




Speech By  
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**MEMBER FOR NINDERRY**

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

 **Mr PURDIE** (Ninderry—LNP) (6.23 pm): The highest priority of any government is the safety and security of its citizens, and on this highest priority Labor has failed across the board systematically, profoundly and unforgivably. As members have heard me say many times before, in 2016 I saw firsthand the Palaszczuk government's overt soft-on-crime regime and the continued watering down of the Youth Justice Act was tipping the balance of power into the hands of juvenile offenders. We warned back then that youth crime would spiral out of control, that there would be many more innocent victims of crime and that that would eventually end in tears. Unfortunately it did.

It does not bring me any pleasure to stand here today to warn the government again that the amendments in the bill do nothing to tip the balance of power back into the hands of police, do nothing to put downward pressure on crime and do nothing to prevent further innocent lives being lost. The government might trumpet these amendments as a youth crime crackdown, but they are nothing but window-dressing and when we peel back the curtain all we see are minor tweaks to legal definitions that our police know will have no impact on the youth crime epidemic currently gripping communities across Queensland.

Since 2015 this Labor government can be credited with making a series of dire, short-sighted and ill informed policy decisions leading to a litany of tactical failures that embedded an insidious sickness in the youth justice system—a system which has spiralled into disarray and disrepair. Queensland was ravaged by this youth crime epidemic well before the COVID-19 pandemic inflicted yet another fear in our crime sieged suburbs. One does not need to be an expert contact tracer to identify the original source of this epidemic. In 2016 Labor made amendments to the Youth Justice Act that, among other things, scrapped the LNP's breach of bail offence but, most devastatingly, reinstated the youth justice principle that detention should be the last resort, and I will expand more on that later.

In September of that year Labor introduced the Youth Justice and Other Legislation Amendment Bill which transitioned 17-year-old offenders from adult prisons to youth detention centres. This rushed transition involved no forward planning. Youth detention centres were already at capacity so, not surprisingly, we ended up with 90 young offenders being held in maximum security watch houses because there was nowhere else to put them. Around that time the then Labor attorney-general gave a presentation to police and others at a youth justice forum at South Brisbane. When asked how the government planned to accommodate 17-year-old prisoners in already full youth detention centres, the attendees were stunned to hear that the government would reform the youth bail laws to ensure more juvenile offenders would get bail. Then in June 2019, true to its word, Labor amended the Youth Justice Act to drastically weaken youth bail laws. Minister Farmer said at the time—

The bill removes legislative barriers to support bail decision-making so children can be appropriately released. The bill ... clearly state that there is a presumption in favour of release for a child.

The LNP voted against this and I said in my speech at the time—

This bill is a kneejerk reaction to keep kids out of custody when we should be focusing on stopping kids from committing crime, not just focusing on releasing criminals back into the community. Making it harder for police to hold juvenile offenders in custody might ease the overcrowding issue in our watch houses and youth detention facilities but it will only make the juvenile crime problem worse.

By now crime across Queensland was skyrocketing. In the Moreton district, for example, armed robbery was up 290 per cent, robbery up 240 per cent and unlawful use of a motor vehicle up 91 per cent, and they are just the reported crime rates. We know that, as has been reported, every night in communities across Queensland young criminals are breaking into houses stealing cars and driving dangerously. Police are powerless to stop them and are often not even entering evade police reports onto QPRIME, the official police database, because it is a pointless exercise and a waste of their time because, if and when the offenders are caught, it is a hard charge to prove and nothing happens to them anyway. The recorded crime rate is bad; the real crime rate is shocking.

But it is not just stolen cars. For the past six years our police have been chasing these juvenile offenders for serious crimes such as drive-by shootings, carjackings, stabbings and murders and not stealing Kit Kats like the police minister tried to have us believe. In March 2020 Labor announced a five-point action plan in a bid to hoodwink the electorate that it was tough on crime, but let us not forget that it had previously had a five-point plan in 2016 that failed and another four-point plan in 2019.

In stark contrast, in April 2020 the LNP tabled in parliament proposed amendments to restore the bail provisions and proposed to remove the principle of detention as a last resort, among other things. In July 2020 we moved a motion again outlining these issues and urged the government to take action. Labor once again failed to listen and arrogantly persisted with its weak and soon to be deadly laws. What came next? A devastating and unthinkable tragedy occurred on Australia Day while the government was still floundering with its youth crime laws.

What is the government doing about it? All of a sudden they start talking tough on crime and respond with another kneejerk piece of legislation that speaks more to politics than policy. On 9 February, three weeks after the Australia Day tragedy, the headlines shouted 'Tough new action to target repeat offenders', a key talking point being the Youth Justice Act will be amended to include a reference to the community being protected from recidivist youth offenders in the charter of youth justice principles. That sounds good. A few weeks later, on 25 February, the Youth Justice and Other Legislation Amendment Bill was introduced and, to the government's credit, it includes an amendment to the charter of youth justice principles to include reference to the community being protected from recidivist offenders.

Let us look closer at that tough sounding talking point. The first principle of the charter of youth justice principles has always been the community should be protected from offences. Adding a line to include 'from recidivist offenders' is an absolute joke. Who did this government think police prosecutors and magistrates have been trying to protect the community from? The victims? It is a headline that sounds great but achieves nothing.

The overarching youth justice principle that overrides all others, and one this government continually refuses to address, is principle No. 18 which states 'a child should be detained in custody for an offence, whether on arrest, remand or sentence, only as a last resort', a principle which was removed by the LNP when in government and reintroduced by this government in 2016.

This principle is enshrined in case law, of note *R v. SCU* 2017, which is often successfully cited to ensure dangerous juvenile offenders are released from or not held in custody. Specifically, in relation to principle 18 the Supreme Court in this case talks about the provision being repealed in 2014 and adds weight to it being reinserted in the Youth Justice Act in 2016. Paragraph 84 states—

The injunction in the Act that detention is to be regarded as a sentence of last resort, to be imposed only when the court is positively satisfied that there is no other possible alternative, is, therefore, not merely a platitude or a bromide. It is an emphatic parliamentary order enacted with express deliberation.

Which brings me now to the GPS monitoring devices. Are they just another possible alternative that police and the court must exhaust before a juvenile offender can be held in custody? I heard the minister explain in his second reading speech yesterday, and I will be happily corrected if I am wrong, that Corrective Services will monitor these devices and may advise youth justice or police if the offender breaches their bail. The question I have for the minister, and what all police are eager to learn, is what information will police have access to? Will they have access to real-time monitoring data? We already know these juveniles are breaching bail. Sending police advice long after the fact that an offender breached their bail is pointless unless police have access to real-time data to help track and apprehend the offender before they commit further crimes and to better protect the community.

**Government members** interjected.

**Mr PURDIE:** Excellent. Previous trials of monitoring devices have failed because police received delayed advice that a breach of bail had been electronically recorded. GPS devices that act solely as electronic bail checks are a waste of time and money. The measures contained in this bill fall short of what is required to resolve the issues and better protect Queenslanders, simply providing Labor with a few tough sounding soundbites. Communities are living in fear and calling for tough laws, particularly in North Queensland where not just the police but local mayors have been calling on the state government for backup. Under this Labor state government Queensland is soft on crime one day, soft on crime the next. In the absence of any real attempts to crack down on crime I support the bill.