




Speech By
Tim Nicholls

MEMBER FOR CLAYFIELD

Record of Proceedings, 21 April 2021

YOUTH JUSTICE AND OTHER LEGISLATION AMENDMENT BILL

 **Mr NICHOLLS** (Clayfield—LNP) (12.21 pm): Spare the rod, spoil the child. If only the answer to youth crime and offending was as easy as the application of this well-known aphorism, but we know that today there are no easy answers to the problems and causes of youth offending and, equally, we know that communities across Queensland look to government to ensure their safety and security, to protect their wellbeing in their homes. They rightly want to be safe as they go about their lives. They do not want to stop to have to think about whether it is safe to go outside; whether it is safe for their kids to go outside; to walk down the street to get an ice cream; to go out to enjoy themselves on a Friday or a Saturday night; or simply to drive to work or indeed go out for an afternoon walk.

Most people I talk to in the broader community, most police, most lawyers, ordinary members of our communities and those with extensive involvement in looking after young people realise that there are many facets to youth offending. They know that reducing the causes of youth offending is the key to reducing the incidence of youth offending and in fact they know that increased and more jail time is not always, or even mostly, the best answer to young offending. Causes leading to offending often identified include a breakdown of family, addiction, alcoholism, abuse, neglect, lack of education, truancy as mentioned by the member for Burdekin, fetal alcohol syndrome, mental health issues and neurological disabilities.

As recently as three weeks ago, the *Economist* reported on the alarming rate of brain injuries among prisoners. It reports that a review of research in America, Australia and Europe suggests the average reported rate of brain injuries is about 46 per cent of prisoners and those on probation. It goes on to say that, for many, the damage is done early and it is particularly prevalent among boys and young men whose brains are still maturing. That is no surprise because boys and young men take greater risks and they are more adventuresome. In fact, it is not sport that causes the problem; it is usually falls and accidents.

Equally, many people rightly expect the norms of our society to apply and to be applied to young offenders. There is an expectation that, to quote Shakespeare, while the quality of mercy is not strained mercy is not extended to the extent that wanton, repeat and recidivist behaviour is not punished and that those types of offenders are held accountable for actions that damage society. There is an expectation that those who repeatedly demonstrate an inability to change or reform and to abide by society's standards are removed from society in order to protect us all and that those given the benefit of the doubt and released on bail will abide by the terms of their bail.

I have often said in debates about youth justice in this place over the last three or four years—and we have had many of them—that the fundamental and most important duty of any government is protecting the wellbeing and safety of its citizens, and here in Queensland most people would see this as prevention and protection against crime and criminals. Former police commissioner Bob Atkinson highlighted just how important community confidence in that protection is. He said in his June 2018 report that the four pillars he identified must be framed or bookended by two fundamental principles—that public safety is paramount and that community confidence is essential. This government has lost

that community confidence. Recent tragic events at Alexandra Hills and in Townsville in January, following increasing concerns from residents in cities and towns across Queensland, are strengthening the impression that crime and youth crime in particular are out of control.

Many people do not believe that public safety is a paramount consideration of this government and they certainly do not have confidence in the system. If they did, we would not be here discussing this today. The member for Burdekin would not be fronting the crowds of angry, disheartened and concerned residents in Townsville and I would not be hosting a meeting with 240 people at Eagle Farm concerned about crime in Clayfield, and other members in this place on this side have similar stories.

No matter what the Palaszczuk government might say about youth crime rates, communities across Queensland just do not believe it. That point was borne out at the Queensland Police Union national symposium on youth crime that I attended last week with the member for Burdekin. Police and other experts acknowledged in response to questions that that was the issue they faced. Just try telling someone in Townsville that youth crime is not out of control, just try telling someone in the northern suburbs of Brisbane that there is not a problem with youth crime, or just try telling someone down at the Gold Coast—

Ms Leahy: Or Roma.

Mr NICHOLLS:—that there are not people stealing cars and joy-riding at night or indeed, as the member for Warrego says, out at Roma. Is it any wonder? Like a player in the old game of Twister, the Palaszczuk government is struggling not to fall over itself as it gets more and more twisted and convoluted in its attempts to show that it is either variously tough on crime to satisfy public outrage after a terrible tragedy while also trying to display its not-so-tough attitude to satisfy its own left wing. The reality is no-one can serve two masters, at least not for long, and not get caught out as a result.

The Palaszczuk government's various positions on youth justice over the last five years reinforce the perception of a government with no clear and consistent position on crime and youth crime that it is prepared to defend and that it is prepared to stand up for. It is no surprise that this is a government that has already changed youth justice laws three times in 18 months and now puts in place another raft of changes and a government that introduces a new four- or five-point plan on an almost yearly basis. It is a bit like the old Soviet socialists: a new five-year plan each and every year after each and every crop failure occurs and the previous plan was shown to be utterly hopeless and utterly incompetent. How many plans has Labor produced? It provided a five-point plan in 2016 and another four-point plan in 2019. In March 2020 it announced yet another five-point action plan, and just this month we have a seven-point action plan—a new plan every year for every crisis.

It is no wonder this government is a laughing stock, that people snigger when they hear of yet another Labor youth crime plan and experts shake their heads in disbelief. Mr Speaker, you do not have to take my word for it, you only have to read this committee report. None of the experts believe that this is going to make one iota of difference to youth crime. The advocates for young people do not believe it and the public certainly do not believe it.

This bill addresses a number of conditions, including the limited presumption against bail and a 12-month trial of the imposition, while on bail, of GPS location devices—a suggestion that has not lasted the first afternoon of debate in this House because we are now going to have an amendment to the amendment to deal with it. It just shows how incompetent this government is in dealing with this matter. We are going to see additional factors concerning parental support that may be taken into account by the decision-maker when it comes to bail, the codification of an existing practice, which was described to me by an experienced practitioner as simple puffery because it already happens—so that will not change anything. It introduces powers for wandering, which we support and the member for Bonney has been calling for for some years, and it also makes some changes to the anti-hooping laws.

Crucially, as the committee report shows, most experts, and most evidence presented to the committee in relation to youth bail offending, do not expect these changes to significantly address crime. The government stubbornly refuses to consider breach of bail. This matters because bail allows people charged with an offence an opportunity to live normal lives outside of custody. Done properly it balances rights to freedom with community safety. But bail is not the freedom to commit more crimes. Breaching a condition of a bail order must have a penalty otherwise it will be disregarded and of no significant deterrent effect. That is why the member for Burdekin has introduced an amendment. It can be done today. It can be done simply. It should be done. We all support this bill. We will seek to move the amendment. We will watch the outcome closely.