




Speech By  
**Andrew Powell**

**MEMBER FOR GLASS HOUSE**

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### **YOUTH JUSTICE AND OTHER LEGISLATION AMENDMENT BILL**

 **Mr POWELL** (Glass House—LNP) (3.33 pm): I rise to address the debate on the Youth Justice and Other Legislation Amendment Bill. As explained by our shadow ministers, the LNP will not be preventing this bill from passing. That does not mean we absolve the government of the fear and pain they have created through their ham-fisted management of youth justice in this state. It does not mean that we will not critique the effectiveness of elements of this legislation, nor that we will not move amendments of our own.

Let us begin by looking at why we have a youth justice crisis in the first place. The short answer is the Palaszczuk Labor government. They have had a chaotic approach to managing these young criminals. In response to adverse media reports about kids being kept in police watch houses, amendments were moved to 'keep kids out of detention', but when faced with spiralling crime in places like Townsville we had the Premier and the Minister for Police trying to take a tough-on-crime approach. We then had the minister doubling down on claims that courts were not locking kids up properly, then new bail houses—they were subsequently abandoned—and now this 'tough new action' to target repeat offenders. It is no wonder the young offenders are running rings around the government. The government is dizzy from a tailspin of its own making.

As a member of the Legal Affairs and Safety Committee, I have heard firsthand the tragic consequences of this inconsistent approach to crime. Ms Gina Garrod of Townsville said—

I want to reiterate how frightening it is living in your own home here. We moved here 12 months ago to be near our daughter, who has worked up here for 11 years. Daily I say, 'What have we done?' I have never been so frightened in my own home. What we are doing is not working in any shape or form. We have had to spend \$1,000 on security. I am a nurse. I was getting up for work and trying to work on two hours sleep because I am too frightened to go to sleep. When I work a late shift, I am terrified getting in my car and driving home for fear that I am going to meet one of those cars driving up the wrong side of the road. A colleague of mine was driving home at seven o'clock in the morning after a night shift two weeks ago and faced exactly that and got run off the road. None of us should be expected to live like this. It is terrifying.

I am too scared to go to the shops. I am a fit lady for my age—very fit. I am too scared to go to the shops on my own because these thugs are hanging around the shops all the time. I will not go without my husband. I was invited into town a week ago with some friends for an evening out. I was too frightened to drive in here.

I am not the exception. This is the general feeling of the Townsville population. This is no way for us to live.

**Mr Lit Chien Cheah, also of Townsville, stated—**

Early one morning I was riding my pushbike. I was towing my two young children in a trailer on a very quiet suburban street next to the river. Screaming down coming in the opposite direction was a big four-wheel drive Range Rover going at really high speed. I was stunned: why on earth was that happening? The next thing to my knowledge that car made a U-turn and we had a really close call, brushing side by side with my bike at very high speed again. Immediately my heart sank. I thought, 'If this car hit me and my children, none of us would survive the impact.'

...

Another experience was at home. Early in the morning we were woken up. There were young juveniles in our backyard. I do not know what they were trying to steal, but I had to scare them off with abusive words and I chased them away. That was in plain sight of my young family ...

I had the privilege of living on Christmas Island, one of the safest places in Australia, and I moved to a crime scene such as Townsville. I regret that move. Why on earth are we in Townsville? If the situation does not improve, I will have no choice but to remove myself and my family from the town and relocate to another safer place in Australia.

Tragic. So how will this bill address that crime and that fear? I will touch on a few aspects of this bill. I turn firstly to the electronic monitoring devices. I have serious concerns these will even be trialled. During the public briefing provided by the Queensland Police Service I raised that there are—

... specific conditions that need to be met before a youth offender can be fitted with one of these—  
that is, electronic devices—

it has to be an indictable offence; they have to have previously been found guilty of an indictable offence; and they also then have to have a mobile phone, reliable access to electricity, capacity to understand the requirements, as well as further support. I understand we are also trialling this in a number of geographical locations. Has any consideration been given to the number of offenders that this is then going to apply to, given all of those conditions?

...

My concern, though, is that ... the cohort that will actually have these monitoring devices fitted may be so small that we may not have any meaningful data on which to base further decisions when the sunset clause concludes after two years.

