



Speech By
Hon. Yvette D'Ath

MEMBER FOR REDCLIFFE

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

 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (9.17 pm), in reply: I thank honourable members for their contributions to this important debate of the Youth Justice and Other Legislation (Inclusion of 17-year-old Persons) Amendment Bill 2016. I would like to address some of the matters raised by honourable members during the course of this debate. I must say how disappointed I am that the opposition is not supporting this bill. The shadow Attorney-General started off so promisingly, recognising that the status quo is in breach of our international obligations, is different to every other Australian jurisdiction and, indeed, is contrary to other Queensland laws that define 17-year-olds as children. However, once again, the member for Mansfield has been thwarted by the member for Broadwater and the conservatives in the LNP.

Our plan stands in stark contrast to that of the LNP. The opposition fails to acknowledge the overwhelming support in Queensland and around the world for transitioning 17-year-olds to the youth justice system and finds itself isolated in its disgraceful stance against this important change. They have learnt nothing from the arrogance of their three years in government and are still unable to listen to what the people of Queensland want. The Leader of the Opposition's lack of conviction to simply do the right thing has once again left him on the wrong side of history.

It was of no surprise that the issues raised by the other side were nothing but the same tired, old and desperate tough-on-crime rhetoric—lock them up or send them off to boot camps. These were the tired old suggestions offered by the LNP when they were in government. 'It worked,' proclaimed the member for Everton and others. No, it did not.

They quoted from the same crime statistics from the same year that they quote every time. They try to defend the appalling mess created by the member for Kawana. The LNP love to cherrypick their statistics. The truth is that 75 per cent of sentenced boot camp participants reoffended, a percentage that is worse than those in youth detention. They introduced a program that was not evidenced based and that went against all credible criminological research and evidence. They say that it worked and it was simply the name that we had an issue with.

I can assure members that when I visited the boot camp at Lincoln Springs I was told, 'We do not believe in evidence based policy. We do not believe in the no-touch policy. It is appropriate if a 15-year-old girl needs a hug that it be from a grown man who is not a trained counsellor.'

An opposition member interjected.

Mrs D'ATH: That is exactly what I was told. There were witnesses there when it was said.

Mr Last interjected.

Mr DEPUTY SPEAKER (Mr Furner): Order! Pause the clock. Members!

Mrs D'ATH: They might not like to hear these facts, but I went up there and saw what was happening.

Opposition members interjected.

Mr DEPUTY SPEAKER: Take your seat please, Attorney. There will be no further interjections. The next time there are, whether they be from members on my left or my right, I will be warning members.

Mrs D'ATH: Those on the opposite side like to quote the president's overview in the annual report of the Childrens Court. They did it during the debate on the youth justice legislation earlier this year. I thought they would have learnt their lesson by doing so, but apparently not. Once again, I will draw their attention to the rest of the quotes in that report. In relation to 2014-15 report, under the section titled 'Legislative matters', it reads—

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.

These comments follow on from the president's overview in the 2013-14 annual report of the Childrens Court. In relation to the Youth Justice Act introduced by the then LNP government, the president stated—

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.

The report later goes on to state—

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.

If those opposite want to quote Judge Shanahan, President of the Childrens Court, they should quote him accurately. They should quote all of what he says about early intervention diversion programs and his comments in relation to the previous government's youth justice reforms.

What is really needed, and what we will deliver, is a multiagency response to address youth offending and recidivism, developed in consultation with key stakeholders and experts. Why are we taking this approach? Unlike those opposite, we actually want to reduce offending. By early intervention, education, training and health care, including mental health, we can reduce offending in the first place and help turn young lives away from entering the youth justice system. By targeting programs to reduce recidivism we also reduce future crime. By actually targeting changing behaviour and reducing crime, we do not only improve the lives of those individuals and their families but also build safer communities right across this state.

There were very few people on the other side of the chamber who even mentioned causation factors at all. They did not talk about why they are offending or reducing offending. They just talked about whether they should be in adult prisons and how to be tough on crime. We cannot address crime rates, particularly youth crime, without looking at the reasons these young people are committing crimes in the first place. We have to start looking at these factors. We have to do it early on.

