Hon. Yvette D'Ath

MEMBER FOR REDCLIFFE

Record of Proceedings, 17 June 2016

YOUTH JUSTICE AND OTHER LEGISLATION AMENDMENT BILL 2015; YOUTH JUSTICE AND OTHER LEGISLATION AMENDMENT BILL 2016

 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (12.48 am), in reply: I thank the honourable members for their contribution to the cognate debate on the Youth Justice and Other Legislation Amendment Bills 2015 and 2016. These bills deliver on the government's election commitment to repeal the 2014 amendment made to the Youth Justice Act 1992 and the Childrens Court Act 1992 by those opposite me, restoring balance and an evidence based approach to youth offending. The bills also make amendments to the Penalties and Sentences Act 1992 to statutorily recognise the common law principle that imprisonment is a sentence of last resort and that a sentence that allows an offender to stay in the community is preferable. The bills reiterate the government's future plans for the youth justice system in Queensland, a plan that allows courts and police to maintain their necessary powers to act swiftly in responding to offending behaviour by children and young people, a plan however that also allows for the necessary rehabilitation and diversion of children from further involvement in the justice system.

Our plan and these bills necessarily respond to the particular vulnerabilities of Aboriginal and Torres Strait Islander children and young people who are disproportionately represented in the youth justice system. Getting this balance right is critically important and challenging; however, it is with much confidence that I believe these bills strike the right balance.

I will now address some of the matters raised by the honourable members during the course of this debate which were, it has to be said, entirely predictable. There were a few themes tonight; we have heard most of them before. One of the most curious was the constant reference to the words of the President of the Childrens Court, Judge Michael Shanahan. Members from Mansfield, Kawana, Beaudesert and many others have all referred to the annual report of that court published by the President. I am sure the President will be flattered to hear that his report is being referenced in this debate and that those opposite are relying on his expertise and recognising his authority in this area. Can I suggest that, when those opposite are reading the annual reports of the Childrens Court of Queensland, they might want to take a look at page 8 of the annual report for 2014-15. Under the section titled 'Legislative matters' the President states—

The new Queensland Government has announced that it will be reintroducing the Childrens Courts' power to refer a matter to Youth Justice Conferencing. As noted in the last two Annual Reports, such a mechanism is an extremely useful (and successful) diversionary mechanism as well as being a tried and tested method of restorative justice.

I could not agree more, and I again thank those opposite for recognising the President's authority on this issue. These comments follow on from the 2013-14 report. In that report the President detailed the recent changes to the Youth Justice Act introduced by the then LNP government. At page 6 he said—

Several of these changes cause me grave concern.

The principle that detention should be a sentence of last resort in relation to a child is of long standing in the common law and recognised in all other Australian States. The United Nations Convention on the Rights of the Child (to which Australia is a signatory) provides that, in relation to a child, deprivation of liberty should be used only as a measure of last resort and only for the shortest appropriate period of time. The principle is based on the recognition of the well established fact that the capacity of young people to regulate their behaviour and make decisions after considering consequences is not as developed as an adult. Child offenders are not little adults. That is why juvenile justice systems are developed separately from the adult criminal justice systems.

Sometime later he continued—

Rehabilitation is also a fundamental aspect of a juvenile justice system as it is clear that the earlier rehabilitative steps are taken, the better are the prospects of turning a person from a criminal path and particularly from developing into an adult criminal.

An overly punitive juvenile system poses the danger of placing rehabilitation behind punishment and retribution with the consequent risk of long term recidivism. In any event, the data in relation to the 10 year trends in relation to juvenile offenders and the number of charges against juveniles do not show a juvenile crime wave. The trend line in relation to the number of juvenile offenders is decreasing and, whilst the trend line in relation to the number of offences is increasing, it is probably a function of more offences being committed by a relatively small number of offenders. Also the trend line shows increasing detention orders over the last decade. In 2011/2012 the number of detention orders increased by 38.3% from the previous year, in 2012/2013 by 10.3% and in 2013/2014 by 4.9%.

The change was unnecessary in the light of the statistics and the principles of juvenile justice. It was argued against in almost all the submissions made to the Legal Affairs and Community Safety Committee's hearing into the Youth Justice and Other Legislation Amendment Bill 2014. It should be reconsidered.

Those are the words of Justice Shanahan. When those opposite quote a particular year in relation to crime stats, to try to say that that is evidence that their laws were working because crime was decreasing, without putting it into the context of what this judge said over two to three years of annual reports, is misleading. It is absolutely misleading not to put that information forward when they are quoting Judge Shanahan.

