




Speech By
Tim Nicholls

MEMBER FOR CLAYFIELD

Record of Proceedings, 16 August 2022

CRIMINAL LAW (RAISING THE AGE OF RESPONSIBILITY) AMENDMENT BILL

 **Mr NICHOLLS** (Clayfield—LNP) (5.52 pm): The issue of youth justice, youth crime and youth offending is complex, it is confronting, and it is probably one of the most studied areas of jurisprudence and criminal law in Queensland. A flick through any of the reports, whether done by the Attorney-General's Department or Treasury, is indicative of the amount of work that is being done to try and address causes and outcomes for youth justice.

In terms of this debate, the LNP's position is that the first priority must be the protection of the community—the protection of those who are innocent as they go about their daily lives and carry out their daily activities. They need to be protected from home invasion. They need to be protected from their cars being stolen. They need to be protected from the terrible events that we saw occur in the Redlands only last year. The member for Maiwar's bill does not address all of the issues relevant to protecting the community.

In this regard I refer, as I have in the past on many occasions, to the comments of former police commissioner Bob Atkinson. In doing so, I completely reject the allegation made by the member for Maiwar that former commissioner Bob Atkinson has a vested or fixed interest in ensuring police can continue to charge and prosecute children under the age of 14. Mr Atkinson said that for the youth justice system and four pillars of reform he talked about to work they must be framed or bookended by two fundamental principles: that public safety is paramount and community confidence is essential.

I have spoken on these matters on a number of occasions. The community must be protected and the community must have confidence that the laws support and protect them and that they will deliver a better outcome than is currently the case. Quite frankly, the member for Maiwar's proposition in this legislation does not pass that test. It does not provide the community with confidence in the youth justice system, which in Queensland—as the member for Burdekin will highlight—is already falling far short of the mark. The member for Maiwar has not, as has been identified by the Attorney-General and the report, put in any concrete proposal for an alternative.

If a young person commits an offence and comes into contact with the criminal justice system, there is already a process in place. It is very rare for someone between the ages of 10 and 14 to end up in prison. In fact, it is almost unheard of. There is already a process in place, as referred to in the report, regarding restorative justice. There is already a process in the report in relation to conferencing, and there are already a number of services provided through various government agencies and departments to divert that young person from further offending. In fact, in many instances that is working. We know that because almost 50 per cent of the offences are committed by fewer than 10 per cent of young offenders. In the absence of any alternative, the member for Maiwar is putting forward a proposition that will not have the confidence of the community, will not act to protect the community, and provides no alternative method of dealing with young offenders under the age of 14.

It is all fine and well to stand up as the member for Maiwar has and proclaim how wonderful he and his policy prescription are without providing an alternative. In fact, that is the hallmark of the Greens: they can provide you with what should be but cannot tell you how it is going to be. They want to turn off

coal and gas but they are not able to tell you how to turn on your stove, kettle and toaster. In this instance the member for Maiwar is telling us how we can deal with 14-year-olds but he is not going to tell us how it is going to happen, the structures that are going to be put in place and the funding that is going to be necessary for that to occur.

Mr Berkman: I can't allocate funding. You know that as well as anyone.

Mr NICHOLLS: I take that interjection. The member for Maiwar says he cannot allocate funding. What the member for Maiwar can do is tell the House how much it is likely to cost, because we already know the current government is spending \$560 million and it cannot get it right. The member for Maiwar wants to throw out an established system and replace it with something—we know not what. The recommendations of the committee and the investigation by the committee were very fair and very thorough. There was no light-hearted dismissal of any of the propositions. The member for Maiwar was able to give evidence and provide it. Representatives of the many organisations interested in this matter—and there are many and their concerns are justified—were able to make submissions. The committee considered them seriously, but in the end the committee recommended against the passage of this legislation.

As the Attorney-General has said, there is a process currently underway by which attorneys-general nationwide are considering the issue of the age of criminal responsibility. That is the appropriate forum and that is the appropriate manner for taking this most vexing and difficult of questions forward.

In the meantime, the obligation falls on the government now to explain what it is doing to address the issue, because on Sunday we read that Queensland is the car theft capital of Australia. The number of vehicles being stolen has increased, notwithstanding that the number of offenders is decreasing. If you speak to people in Cairns, Townsville, Goondiwindi or any of the myriad towns and cities in Queensland—

Mr Janetzki interjected.

Mr NICHOLLS: Yes, including Toowoomba, as the member for Toowoomba South reminds me, or even in the seat of Clayfield, the government is already failing to deliver with respect to the youth justice reforms. I note we are still awaiting the report from Mr Atkinson in relation to the first six months operation of the government's youth justice laws that were introduced in April last year—a report that should have been completed and handed to the government in October, and that the government has said it has received but has so far failed to table.

In conclusion, the member for Maiwar's proposal lacks all of the necessary components to make it a proposal that can be supported. It lacks an alternative view, vision and regime for dealing with offenders under the age of 14. It lacks the ability to instil in the community the confidence they need to go down the path the member for Maiwar suggests. It flies in the face of the concerns of the Queensland police union. It flies in the face of what former commissioner Bob Atkinson put into his report. It pre-empted the outcome of the attorneys-general across all the states and the Commonwealth in coming to a resolution on this matter. For that reason, the LNP will not be supporting this legislation.