We heard the comment that this has not been done before. Not passing legislation simply because previous governments have chosen not to do it is flawed logic. If we followed this logic we would never have made those progressive and historic changes to how we respond to domestic and family violence. We would not have introduced laws to allow the use of medicinal cannabis. Last night we would not have passed revised adoption laws to allow same-sex couples to adopt. We would not have passed legislation to finally address the age of consent.

Mr Boothman: Relevance.

Mrs D'ATH: I take that interjection—relevance. The shadow Attorney-General went through a long list of former attorneys-general and governments who they say never acted on this. Many speakers on the other side talked about the fact that the previous government had chosen not to act on this and that that was somehow a basis for saying we should not do it now. They cannot use that as an excuse or justification for not acting now. We would not be tackling the important issue of expunging historical homosexual convictions if we simply relied on: 'No-one has done it before.' We would not have a bill before this House on the statute of limitations on child sexual abuse or class actions if we took that approach.

Just because something has not been before is no excuse for not acting now. If we adopt the attitude of the LNP, nothing would get done. We would be frozen in time. Hold on, that is what the LNP actually wants. They want to try to take Queensland backwards because that is what they are comfortable with. By their logic I would not be standing here and we would only have a chamber of white, middle-aged men who would be debating the price of wool. That is if they had their way.

They carry on about costs. They talk about the \$400 million. I am sure they are going to go out with their little scare campaign about what \$400 million would otherwise pay for. That just shows that they have not paid any attention to this debate. They have not read the explanatory notes. They have not listened to the evidence before the committee. The \$400 million figure is based on if we did nothing but seek to pick up the 17-year-olds and transfer them then we would need to build a new youth detention centre and that would be the cost. We have said that we are not addressing it that way. We are not simply picking them up and moving them over.

Similarly, hiding behind an excuse that support legislation for reform cannot occur until the final costs are to come is nothing but a weak 'chicken and egg' argument because with this logic you would never consider changes again to domestic and family violence laws. This House introduced significant reforms in relation to domestic and family violence that led to a rapid increase in applications before our courts that came at a cost. Did we say we should not do that because we could not factor in what the total cost would be of those reforms? No. Without pre-empting discussion or debate on a bill before this House, if we use this same logic about costs and not being able to fully cost out what the implications are on a bill, then the opposition would not be supporting the statute of limitations bill next sitting week because we cannot fully comprehend what the cost implications are going to be for government on those sorts of reforms. No-one is going to be arguing that. It is a convenient argument for this occasion and this occasion only.

The last point on costs is that this government will not be lectured to by the LNP when it comes to costs by the party that spent \$16 million in 18 months on wasted boot camps that did not reduce offending or recidivism in youth in this state—\$16 million in 18 months. They knew it was such a failure that they did not even budget for it in the forward estimates. We came in and there was no budget in the forward estimates for it. That is how much they believed in it. We are not going to be lectured by the LNP when it comes to costs because they believe that budget savings should be made by sacking 14,000 public servants. That is their ideas of costs. They believe that the only way to make savings for this state is by selling assets. We will not be lectured to by those on the other side when it comes to costs on policies.

On the issue of managing 17-year-olds in youth detention centres, concerns have been raised about how we are going to manage 17-year-olds in the same facility with 10-year-olds. I wish they were as concerned about 10-year-olds when they brought in their policies that detention should be a first resort, that we should name and shame and that we should have open courts. When they were pushing through their youth justice legislation that applied to 10-year-olds, where was their concern then? When was there concern about 10-year-olds when they were pushing their youth justice changes through? Members do need to keep in mind that Youth Justice already manages this risk as there are 17-year-olds in the youth justice system already, and there were 17-year-olds in the youth justice system prior to the LNP changing the legislation in 2014. These changes will see that cohort increase—we do not deny that—which is why the transition is being managed in this measured way, but we cannot forget that every other Australian jurisdiction is able to manage these risks. Surely Queensland can too.

