




Speech By
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Record of Proceedings, 21 August 2019

YOUTH JUSTICE AND OTHER LEGISLATION AMENDMENT BILL

 **Mr JANETZKI** (Toowoomba South—LNP) (3.51 pm): Investigative journalism has a proud history in Australia. It has exposed excesses. It has shone a light on corrupt activities and allegations of corrupt activities. It has drawn attention to major social ills that may be facing the community. However, never before have we seen investigative journalism like that of Mark Willacy on *Four Corners* back in May get such a quick, hasty and extraordinary response from a government.

I take it from the minister's appearance on *Four Corners* back in May that she had filmed that a week or two beforehand. In April she announced \$320 million worth of investments into youth justice, so I would argue that we have seen a youth justice investment of \$320 million simply on the basis of what *Four Corners* and Mark Willacy reported about the crisis in Queensland watch houses. Never before have we seen such an outcome from an investigative journalist in Australia.

It is worth reflecting on some of that investment of \$320 million that was announced in May: \$177 million on a new 32-bed facility at Wacol and a further 16 beds at Brisbane Youth Detention Centre. In the morning after the *Four Corners* expose on the watch house crisis in Queensland, which shone a light on the inhumane treatment of kids in Queensland, the minister came into the House and gave a ministerial statement—and I had to read the ministerial statement a couple of times. The minister said—

If we continue to do the same thing in youth justice that we have been doing year after year—locking young people up and throwing away the key—we cannot expect the results to be any different.

I think the minister was trying to communicate that the Labor government had been locking kids up and throwing away the key and could not expect any different results. I accept that the minister is acting in good faith to try to solve these longstanding problems and I have some sympathy; she was given a very difficult job. She was given the hospital pass after the current Attorney-General, who formerly had responsibility for youth justice, legislated that 17-year-olds would move into the youth justice system. The current child safety minister, the youth justice minister, had a very difficult challenge given the difficult circumstances that the Attorney-General left her with.

The problem is that we have heard this all before from the Labor government. As the member for Nicklin is fond of saying, this is a government that has overseen a generation of failure. In youth justice we can reach no other conclusion than that. This generation of failure is perhaps best marked by former premier Peter Beattie, who had plenty to say on youth justice—and had a few crises in youth justice of his own to manage during his time. Bear in mind that the current minister was saying that if we continue to do the same thing in youth justice that we have been doing year after year, we cannot expect the results to be any different. In 2001 then premier Peter Beattie said something remarkably similar—

We know the old ways don't work. Our adult prisons are full of the failures of that system, so there has to be a better way and there is.

He went on in the same media release—

We can't lock young people up and throw away the key ...

The government must accept that there is a degree of scepticism from the opposition when we hear the Labor government again talking about turning over a new leaf and identifying new ways to address the youth justice crisis, let alone watch houses in Queensland, because we have heard it all before. The failures have been repeated year after year after year. Now we are left with a bill before the House but, more than that, hundreds of pages of reviews—nearly a thousand pages of review at my count—hundreds of recommendations and half a billion dollars in youth justice investment. Why is all that panic necessary? Is it all because of the *Four Corners* expose and the watch house crisis? Why has this been necessary? We know it is because they have not planned long term and in a strategic way for the development of youth justice policy in Queensland.

As I have said, we have heard all this before. In fact, we have heard about the youth justice crisis in relation to watch houses before. If honourable members talk to youth advocacy workers, they will tell them that we have been here before. Now that this Labor government has again taken their eye off the ball in relation to kids in watch houses I had to go back and track down where we had seen it all before. It was in 1999—again, this generation of failure. The then minister for families, youth and community care and minister for disability services, the Hon. Anna Bligh, was forced to arrange an emergency stakeholder meeting because there were too many kids in watch houses. In that media release she stated—

A range of practical proposals will be put to Government to help minimise the detention of young people in Queensland's watchhouses ... The proposals were generated during a four hour intensive workshop held last night in response to concerns raised about children being held in adult lock ups.

Then minister Bligh went on to say—

Unanimously, the workshop underlined the need to minimise the detention of young people in watchhouses.

And all agreed, Government should resist the temptation to build further youth detention facilities.

How far has the government come from those days? We again have a youth justice crisis. We have kids in watch houses brought about by a precipitous move of 17-year-olds into the youth justice system, but we have heard it all before.

