




Speech By
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MEMBER FOR SOUTHERN DOWNS

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YOUTH JUSTICE AND OTHER LEGISLATION AMENDMENT BILL

 **Mr LISTER** (Southern Downs—LNP) (4.24 pm): I, too, rise to make a contribution to the debate on the Youth Justice and Other Legislation Amendment Bill 2019. I have listened with interest to the contributions of the members before me. I heard the minister and my honourable friend the member for Toohey ask what the LNP plans to do and what is the LNP's solution. We are very clear about that. I say to the minister, who mentioned the statement of reservation in the committee report that bears my signature and how the LNP wants to have 72 hours mandated maximum stay for children in watch houses, that that is not just what I say; that is what the Anti-Discrimination Commissioner says quite clearly in his submission and he has been quite vocal about that in other forums as well.

I think the member for Toowoomba South made a very good point in his speech when he talked about the importance of investigative journalism. The truth is that we are having this debate because of Mr Willacy and *Four Corners*. It is a good thing that that *Four Corners* episode was aired. I hope it will have a lasting beneficial impact on those vulnerable Queenslanders who find themselves in watch houses for extended stays.

I heard the members who spoke before me ask, 'What is the LNP's idea?' Mr McDougall, the Anti-Discrimination Commissioner, appeared in the *Four Corners* episode saying—

We've written to the premier and suggested that they do what happened in 1994 and that is urgently build some purpose-built temporary accommodation at the Brisbane Youth Detention Centre. I don't know why it hasn't been done. It seems like a pretty simple solution.

I think the *Four Corners* report exposed real mismanagement on the part of the government in this whole affair. In the episode Mr Willacy asks—

As of today, right as we speak, 85 children in the watch houses, one kid's been in there, a 16-year old, for more than 40 days, which is a record now. Surely, that's something if you read the records every morning when you wake up that ... bothers you.

The minister replies—

It does.

Mr Willacy asks further—

And under your plan, those kids will be out when?

The minister replies—

Look, I don't like to give a definite date. Um, I would hope by the second half of next year, um, we can see that there are only kids in watch houses who are really just there as the general kind of process of things.

We did get down to zero children in watch houses, which was great, but the numbers have been climbing again. That goes to the heart of our concerns about how the government is going to sustain a change to make sure that young vulnerable Queenslanders do not have extended stays in watch houses.

I am concerned about how the government responded to the calls for intervention to stop this crisis. I pay great respect to the Anti-Discrimination Commissioner and the Public Guardian. The *Four Corners* episode stated that the Public Guardian made revelations about her prior awareness of children being held in watch houses in terrible situations—children held near convicted paedophiles, or alleged sex offenders—in an email to the director-general of the Department of Justice and Attorney-General that said—

I'm very disturbed to know that a young girl was placed in a pod with two alleged sex offenders, but I think what that highlights for me is concern about the systems or the oversights that could have led to that situation in the first place.

According to the *Four Corners* report, the director-general responded by saying that a number of the allegations would be considered serious misconduct. When Mr Willacy put those comments to the minister, she said that she was not aware of that. When we consider that, in our system of government, the minister is responsible for everything that happens within his or her department, that suggests that there has been a serious failing in responding to the government's own watchdog raising matters of concern about the detention of youth in watch houses for extended periods.

This is a necessary bill, it is by and large a good bill, but the LNP does not agree with all aspects of it and will put forward some amendments. Its purpose is to reduce the period in which proceedings in the youth justice system are finalised; to remove legislative barriers to enable more young people to be granted bail; to ensure appropriate conditions are attached to grants of bail; to 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; and to authorise the use of body worn cameras and the capture of audio recordings through closed circuit television technology.

These objectives will be met by emphasising the importance of time lines and the priority that should be given to proceedings for children remanded in custody in the charter of youth justice principles under the Youth Justice Act and requiring young people who are arrested and detained to be brought before the Childrens Court as soon as practicable and within 24 hours or, if the court cannot be constituted within 24 hours of arrest, on the next available day.

The LNP opposes clause 10 which substantially amends the bail decision-making framework. The LNP will be moving amendments to restrict the length of time that children can be held in watch houses to 72 hours and also to restore breach of bail as an offence. We are very clear about this. We feel that there needs to be a statutory maximum amount of time because, as the shadow Attorney-General, the member for Toowoomba South, has made very clear, there has been a lamentable history of failings in youth justice in this state over long years. Children need to be detained in appropriate facilities such as youth detention centres.

Under Labor, children as young as 10 have been held in watch houses for weeks on end while they wait for overcrowded detention centres to have space available. As at 10 May 2019 there were 89 children held in watch houses across the state. Since the revelations of children held in watch houses, which were aired on the *Four Corners* program, there have been significant concerns around the length of time children are held in watch houses. The longest time a child has stayed in a watch house is 45 days. Labor should be ashamed of this and ashamed of the slowness in responding to the clear indications from the community and from those whose duty it was to highlight to the government the failings that they were seeing.

Regarding the restoration of breach of bail as an offence, it is obvious that Labor wants to weaken bail laws in an attempt to reduce the number of children entering overcrowded youth detention centres. That is the bandaid, the papering-over-the-cracks fix. The Labor Party has put forward amendments to help take the pressure off its youth detention centre crisis which was sparked after its failed transition of 17-year-olds from adult prisons to the youth detention system in 2016.

Under this bill there will be more youths who commit serious offences putting the community at risk. This is a serious concern when one considers that 10 per cent of juveniles are responsible for 44 per cent of all proven offences, as reported in the Childrens Court of Queensland annual report 2017-18. The residents of Townsville in particular are already at their wits' end and the last thing they want is more youth offenders out on bail going on even more crime sprees. This does beg the question: was this the reason that we have had yet another guillotine on this particular debate?

The LNP would like to see this bill debated much more thoroughly. We would like to see the debate go on until we have exhausted every LNP member, because every one of us would like to speak on this bill. It does strike me as being inconvenient for the government to have this bill debated in Townsville when we have the hastily announced sitting there next month. I do not think that making that point will change the government's view. We have failed on every single argument against the guillotine so far.

We support most of the bill, but have some amendments that we hope the government will take in the spirit in which they are offered and that are in keeping with the advice of experts such as the Anti-Discrimination Commissioner who has made the point that a 72-hour statutory maximum would have protected many who have gone before and have suffered at the hands of the government.