Currently, every young person is risk assessed and individually case managed to ensure the safety and security of the individual, other detainees, staff and the detention centre. This is critical because it is not as simple as classifying the risk of young people based on their age alone, as we have heard from some on the other side tonight. Young people in youth detention centres come from a variety of backgrounds, education levels, health levels, cognitive abilities and upbringing.

Reducing the over-representation of Aboriginal and Torres Strait Islander children and young people is a priority of all youth justice interventions and justice reinvestment. The Youth Justice First Nations Action Board established by my department is a first in Australia and comprises Aboriginal and

Torres Strait Islander staff members from across Youth Justice. The board ensures that all programs and intervention in Youth Justice are delivered in a culturally appropriate way and will serve to reduce over-representation.

We were asked what we were doing to address the high rate of recidivism and incarceration within Aboriginal and Torres Strait Islander youth who are within the youth justice system. We are delivering a wide range of programs in both youth detention facilities. These programs are designed to build confidence, develop skills and provide culturally appropriate support. That brings me to the comments from the opposition around education and training—comments that I find absolutely extraordinary.

In contrast, this government is committed to providing youth offenders with the education and training to help change their paths and to be able to contribute more to their communities. We are building up vocational education and training programs after they were gutted by the LNP. I cannot believe the LNP members, particularly those on the committee who actually wrote a statement of reservations complaining about the lack of vocational education in our youth detention centres. The first thing I did as Attorney-General was to visit the Cleveland Youth Detention Centre to see a brand-new trade training centre sitting there completely unused because the teachers and the trainers had been pulled out of there. It is absolutely astonishing that those on the other side would have the nerve to talk about vocational education and training. It is this government that is bringing it back in.

The training facilities were left sitting idle by the former government. The Cleveland Youth Detention Centre is currently offering courses in woodwork and hospitality, and Youth Justice is in the process of sourcing a provider to recommence small engine training—an important training opportunity that meets the interests of young people in detention in North Queensland, particularly for Indigenous communities.

I pick up the comments of the member for Pumicestone. He could not be more accurate when he talked about the importance of outboard motors and automotive farm skills. When I visited there, the staff were telling me that the way it previously worked was that the youth from Palm Island would be taught how to maintain and fix outboard motors—very important skills for when they go home. That is what they were learning. In woodwork, if they built a table or something else, the staff there would flat pack it and send it back to their regional or remote community so that their community could see the great work they were doing and they could be proud in their work. That is where we want to get back to, but we are having to rebuild from the mess that those opposite left behind.

The Brisbane Youth Detention Centre offers a range of vocational education and training opportunities, including construction and engineering, hospitality and horticulture. Both detention centres also provide a standard school curriculum which is tailored to the educational needs of children and young people in detention. Managing these risks and reducing harm is current practice, and Youth Justice will continue to manage these risks throughout the transition.

Unfortunately the argument from those opposite is not evidence based. It is also inconsistent depending on which member we listen to tonight. The member for Everton said how outrageous it is that police would go knocking on doors and working with communities to raise awareness, increase prevention and reduce crime through initiatives such as the Lock It or Lose It campaign. Yet we had the member for Currumbin saying how fantastic it was that her police and community were working together and it actually had resulted in a reduction in youth crime.

On the issue of over-representation, why do we care about VET programs for young people? We know when it comes to the over-representation of Aboriginal and Torres Strait Islander people how important VET programs are because giving young Queenslanders, including those in youth detention centres, the skills and experience that they can use to re-engage in education or enter the workforce to build a career and provide for their families is vital for offenders to build a better life.

We have heard 'What is our plan? What are the initiatives?' Some on the other side even said that we did not talk about anything to do with reducing or stopping offending and recidivism. Those on the other side clearly were not listening, but I will go through it again for them. Transition 2 Success is a further example of this government's genuine commitment to education and training and its ability to transform the lives of young offenders. The results from T2S are very promising and will benefit the 17-year-olds coming into the system. We have had 160 enrolments in T2S courses across Queensland. Ninety-one individuals have completed 121 certificates. Of the graduates, 19 per cent have transitioned into employment, 20 per cent have returned to mainstream education and 37 per cent have transitioned to further training. A total of 77 per cent have transitioned to further education, training or employment.

