




Speech By
Michael Berkman

MEMBER FOR MAIWAR

Record of Proceedings, 27 October 2022

LEGAL AFFAIRS AND SAFETY COMMITTEE

Report, Motion to Take Note

 **Mr BERKMAN** (Maiwar—Grn) (3.52 pm): I rise to make a brief contribution to the debate of the report of the Legal Affairs and Safety Committee titled *Oversight of the Queensland Family and Child Commission*. Firstly, I thank the committee and the secretariat, as always, for the work they put into the report. My thanks especially goes to all of the staff at the QFCC. They do absolutely outstanding work. I particularly express my thanks to Commissioner Lewis and Principal Commissioner Twyford, who have always done, in my experience, exceptional work and been really forthcoming in their assistance for not just the Legal Affairs and Safety Committee but also the Community Support and Services Committee.

There is one particular piece of work that the QFCC has done recently that I want to highlight and that no-one in this place seems to have noticed or have any particular interest in talking about. Only days after the government voted against my bill to raise the minimum age of criminal responsibility, the QFCC released, and the government accepted, a report that recommended raising the age of criminal responsibility to 14. I find it a little bit hard to believe that the government would not have had some expectation, some knowledge, that this was on the way. I do not, I suppose, find it hard to believe that the government would be willing to so completely ignore the evidence, the views and the recommendations of such a well-qualified and experienced body as the QFCC on an issue like this that falls so squarely within their responsibility. I guess we are just getting a little bit used to the views of experts being drowned out by the howling from conservative commentators and all the nonsense about crime waves across the state that seems to occupy so much airspace in here.

The government clearly were not interested in the views of all of those experts who gave evidence on the private member's bill that I brought; the 300-plus submissions in support of it; or the evidence of the lawyers, the doctors, the human rights experts, the First Nations advocates, the social workers or the criminologists, all of whom gave evidence in support of raising the age to 14, along with the QFCC, to recognise that until we make changes like this we are only going to make the issues of criminalisation of children across the state worse. Until we provide the supports and until the alternative approaches that we know are effective are made available to those children, things are only going to get worse.

It is also timely to note that maybe within a week of voting down my private member's bill the government accepted a petition with 26,000 or more signatories calling on the government to raise the age to at least 14. Again, we are seeing a government that is ignoring the expert evidence and so much community sentiment in favour of politics and taking policy cues from the *Courier-Mail* and other conservative commentators.

In submissions and in the report the QFCC notes that the age of 14 is our minimum obligation under the UN Convention on the Rights of the Child. There is no real equivocation about this anymore. They have moved from 12 to 14. It is a shocking indictment on the government that I think we are going to see this kind of meandering from now until whenever: 'We might get to raising the age to 12 at some

point soon.’ All of the advocates in this space recognise that as a complete policy failure. It is not a half-measure; it is a complete failure, because it addresses such a slim proportion of those kids under the age of 14 who are wrapped up in the criminal legal system. The issues paper from the QFCC states—

Raising this—

the age—

to 14 years will enable the causes of children’s offending behaviour to be addressed in an individualised and developmentally appropriate way that reduces the risk of future offending.

That is it. It is laid bare there. Anyone who wants to go along with the youth justice chest beating and the tough-on-crime approach should do a little bit of homework. They should look up this report from the QFCC—it is not hard to find: *Designing a better response to youth offending in Queensland: raising the age of criminal responsibility*. It is well worth a read.

Members should listen to the experts and read the report of the QFCC. If the government had any respect for the evidence and for the experts in this space, it would be listening to folks like the QFCC instead of pouring money into a failing youth justice system—a criminal response—and pouring money into building a new youth prison in Cairns.