We talk about evidence based and what the community wants, but in relation to the 2015 bill that went before the parliamentary committee there were 25 submissions and all but two favoured the bill; for the 2016 bill there were 13 written submissions and all but one supported this bill. They say that their view is reflective of the community, but they completely ignore the submissions that were put forward to the committee. They talked about one particular group that gave evidence, the Townsville Crime Alerts and Discussion Group, and the member for Everton praised the group and said they have thousands of followers. He said they are a strong, good community group. Ms Parkinson gave evidence in the committee hearing about Lincoln Springs. She said—

Lincoln Springs boot camp was not one that we actually agreed with at the beginning. There was another proposal from a company called Youfla that we felt was a much better suited facility because it had a location, whereas Lincoln Springs did not.

She goes on to state—

Yes, I was invited along with the former attorney-general to have a look, because we worked so hard to get it he thought it would be important for the community to see what it was about. I have to say I was not overly impressed because it was a group of dongas with security put on them, very little infrastructure, a few horses. I just did not see where that gross amount of money could possibly be spent.

This is the group that the member for Everton relied on in support of his claim that this bill should not be supported, and those are their words in the transcript of the parliamentary committee hearing.

Judge Shanahan continued in a similar vein about the naming and shaming provisions, mandatory boot camp orders, the offence of committing an offence on bail and the removal of sentence reviews which, it is necessary to point out, was done over his objection.

In terms of the effectiveness of youth conferencing, offenders who appeared in court are 1.65 more times likely to reoffend than young people who are conferenced—information that was provided to the committee in the review of this bill. Those opposite, as we have come to expect, also love to cherry pick statistics. What the evidence shows is that there has been a steady decline over many years in the overall number of young offenders who commit a proven offence: 4,129 in 2010-11, 3,946 in 2011-12, and 3,500 in 2014-15, so let's see the bluff and bluster coming from those opposite for what it is. What we on this side are interested in is taking action based on what the evidence shows works. This is a serious issue that we are committed to, and we will not let those opposite treat it like a sick political plaything.

Tonight we also saw the member for Kawana come into this place and say that the most important way to reduce youth crime is to reduce youth unemployment through training. That is absolutely extraordinary. Here is the man who believed that the solution was to lock these kids up, take a tough-on-crime approach to these kids, and now he is the shadow training and skills minister. I have to acknowledge the brazen gall of the member for Kawana in suggesting that training is the most important way to address youth crime, when he himself as Attorney-General ripped training programs out from the Cleveland Youth Detention Centre. I visited the centre myself and saw the fantastic training and skills facilities.

An opposition member: Bucking bulls!

Mrs D'ATH: They were almost brand-new—

Mr SPEAKER: Just one moment. What were those words I heard?

An opposition member: 'Bucking bulls.'

Mr SPEAKER: I thought I heard something else.

Honourable members interjected.

Mr SPEAKER: With respect, the words I thought I heard certainly were not a laughing matter in the parliament at one o'clock in the morning. I am jolly glad I did not. I call the Attorney-General.

Mrs D'ATH: This trade training facility was a purpose-built, fully equipped trade training centre with a metalwork and woodwork centre, a kitchen and so on. These kids had been rebuilding outboard motors. Kids from Palm Island were learning how to fix outboard motors—great, important skills for when they go home. Kids were doing woodwork, building tables. Do members know what the youth justice workers were doing? They were flat-packing those tables and sending them back to the remote community so that the kids' families could see what the children had done—so that they could be proud of what they achieved and the skills they learned.

When I was the shadow Attorney-General at the time I walked into this centre and it was locked up. I asked, 'What is going on? Why is this shut?' They said, 'Because the previous attorney-general ripped it all out. They have pulled the TAFE teachers out and we are not delivering the training anymore.' That was the view of the former attorney-general and the LNP on training when it comes to youth justice. The LNP cut more than \$3.4 million to training programs within detention centres and regional training programs. Some \$332,090 was cut from Cleveland Youth Detention Centre VET funding. Another \$400,000 in VET funding was cut from the Brisbane Youth Detention Centre. Those are the facts.

The member for Kawana made reference to the bucking broncos and rides that apparently he thinks are a central issue to this youth justice debate, so I have to question what he was thinking when he spent \$15,000 of taxpayers' money hiring two helicopters to take some local MPs, a couple of local people, including the community person who gave evidence, and a cameraman to shoot a promotional video at Lincoln Springs. This picture shows the member for Kawana. That is what \$15,000 gets you. I am happy to table that.

Tabled paper: Photograph, undated, depicting the member for Kawana, Mr Jarrod Bleijie MP [\[1006\]](#).

Opposition members interjected.

