




Speech By
Joseph Kelly

MEMBER FOR GREENSLOPES

Record of Proceedings, 22 August 2019

YOUTH JUSTICE AND OTHER LEGISLATION AMENDMENT BILL

 **Mr KELLY** (Greenslopes—ALP) (12.26 pm): I support the Youth Justice and Other Legislation Amendment Bill 2019. I would like to start by thanking all of the submitters, and I would particularly like to thank the minister for her good work in relation to this. I have had many informed and thorough conversations around youth justice with the minister, which is something we have not heard much of in this debate over the last couple of days. That last speech demonstrates a fundamental lack of reading of the report into youth justice that was put together by the excellent Bob Atkinson. It was an excellent report.

Ms Farmer interjected.

Mr KELLY: Exactly. Let us face it, they are just reading the same speech over and over and over again. Bob Atkinson drew on years of passionate commitment to community safety. He has a deep understanding of how important it is to work hard with young people who may have strayed from the best path. He outlined those four pillars—to intervene early, to keep children out of court, to keep children out of custody and to reduce reoffending. This bill focuses very squarely on keeping children out of custody. The bill starts with a focus on the timely finalisation of proceedings for youth justice. There is a particular priority given to finalising proceedings for young people who are on remand. The bill also removes legislative barriers that will enable more children to be granted bail.

I am confused by some of the arguments being proffered by the honourable members opposite. On the one hand, they are saying we should not be giving kids bail and then on the other hand they are saying they want fewer kids in custody. That to me is a fundamental problem with the arguments that they are putting forward.

Focusing on finalising proceedings and improving access to bail, which is what has been put forward by the minister in this bill, when combined with changes aimed at streamlining the process of presentence reports and police being in contact with parents or carers or lawyers, will ensure that there is actually less demand for youth detention centres and places in youth detention centres.

I am also really pleased to see information sharing between various agencies is covered by this bill. It is such a crucial part of supporting young people in the youth justice system. As someone who has laboured along in a large, bureaucratic care orientated organisation, I know that in the past we have not always done the best job of communicating between government and non-government agencies or even private sector agencies. In the past that was significantly due to the lack of technological capacity to do this. However, now that we have the technological capacity and understanding of why it is important, it is imperative that we get the legal framework to support that. This bill certainly does that.

I would also like to say that I support the provisions of the bill that deal with body worn cameras in youth detention. They are particularly welcomed. Without going to any particulars or details, during my time on the PCCC I saw the positive impact that body worn cameras had on police conduct. Many officers whom I have spoken to over the years reported an initial set of concerns when they were first

asked to wear body worn cameras. However, once they became familiar with the equipment and the processes supporting those pieces of equipment, they started to view the body worn cameras as a useful tool that provides a great level of protection for the officers. I believe that will occur in this case as well. We will have good protection for the young people who are, sadly, in custody but also good protection for those people who have to provide care.

I turn briefly to the statement of reservation, if I can call it that. I note the premise put forward around the setting of a 72-hour limit. Section 56 of the current Youth Justice Act already requires that a child in custody is delivered to the custody of the chief executive of the youth justice department as soon as practicable. One of the dangers of going down the path of setting a 72-hour limit is that this will become the new default setting of the time that young people are held in custody. I think it is important that we limit the time that children are in custody to as short as practicable, and that is already in place. We know that, sadly, there are many times when we must make that difficult decision to detain young people. I would hate to be the person who has to make that decision. I am sure it is not made lightly or easily. Of course, our government is committed to custody being used as a very last resort. I am really pleased that while this bill is taking good action on keeping young people out of jail, the smart approach is to intervene early and stop young people offending in the first place. I am pleased there is action in relation to that as well.

We just heard a great contribution from the member for Townsville outlining a program that he put in place. Those are the sorts of programs that can make a real difference. As the chair of the board of SPELD, an organisation that supports young people experiencing learning differences, I have seen this firsthand. I am pleased that we have had support from the government to teach youth at risk how to read when they have learning differences. We know that amongst the adult prison population functional literacy rates are staggeringly high. Quite frankly, if people cannot read, they cannot participate in society in a fulsome way. If we really want to empower people, we have to do things like that.

I think this bill strikes the right balance that we are looking for. I commend the minister for her good work and her department for their good work. I commend the committee. I commend the bill to the House.