The minister can pretend to take the moral high ground, but that high ground is very shaky. It was under Labor's watch that kids in watch houses had their fingers severed. It was under Labor's watch that kids were naked under their smocks for days at a time. It was under Labor's watch that we saw kids in watch houses unable to drink water because of faecal matter in the water system. It was under Labor's watch that we saw kids in watch houses crying for their mothers for days on end. So the moral high ground that the Labor Party tried to take on this after the disaster was revealed so graphically by *Four Corners*—excuse me but I am sceptical.

The question has to be asked: how did we end up here? What brought about this mass panic from the government to get this bill done basically within a month of the *Four Corners* expose and after it had already committed \$320 million after presumably the minister was interviewed by *Four Corners*? How did we end up here? This immediate crisis, different to the one in 1999, related to the move of 17-year-olds into the youth justice system. When that bill was passed, the opposition opposed it. Primarily, it was opposed because of a lack of planning. In terms of the way I look at this case today, there are two major areas of putting 17-year-olds into the youth justice system worth exploring. The first is philosophical and the second is practical.

Philosophically, over time there have been seven Labor attorneys-general since the Youth Justice Act was introduced in 1992. If we go back through those times, each one of those attorneys-general considered whether to move 17-year-olds into the youth justice system. From 1989 to 1995 there was attorney-general Dean Wells; from 1995 to 1996 and then again between 1998 and 2001 it was attorney-general Matt Foley; from 2001 to 2005 there was attorney-general Rod Welford; from 2005 to 2006 there was attorney-general Linda Lavarch; from 2006 to 2009 of course there was the erstwhile member for Toowoomba North Kerry Shine; and from 2009 to 2011 the attorney-general was of course the former member for Greenslopes who, may I say, shamefully still has not uttered in this House a public word on watch houses. In the week after the watch house crisis was exposed on *Four Corners*, I recall that the former member for Greenslopes, the current member for Woodridge, came in here and waffled on about the virtues of a Bill Shorten Labor government but made not one mention of the watch house crisis.

Between 2009 and 2011, the then member for Greenslopes decided not to move 17-year-olds into the youth justice system. Former attorney-general Paul Lucas chose not to move 17-year-olds into youth justice. In fact, probably the most coherent Labor position on why and the question marks over

that—bearing in mind that the LNP opposition opposed it in 2016 on the grounds of planning and the countervailing arguments—occurred from 2007. An article quotes the then minister for communities, disability services and Aboriginal and Torres Strait Islander partnerships, Hon. Warren Pitt, saying—

For every argument in favour of the move, there is an argument that can be put forward to support the status quo. For example, it is the case that 17-year-olds would not necessarily be always better off if they were transferred to the juvenile justice system. This is because when determining a penalty against an adult offender, the court can take into account prior offences for which the adult has a conviction recorded as a child, whereas in the juvenile system any finding of guilt can be taken into account regardless of whether a conviction is recorded. As well, some judges may be reluctant to sentence a 17-year-old to detention in the adult system, but be more inclined to do so in the youth system. And while Queensland may be taking a different approach to other Australian States, our approach is similar to what happens in New Zealand.

The article continues—

Mr Pitt said 17-year-olds in adult prisons had access to specialised programs tailored to meet a range of needs.

On it goes.

In 2016 the opposition opposed the move on the basis that there was no real plan and there were strong arguments both ways for the move. As we now see, we already know that the Attorney-General oversaw a 12-month delay. All the children were meant to be in the youth justice system. It was delayed 12 months. We saw a philosophical overturning of what was the Labor Party position for a long period of time. When children were moved, it occurred too late. Clearly, it was done with no plan whatsoever, which increased pressure and caused this watch house crisis.

There is a second element to this, the practical element of planning. There were 28 submissions to this bill but not one from the Queensland Police Union. The *Queensland Police Union Journal* and the editorial from the CEO and president, Ian Leavers, is worth reading in relation to this matter, because the police are at the front line in managing these issues. In the April-May edition, Mr Leavers said of 17-year-olds moving into the youth justice system—

We needed proper planning and modelling before we transferred an entire cohort of offenders into the juvenile system. The Youth Justice Minister Di Farmer has clearly done nothing. No planning. No modelling. Nothing. What makes it even more of a failing is that companies like McDonald's restaurants can undertake proper planning and modelling for population growth. Why can't Youth Justice Minister Di Farmer do the same for the transition of 17-year-olds to juvenile detention centres? As a result of the Youth Justice Minister's inability to do her job, we now have more juveniles than adults in the Brisbane watchhouse.

Today, notwithstanding that the minister recently said that children were out of watch houses—there could be one left, as I recall—we know that in the last few weeks over 20 children were back in watch houses throughout Queensland.