When I questioned Deputy Commissioner Smith whether there was any consideration being given to the sample, he replied—

I think probably the best answer I can give is that that will be a matter of policy. That is what is being presented to us in the bill. I subsequently pointed out—

... the conditions are being established in the law which therefore makes it very difficult, unless we come back in here and amend it at a later date, to broaden the conditions so that you can access a wider pool.

to which Deputy Commissioner Smith concluded, 'That is true.'

Senior Sergeant Gary Hunter, the officer in charge of the Cairns Police Station, called for the trial to be expanded to include a broader age group. When appearing before the committee in Cairns, he stated—

I am supportive of it, definitely. If I had to make a recommendation, it would be to extend the age group.

Townsville Mayor Jenny Hill said—

I urge the government to consider expanding the requirement to younger recidivist high-risk offenders who are above the age of criminal responsibility in Queensland.

We have to give this trial a go, but I reiterate my concern that, because of the prescriptive conditions enshrined in this law and not in regulation, the government will be back here in two years scratching its head trying to work out if the trial was even successful.

With respect to the electronic monitoring trial and other elements of the bill, there was an interesting contribution by representatives of Amnesty International in Townsville. It very much focused on the rights of the child. They were fairly scathing of this legislation. As others pointed out, what about the rights of the community to feel safe and to be protected. I noted and asked—

Obviously Amnesty International are going to focus on the rights—in this case, the rights of the child. Equally, there are rights of community members to feel safe, as we have heard today. A government's role is to balance those rights at times. Do you accept that there are members in this community who have been victims of crime and that they equally have a right to feel safe?

Mr Ian Frazer, representing Amnesty International, responded—

I think that is a fair point. Following the concerns that have been raised in the local press over the last three or four months, it is obvious there are lots of people who feel quite afraid—older people who feel afraid. Of course, we tend to take it for granted if life is plain sailing, but we do have a right to feel safe and to expect that the government, through the laws of the land, is doing its best for us to be safe. Our analysis, as I have set out, is that we do not believe, and I am exaggerating, in locking up kids and throwing away the keys—that is not what anyone proposes—or that, quite simply, getting offenders off the street will, in the long term, speak to that right or ensure that right that we have to feel safe. However, I take your point.

I thank Mr Frazer for his considered response. Even Amnesty International appreciates that this is a balancing act.

There are several other important changes which I will not have time to address. With respect to breach of bail, I refer members and my constituents to the contributions of the LNP shadow ministers and my colleague and fellow committee member, the member for Currumbin, who have gone into some detail regarding our concerns with the government's approach and our alternative proposal. In short, there is widespread community support for the LNP's position of restoring breach of bail as an offence.

I want to publicly acknowledge the courage of people like Mr Brett Geiszler and Mr Luke Jenkins of Townsville who shared their experience of losing a loved one—a loved one who may still be alive today had this law been in existence. In advance, I commend the contribution of the member for Bonney regarding the changes concerning knives. I thank Ms Belinda Beasley, founder of the Jack Beasley

Foundation, for sharing her story, her suggestions and her efforts to educate our future generations. It is truly inspiring. I know my colleague the member for Mudgeeraba will address the legislative changes concerning hooning, as I spoke to those in my adjournment speech last night.

I want to spend some time acknowledging that no-one—I repeat, no-one—sees this bill in isolation as resolving our statewide youth crime problem. There is universal support for better and earlier intervention. Again I refer to what Senior Sergeant Gary Hunter said. To paraphrase, he said, 'Wouldn't it be great if we saw these kids the first time they appeared in the watch house not the seventh or eighth or ninth?' Mike Adams in Cairns and Uncle Graham Pattel in Townsville talked about the need to engage Indigenous elders early.

I thank everyone who provided a written or verbal submission to our committee. For many, it took considerable courage. I also thank the committee secretariat of Renee, Lorraine, Margaret and Kelli and the Hansard reporters who travelled with us.

Youth justice is complex and it is made more complex by a government that is inconsistent and does not know what it is doing. I will watch with interest to see if these legislative changes produce any positive outcomes. I do hope, for the sake of people like Ms Gina Garred and Mr Lit Chien Cheah, that they will again feel safe. We owe it to them and all Queenslanders.