This bill will bring 17-year-olds into the youth justice system. It changes the definition of 'child' for the purposes of the Youth Justice Act from under 17 years to under 18 years and provides for the management of this change by way of a transitional regulation-making power. The benefits of including

17-year-olds in the youth justice system are nationally and internationally recognised. Research from the United States using a longitudinal MRI study found that brain development continues from childhood into our early 20s and that significant changes occur between puberty and adulthood to the parts of the brain responsible for self-control, judgement, emotions and organisation.

That study published in *Nature Neuroscience* in 1991 remains the seminal work today. While we have an efficient and effective adult corrective services system, we appreciate that 17-year-olds are not adults. The youth justice system provides reduced exposure to adult offenders, increased ability to be diverted from the court system, access to more age appropriate education, training and specialised programs, more intensive staff support and supervision in custody, and the sentencing principles of the Youth Justice Act which prioritise support and rehabilitation in the community wherever practicable and appropriate. There is no logical reason why the criminal justice system should persist with a younger age threshold. People who cannot vote, cannot purchase alcohol and cannot be sued because they are not adults should not be treated as adults in the justice system. It just does not make sense. This bill makes sense.

To summarise for those on the other side, we will start addressing this issue with a multiagency committee. I heard the member for Broadwater complaining that half of the cabinet will be sitting on a working committee. What is wrong with bringing education, health, mental health, housing, child safety, police and youth justice together to finally have a whole-of-government strategy to deal with offending and recidivism? What is wrong with bringing external stakeholders with expertise, front-line youth advocates such as those sitting in the gallery tonight and academics together to help us develop those programs? What is wrong with early intervention programs that we know are already showing early positive results? What is wrong with trauma informed care on intensive case management? What is wrong with the Skilling Queenslanders for Work program that specifically targets those in the youth justice system?

Mr Hart interjected.

Mr DEPUTY SPEAKER (Mr Furner): Order! Member for Burleigh, you know the standing orders as well as I do. If you want to interject, do so from your seat.

Mrs D'ATH: We will address remand, offending and recidivism. To summarise the arguments on the other side, I have been told that I should hold a review but I am also holding too many reviews. I have been told to slow down but I am asleep at the wheel. I have been told that the police and Communities are just pushing the problem onto the community, but others say it is fixing the problem. The only consistency across opposition members' debates on this bill is the level of inconsistency in their debates. We have outlined our plan to address the transition of 17-year-olds into the youth justice system. It is a plan that we believe can work. It is a plan that is long overdue. Those on the other side just make excuses.

Mrs Frecklington interjected.

Mr DEPUTY SPEAKER: Order! Member for Nanango, you are now warned under standing order 253A.

Mrs D'ATH: In conclusion, I once again thank all honourable members for their contribution to the debate on the bill but particularly those on this side who understand the importance of taking this action. I thank them for their support of the government and me in putting this bill forward and for their support in going forward to seeing these reforms through.

An honourable member interjected.

Mrs D'ATH: I will take that interjection. Wait until they tell the people from Townsville. That just shows what those on the other side are really like. They could not care less. I will quote the member for Hinchinbrook: 17-year-olds in the adult prison system; the youth justice system is just not a priority. That shows why the LNP is sitting on that side of the chamber.

Rather than embrace these changes—a framework that operates in every other jurisdiction including under conservative governments—the Queensland LNP is determined to be on the wrong side of history. I thank the community advocates and legal representatives for their hard work, dedication and professionalism over many years to see this to fruition. I look forward to working with them over the coming months to have these 17-year-olds transferred into the youth justice system. I look forward to working together in partnership with the community and across government for these positive outcomes.

I thank the front-line staff in government, youth justice, community education, health and mental health who devote their lives to supporting vulnerable Queenslanders, improving the lives of Queenslanders and strengthening our communities. Finally, I thank the Department of Justice and Attorney-General for the great work they do each and every day. This is a government proud to be delivering for Queensland. Once again, I commend this bill to the House.