The Labor government's plan to address all of these problems was contained in this bill. The government has set a number of objectives. The bill aims to reduce the period in which proceedings in the youth justice system are finalised. They do this by introducing a number of amendments to reduce the period in which proceedings are finalised. These are: amending principle 7 of the charter of youth justice principles to make it clear that proceedings started against a child for an offence should be finalised as soon as practicable; introducing a new principle requiring the youth justice system to give priority to proceedings for young people remanded in custody; and requiring a child who is arrested for an offence or for a breach of a bail condition and is in custody to be brought before the Childrens Court as soon as practicable and within 24 hours after arrest. If it is not practicable for the court to be constituted within 24 hours of the arrest, the child must be brought before the court as soon as practicable on the next day the court can be constituted. These amendments do not go far enough.

This bill cannot guarantee that children will not spend days or weeks in a watch house. While the intent of the bill is for children to spend no more than 24 hours in a watch house, the bill fails to provide an express provision stipulating the maximum length of time children can remain there. That is why I will be moving amendments in this regard. I also note what the Human Rights Commissioner said about this. In the public hearing to this bill, the commissioner was asked what he considered is an appropriate length of time for a statutory prohibition. He said—

The average time for doing that should not extend beyond 24 hours in most cases. If there was an outside limit of 72 hours, that would certainly protect children who as we have sadly found out this year have been subjected to horrendous conditions, for weeks on end in some cases.

This is the government's attempt.

There are other areas of the bill that we will support. Increasing the information sharing across government departments is to be applauded, as is the authorisation of the use of body worn cameras and the capture of audio recordings through CCTV technology. This came out of a review of riots at various detention centres in Queensland, a review that was heavily redacted, as I recall, and took a very long time to release.

The other area of this bill that gives the opposition concern relates to section 48 of the Youth Justice Act which goes to the explicit presumption in favour of release on bail that can only be rebutted when the Youth Justice Act or another act requires a child to be detained in custody or where the court or police officer is satisfied that there is an unacceptable risk that, if released on bail, the child will fail to surrender into custody, commit an offence, endanger the safety or welfare of any person or interfere with witnesses or otherwise obstruct the course of justice. These changes were made to address concerns from stakeholders; however, the opposition believes that they will ultimately mean that more youths who commit serious offences that put community safety at risk, such as unlawful use of a motor vehicle, will be let out onto the streets to reoffend. It is a question of balancing community safety with the appropriate and humane punishment of offenders.

In communities across Queensland, particularly Townsville and Cairns but increasingly across South-East Queensland, there is a growing belief that there must be tougher consequences for unlawful actions and that the tension in the act as it currently stands is appropriate. The government's amendment to the same in this regard will be opposed by the opposition. I also note that amendments will be made in respect of breach of bail being reintroduced as an offence.

Something that further highlights how muddled the government is in relation to youth justice in Queensland goes to a recommendation made by Bob Atkinson, the hand-picked reviewer of the youth justice system in Queensland. He was hand-picked by the minister to investigate youth justice and outline what steps could be taken to improve its implementation in Queensland. Mr Atkinson recommended offenders wear tracking devices when released on bail. As I have already said, there have been thousands of pages of reviews, hundreds of recommendations, half a billion dollars and a brand-new government department created on the fly—as the Premier, as I recall, said, for a fresh look at youth justice; this is after a generation of looking at it—with more bureaucrats, because that will help the young kids get out of watch houses! After all this, we now have a minister ignoring the recommendations of Bob Atkinson, the person who was personally appointed to make recommendations on youth justice. Now the minister is just ignoring them. I look forward to hearing from the minister why recommendations from her hand-picked reviewer are being ignored.

Why is all of this so important? We are off to Townsville in a couple of weeks. I was very disappointed that youth justice was allocated only one hour at the estimates hearing. That is very little time for half a billion dollars to be reviewed. One of the biggest areas in the budget—half a billion dollars of spending—was given such a short period for analysis and examination.

The reason this is so important is that in Townsville we will hear it. The government will not like it but they will hear loud and clear from the people of Townsville that they are sick to the back teeth of crime. It is good that the government stopped doing youth crime statistics in regions in 2016-17, because from the last year of the Newman government to 2016-17 unlawful entry was up 25 per cent, unlawful use of a motor vehicle was up 34 per cent, robbery was up 16 per cent and offences against property were up 12 per cent. We do not know what the situation is today, but I am sure that the people of Townsville will have a lot to tell us when we get there for the sittings in a fortnight.

