




Speech By
Hon. Shannon Fentiman

MEMBER FOR WATERFORD

Record of Proceedings, 16 March 2022

MOTION

Cairns, Youth Crime

 **Hon. SM FENTIMAN** (Waterford—ALP) (Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence) (5.04 pm): I move the following amendment—

That all words after 'the' first occurring be omitted and the following inserted:

'Palaszczuk government's record to support community safety, including the prevention of youth and adult crime in Cairns and Queensland and notes the LNP's record of failed policies, cuts and sackings, in relation to community safety.'

It goes without saying that all Queenslanders deserve to be safe in their homes, in their workplaces and in their communities. Our government is absolutely committed and our fabulous local members for Cairns, Cook, Barron River and Mulgrave are committed to protecting our communities and acting decisively when it comes to repeat youth offenders. That is why we have invested more than half a billion dollars in new detention centre beds and early intervention programs plus put more police on the ground.

Since 2017, we have invested more than \$13.6 million in Cairns in delivering youth justice programs, and from 2022 and 2023 we are investing more than \$4.5 million in programs and services responding to youth crime. We have also invested more than \$13.1 million in Mount Isa and we are investing more than \$3.5 million in programs and services responding to youth crime. We have also taken strong action to strengthen youth bail laws. If a young person is a risk to the community, they must be refused bail.

We know what does not work when it comes to young people—and that is called the breach of bail offence. In 2014, the Newman government created an offence in the Youth Justice Act of a 'finding of guilt while on bail'. The offence operated from 28 March 2014 to 1 July 2016. It was promoted—and still is, I might say—as a solution to children offending on bail. It did not work. That is why the offence was repealed.

Let us go through the statistics: 185 young people were convicted of this offence. More than 90 per cent were charged again within 12 months and 94 per cent were charged again within 24 months. This is their solution—a complete failure on every measure! The offence was not just bad in policy; it was also bad in law.

The offence did not withstand judicial scrutiny. The Childrens Court noted that the offence breached a longstanding prohibition against double punishment found in section 16 of the Criminal Code. As a result, the court held that a young person convicted of the offence could have no punishment imposed. That is their solution to youth crime—going back to a failed policy under a failed youth justice minister where 90 per cent of young people convicted offended again and they could not even get any additional punishment.

A further issue was that the poor construction of the offence led the court to find that the offence must be read to exclude the maximum penalty of one year imprisonment. That meant that penalties could not be imposed under the Youth Justice Act and they were extremely limited. The offence was a joke.

When the offence was examined by the then legal affairs and community safety committee, legal and community stakeholders made submissions to the committee criticising the offence. During the committee's examination of the bill which repealed the offence, the committee noted that widespread submissions from prominent community and legal stakeholders supported its repeal. Pretty much every stakeholder agreed that bail support programs are a much better approach. That is the approach the Palaszczuk government has taken.

The whole youth justice strategy of those opposite is to bring back this failed breach of bail. It is a joke. No penalties can be imposed. What is a young marginalised person with complex factors at home—perhaps domestic violence, drug and alcohol abuse, mental health problems—going to do? You know what they are going to do. They are not going to go and commit a crime because there is a breach of bail offence which means they get no extra punishment for committing a crime. It is so laughable.

I have not heard one positive solution from those opposite about what it would take to reduce youth crime. We know what it takes. It is incredibly complex. We have to support families who are experiencing domestic violence, drug and alcohol abuse and mental health issues and we have to support those young people. That is what we are investing in. Clearly we need to continue to do more. We need to continue our millions of dollars of investment and our millions of dollars supporting police on the ground. Those opposite have absolutely no ideas, and their one idea has been found to be the biggest joke of them all.