Mr SPEAKER: Members, it is early in the morning. We do not want props, Attorney-General. We know the message you are conveying. I would urge members not to provoke the Attorney-General.

Mrs D'ATH: I know that many would like to go to bed, but I am determined to go through the important issues that have been raised in this debate because youth justice is an important issue in this state. Those opposite treat it as a political toy. They went out with their normal fear and scare campaigns. We have heard it all again in the debate tonight. Think of what that \$15,000 could do in youth programs. Theirs is a shameful legacy.

I heard many on the other side ask, 'Where is the evidence? We just needed to give it time to be reviewed.' What did they think the KPMG report was? In fact, I believe it was the member for Everton—I may stand corrected; it may have been the member for Mansfield—who said, 'We are the ones who started the review.' On the one hand we have a whole bunch of members saying, 'All you needed to do was wait and give it time and have a review,' but on the other hand others saying that they actually initiated the review. We have a comprehensive review with the KPMG report. We have another comprehensive review with the Auditor-General's report. I suggest that those on the other side should read those reports.

A number of people on the other side made some very good points. They talked about early intervention and prevention programs and flexible learning schools. I am absolutely committed to and passionate about flexible learning schools. Any one of us who has ever had anything to do with those schools knows the difference they make in those kids' lives. We need alternative pathways. I mention initiatives such as Project Booyah. I am so thrilled that TAFE Queensland signed a memorandum of understanding and we have Project Booyah across the state now to deliver training.

The members for Coomera, Toowoomba North and Burdekin made really good points about getting kids early, in the school system, when they start dropping out—grabbing them then and getting them into programs. My PCYC runs a great suspension program. The second they get suspended they are at the PCYC doing programs and not wandering the streets. But here is the kicker: you cannot do that when you tell the court that detention is the first resort. You cannot do that when you say to the court, 'We're going to take away all the diversionary programs and the ability for you to refer to those other initiatives.' Those opposite took the power to do that away from the court. They said, 'By the time it gets into the court you have one option: lock them up or send them home.' In terms of all those other programs and all these other benefits, they scrapped the court ordered youth justice conferencing, they got rid of all the diversionary programs and they got rid of the Murri Court. So many of the issues raised by many members in this chamber tonight rely on these bills passing.

We talk about being fiscally responsible. Those opposite said that we should have given the boot camp time to run, but \$16 million in 18 months is a lot of money. The other problem was that those opposite did not fund it. There was not one cent budgeted in the forward estimates to keep it going. It is a bit hard to give it time and see how it works out when you are not giving any money to keep it going.

The last point I want to address is the comment about why we are here doing this on a Friday night—now a Saturday morning—during budget week. We are here because youth justice is important and because we are elected to do this job. This is our job; this is what we do. Yes, it is budget week, but that does not mean that our other work does not continue, that important bills like this should not be debated. In the view of those opposite, this should be delayed another three months. I disagree. There are a whole lot of stakeholders—

Opposition members interjected.

Mr SPEAKER: Members, if you are going to be unruly I will start identifying people and they will be warned appropriately.

Mrs D'ATH: I make no apology for bringing on this bill this week. Those on the other side chose to use their full 20 minutes in the budget debate and not incorporate their speeches and now they are complaining that we are here on a Friday night.

Opposition members interjected.

Mr SPEAKER: Pause the clock. We will have silence. Members, this will take as long as you want it to take.

Mrs D'ATH: In conclusion, I would like to thank—

Opposition members interjected.

Mrs D'ATH: I have plenty more to take you to if you really want me to.

Mr Mander interjected.

Mr SPEAKER: Member for Everton, that interjection has no relevance whatsoever to the bill we are debating at the moment. If you persist you will be warned under standing order 253.

Mrs D'ATH: Before I finish I would like to thank a few people. First and foremost, I thank the hardworking staff of youth justice right across this state who are at the coalface of caring for, training and protecting young people and trying to change their paths in life. I thank the youth justice staff who have worked so hard to get these important reforms to where they are now. I thank our partners across the legal profession, stakeholders, President Shanahan, those in the Magistrates Court and court, communities and legal staff who dedicate their skills and energy to youth justice. I also acknowledge the hard work of our police officers every day. They are out there on the front line ensuring our community's safety. I thank my colleagues on this side of the House, especially the member for Ferny Grove, as the chair of the legal affairs committee, and the members of the committee. I thank the members for Townsville, Thuringowa and Mundingburra for the great community forum they organised in their community.

In conclusion, I once again thank all honourable members for their contributions during the cognate debate on these bills. I stand in this House tonight proud of the reforms brought forward in these bills and proud to be part of this Labor government. I commend the bills to the House.