Why is this so important to the northern region? Why is it so important to Townsville? One of Labor's plans to overcome the challenges of letting kids out of watch houses and relieving some of the pressure on youth detention centres comes back to bail houses. If we recall, one of those bail houses was proposed in the electorate of South Brisbane. I hear there is a spare house going over there now! Maybe it is time to revisit the location of bail houses in Queensland.

This is an issue in Townsville. Initially the minister said that there would be nine bail houses in Queensland. That has been held back to four. In the 2018-19 budget we heard that there would be no more bail houses being developed. By 2022-23 this government will have spent \$70 million on bail houses in Queensland. All that bail houses have achieved thus far is 529 critical incidents around Queensland—breaches of curfew and other breaches. Bail houses have not worked. To see this you only need to go to the *Townsville Bulletin* and read some of the headlines: 'Bail house complete debacle since get-go', 'Bail house flop', 'Bail house fail', 'Kids crime takes toll', 'Youth justice system needs overhaul' and 'Premier clueless on justice'.

We know that one in six kids in those bail houses are reoffending. We know that it is a failed policy. Imagine what that \$70 million could do if it was put towards diversionary and prevention programs around Queensland instead of into this failed program that is under-utilised. Why would you double down on a policy that is not working? I look forward to the people of Townsville communicating to the government their opinion on bail houses. Once this bill is passed, with more kids out on bail there will be additional pressures.

A June *Townsville Bulletin* article titled 'Premier clueless on justice' states, among other things—

For far too long Premier Annastacia Palaszczuk's government has buried its head in the sand. Last year the *Bulletin* reported extensively on overcrowding in detention centres and children being kept in watch-houses.

Yet those reports fell on deaf ears until the ABC picked up on the issue last month and the Premier ordered an overhaul of youth justice and set up a department to tackle the crisis.

We also reported on issues raised with the new bail houses that the Queensland Government built to ease the burden on the detention centres.

...

... last year, the State Government said it would review the youth bail houses due to the fact they were underused.

On it goes. It finishes—

What is this State Government doing?

Nothing it seems.

As I said, I am sure the people of Townsville will have a very strong, loud and consistent message for this Labor government in a fortnight when we go to Townsville for parliamentary sittings.

Above all, it is a crying shame, obviously, for the victims of crime and for people who have been impacted by this crime epidemic across the north and increasingly, as we are seeing, in the south-east corner. It is also a crying shame for the children who are in this system. The question I have is: can the minister assure the House that when this bill passes and more kids are being let out on bail these kids will have somewhere safe to go? It cannot be bail houses. Is there proper and safe accommodation? When young people are on bail or have come to the attention of the youth justice system, we know that if they do not have the support and accommodation they need then they are far more likely to reoffend.

My question to the government is: where is the whole-of-government solution to youth justice? Throughout the past 20 years we have seen a siloed approach to youth justice in Queensland as each minister passes on the challenges and the complexities. There is no doubt that this is a highly complex area of government policy—there is no denying that—but can the minister assure us that there have been meetings between the housing minister, the health minister, the youth justice minister and the police minister? Have government departments been brought together to create whole-of-government solutions?

We know that the first 1,000 days of any child's life are vitally important. We know that there will be indicators in the first 1,000 days of a child's life that show that they may come to the attention of the youth justice system. I ask the minister: has there been whole-of-government coordination? Unless a whole-of-government approach to the youth justice challenge is taken, we will debate this again in 20 years time. There must be a coordinated approach to the youth justice crisis in Queensland.

As I have said, apart from a couple of key areas of concern and a couple of amendments, we will be supporting the government's bill, as the National Party and the Liberal Party did back in 1992 when the predecessor to this bill was introduced. We know that this is a complex and challenging problem, but my challenge to the government is: where is the whole-of-government plan? At the moment, it is a crying shame for Queenslanders—it is a crying shame for the people of North Queensland in particular but increasingly across the south-east corner—who are caught up in youth crime. There are a lot of victims of crime. People should be feeling safe in their homes. The law must be upheld. There must be consequences for actions.

Where is the whole-of-government response? It is a crying shame for the victims of crime and, more than anything else, it is a crying shame for the young children who are caught up in this system that the Labor government has failed them. It has failed them from 1999—and I talked about that watch house media release—and Peter Beattie turning over a new leaf in 2001, to the minister today seeking to deal with the crisis. It has been Labor's generational failure. This bill is but a start. There must be a whole-of-government response to this crisis, because the Queensland community is sick of being failed.