




Speech By
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MEMBER FOR SOUTH BRISBANE

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YOUTH JUSTICE AND OTHER LEGISLATION AMENDMENT BILL

 **Dr MacMAHON** (South Brisbane—Grn) (12.50 pm): I rise to speak to the Youth Justice and Other Legislation Amendment Bill 2021. The cohort of kids that will be most impacted by this bill are some of the most vulnerable in Queensland. QCOSS estimates that this is around 400 children. We know that these kids are very likely to be living in extreme poverty with families who are struggling—families who are suffering family violence, who do not have secure housing, who are struggling with food insecurity, who are struggling with mental health issues and alcohol and substance misuse. We also know that it is extremely likely that these kids have had contact with the child protection system, have had disrupted education, have suffered significant trauma and have found themselves homeless at times. These are the kids who, through no fault of their own, were never given a chance at a safe and joyful childhood.

What are the Labor government doing to respond to these vulnerable kids? Are they funding more free public drug and alcohol rehabilitation services? Are they building enough public homes so that these families can have a safe and secure roof over their heads? Are they giving our state schools more resources to better support these kids to stay in school? Are they funding free school meals that we know would help keep kids at school or providing families with more support and resources? No. What this Labor government are doing is putting GPS monitors on children and making it easier for them to be immediately jailed—further marginalising these already vulnerable kids and trapping them in a cycle of criminalisation and reoffending.

These children have become the scapegoats for the failures of successive Labor and LNP governments. Treating children like they are hardened criminals will do nothing more than make them more likely to become hardened criminals. As Queensland's former public guardian, Natalie Siegel-Brown, has said—

Nobody in the world has ever imprisoned their way out of crime or GPS-tracked their way out of crime.

The bill is short-sighted and does nothing to address the underlying social and economic problems that drive young people into criminal behaviour.

I wish to quote from some of the submitters. The Queensland Aboriginal and Torres Strait Islander Child Protection Peak, Sisters Inside alongside other First Nations advocacy bodies all agreed that these proposed laws were unjustifiably authoritarian, punitive and racist, that they will disproportionately affect Aboriginal and Torres Strait Islander young people, and that they are likely to exacerbate the existing over-representation of Aboriginal and Torres Strait Islander people in custody.

Ms Lui interjected.

Dr MacMAHON: These have been drawn from submissions.

Madam DEPUTY SPEAKER (Mrs Gerber): Pause the clock. Members will direct comments through the chair and cease interjecting.

Dr MacMAHON: Change the Record said—

The proposed laws will disproportionately impact Aboriginal and Torres Strait Islander children who are already grossly overrepresented in the Queensland criminal legal system—being incarcerated at 28 times the rate of their non-Indigenous peers.

We know that First Nations children are three times less likely—

Ms Lui interjected.

Madam DEPUTY SPEAKER: Pause the clock. The member for Cook is warned under the standing orders.

Dr MacMAHON: We know that First Nations people are three times less likely to be offered a caution by police and two times less likely to be given diversion away from the criminal justice system. At every single stage of contact with the criminal justice system, First Nations people are massively overrepresented. As Queensland Labor's own Indigenous network has said, 'Sadly, policing and justice in Queensland is not colour-blind.'

We know that First Nations people in Queensland continue to experience institutional and systemic racism and that there is ongoing intergenerational trauma from stolen generations and colonisation. Queensland has also seen a tripling of imprisonment of First Nations women over the last 15 years, even as rates of offending have decreased. As Sisters Inside, an organisation in my electorate, has said—

More than ever, the proposed changes reflect and reinforce colonial—

Ms Lui interjected.

Madam DEPUTY SPEAKER: Pause the clock. Member for Cook, you were warned under the standing orders. You must direct your comments through the chair.

Dr MacMAHON: I quote from Sisters Inside, which have said—

More than ever, the proposed changes reflect and reinforce colonial values and practices.

