




Speech By
Daniel Purdie

MEMBER FOR NINDERRY

Record of Proceedings, 22 August 2019

YOUTH JUSTICE AND OTHER LEGISLATION AMENDMENT BILL

 **Mr PURDIE** (Ninderry—LNP) (4.34 pm): Imagine if you were stabbed in the chest while waiting for a train and there was no justification, no real provocation and no prior warning. It could happen to anyone. You would expect that the Queensland government, its departments and services, would help you. You would certainly think they would be more supportive of you than the criminal with the knife.

At 5 pm on 14 June last year after enjoying a day at the Sunshine Coast show, this is what happened to Tom—not his real name. As the offender ran off, to stop the blood squirting from his chest his friend placed a backpack on him and sat on it until an ambulance arrived. He was rushed to the Nambour Hospital, where his mum is a nurse, before being airlifted to the Sunshine Coast University Hospital. He was clinically dead for 10 minutes. Doctors cut open his chest to reattach the severed artery. He spent a week in ICU. The offender was also 17. He is now classified as a juvenile and was subsequently dealt with under the Youth Justice Act. The offender was well known to police, having over 50 previous hits on his record.

It has been just over a year since Tom's life was destroyed. The physical injuries are healing, but psychologically he is broken. The offender was released on Monday after serving only 14 months in prison. The offender is now in government supplied accommodation and a youth worker is helping him find a job. Meanwhile, Tom is too scared to leave his home. He is too scared to catch public transport. He is too scared to be without his mum. His mum has reduced her hours at work to care for her son. They are trying to find another home away from the coast because they are too scared to stay. While the offender is being smothered with support, Tom and his mum are alone. Tragically, stories like this are not unique. They are happening far too often right across the state. Imagine if Tom were your son. Queenslanders have had enough.

In the time I have this afternoon I would like to highlight how this bill makes no attempt to combat the juvenile crime epidemic currently gripping our state. It does nothing to stop or prevent crime. It does nothing to repair our broken juvenile justice system. It does nothing but move kids from custody back out onto the street, essentially transferring the problem from youth justice to our already understaffed, under-resourced and underfunded police. I would also like to highlight an example in a specific section of this bill which will effectively cripple the way our local child protection detectives successfully divert kids away from the justice system.

The policy objectives of this bill as stated are to: reduce the period in which proceedings in the youth justice system are finalised; remove legislative barriers to enable more young people to be granted bail; ensure appropriate conditions are attached to grants of bail; and introduce a new information-sharing regime to assist government and non-government organisations to assess and respond to the needs of young people in the youth justice system. As I said before, these objectives are all about keeping juvenile offenders out of custody and getting them back out onto the streets. It does not address the real issue of stopping young criminals from committing crime.

In his recent *Report on youth justice*, published in June last year, former police commissioner Bob Atkinson recommended that a four-pillar approach be adopted by government: early intervention; keep children out of court; keep children out of custody; and reduce reoffending. This bill only addresses pillars 2 and 3. The report goes on to highlight its two overarching guiding principles. These guiding principles are (1) that the safety and security of the community are paramount; and (2) that it must maintain public confidence. The report states—

Maintaining the public's confidence that they will be protected from crime, can live safely in their communities and that the Government will intervene to prevent reoffending is critical.

I can tell you, Mr Deputy Speaker, that Tom and his mum do not feel secure. They, like most of my constituents—and I dare say, most Queenslanders—have lost confidence in this government to keep them safe.

This bill is a kneejerk reaction to keep kids out of custody when we should be focusing on stopping kids from committing crime, not just focusing on releasing criminals back into the community. Making it harder for police to hold juvenile offenders in custody might ease the overcrowding issue in our watch houses and youth detention facilities but it will only make the juvenile crime problem worse.

The vast majority of young offenders are diverted away from the courts. Section 11 of the Youth Justice Act outlines a number of options police have available to them as an alternative to placing kids before court. Young kids who make a mistake, commit a crime, on their first offence are eligible for a caution administered by the police. Most of these kids never come to police attention again.

To be eligible for a caution, the child needs to admit their guilt and, in doing so, show remorse and an understanding that what he or she did was wrong. Police currently cannot question or caution a child without a parent or guardian or a support person of the child's choosing being present. This system works well. There is no suggestion anywhere that this system is broken, yet clause 43 adds another layer to section 421 of the Police Powers and Responsibilities Act that now requires police to notify a lawyer.

I can tell the House that in my experience almost all lawyers default to telling any suspect not to answer any police questions and certainly not to make any admissions. On taking this advice, children are not eligible to be cautioned and police have no choice but to put the young first-time offender before the court. Obviously, all lawyers in here know that it is in the best interests of the lawyer for their client to go to court. A client who receives a snappy 20-minute caution at the police station is not going to help the lawyer make budget.

This amendment will surely benefit local criminal lawyers but will clog up the courts with young first-time offenders and seriously disrupt the current diversion system in the Youth Justice Act that is working well. I appreciate that the spirit of this amendment was to ensure that no child ever come before a court without receiving legal advice, which I fully support, but I can honestly tell the House that the unintended consequence of this amendment will see more good young kids before the court.

This government's record on youth crime and detention is appalling. Under the weak Palaszczuk Labor government, youth crime in Queensland has spiralled out of control: unlawful use of a motor vehicle is up 49 per cent; incidents of serious assault by youths have jumped by 31 per cent; armed robbery is up 88 per cent; and robberies by youth have more than doubled—up a shocking 128 per cent. While it is important that children are not held in inappropriate conditions, releasing them with no consequence is not the answer. What is now abundantly clear is that only a Deb Frecklington led LNP government will provide safe and secure communities for all Queenslanders.