Just removing the word 'tracking' is not enough to separate this bill from the traumatic colonial practices inflicted on Indigenous people.

The Queensland Human Rights Commission has raised significant concerns about the bill including: that a presumption against bail may actually undermine community safety in the longer term; that increasing police powers to conduct arbitrary wand searches may unfairly impact minority groups; that the likely consequence of this bill is an increase of children in custody; and that electronic monitoring of children on bail is a serious incursion into the rights of children and families.

This is not the first time in Queensland we have heard concerns raised about the human rights impact of electronic tracking. I would like to read to this chamber a quote from 2019—

There are a number of practical and human rights concerns relating to imposing conditions of this type on children. For example, a child that wears a tracking device may be stigmatised and isolated by their peers or community, reducing their prospects of rehabilitation.

This quote was not from some bleeding-heart leftie fighting against this bill; it was actually the government's own minister, Minister Farmer, introducing the youth bill in 2019. Yet youth crime has decreased since 2019. It seems to me that the only reason why they have flipped so dramatically is Labor's rightward shift, singing from the songbook of the LNP and the Murdoch media.

The Youth Advocacy Centre has pointed out that these ankle bracelets could also prompt exclusion from school. Keeping kids in school is crucial to reducing their involvement with the youth justice system. This is why the Atkinson report specifically recommended reducing exclusions from school to support the early intervention pillar. Slapping bulky GPS monitors on kids further paints them as criminals and risks their exclusion from school, family and friends. The Youth Affairs Network Queensland, which I recently met with, wrote—

The proposed amendments to the Youth Justice Act further separate the Act from what is in children's best interest.

They also wrote—

The current approach of Queensland's youth justice system is not evidence based, effective, efficient or economically viable.

These measures also completely overlook the root causes of youth criminalisation. While both sides of this chamber have been falling over themselves to be the ones to support more punitive measures for Queensland kids, I feel as though they are forgetting who these children are. Lindsay Wegener from PeakCare, and a former frontline youth justice worker, summed this up well when she

said that kids who have experienced significant trauma or racism are suddenly transformed from people worthy of our compassion and understanding to kid criminals worthy only of our derision. The Queensland Youth Housing Coalition, which I also recently met with, wrote—

... offending behaviours and homelessness sit within a symptomatic continuum of structural imbalances, poverty and social disadvantage.

Of the kids who come into contact with the criminal legal system, 58 per cent of them have a diagnosed or suspected mental health disorder, 52 per cent were totally disengaged from education and almost 20 per cent of them were homeless or had unsuitable accommodation. Of incarcerated children, 23 per cent of them had an intellectual disability and 36 per cent of them had experienced fetal alcohol spectrum syndrome. This is who we are talking about. These are the children who will only be further marginalised by this bill. These are the young people who Labor and the LNP will throw under the bus to score political points.

This bill demonstrates the lack of imagination and the narrow thinking that is so common of politics in this place. Instead of criminalising youth and playing into the hands of the LNP and the Murdoch media, Labor could have chosen to be the champions of youth in Queensland. We could be directing investment into services and support that would meaningfully reduce youth crime in Queensland.

In my own electorate, work by 98.9FM and the West End Community House has revived People's Park as a safe and welcoming space for the community and particularly First Nations people, reducing crime and giving the community a safe and welcoming place to gather. We could meaningfully be investing in social housing—housing the 16,000 children ignored by this government. We could be funding programs like free school meals, which we know improve school attendance, behaviour and engagement. We could be increasing funding for programs like Clarence Street in my electorate that offers young people a safe space to deal with drug and alcohol misuse. We could be fully funding our state schools rather than letting them go underfunded. We could be putting our hope and respect in young people in Queensland and setting them up for full and whole lives. Measures of the kind proposed in this bill instead set up youth for a life of criminalisation and institutionalisation—a cycle difficult to break out of. That is why I do not support this bill today.