Speech By

Dale Last

MEMBER FOR BURDEKIN

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STRENGTHENING COMMUNITY SAFETY BILL

Mr LAST (Burdekin—LNP) (11.59 am): I rise to contribute to the Strengthening Community Safety Bill 2023. Let me say at the outset that, from the opposition's perspective, this is all about consequences for actions—consequences for those juvenile offenders who are ripping this state apart, who are breaking into houses and stealing cars at levels never seen before in Queensland and thumbing their noses at the law. Isn't it ironic that, as we stand here debating this bill, right now on the streets of Townsville a stolen vehicle is attempting to ram police vehicles. Whilst those opposite might have us believe that this bill will address juvenile crime in this state, we now know that it falls well short of the mark.

The Premier did not turn up in January when Queenslanders needed her and she has not turned up to parliament with the laws that Queenslanders need now, let alone the ones that she promised to Queenslanders. On 29 December the Premier stood up and trumpeted the government's 10-point plan. Who could forget the Premier's comment on Twitter—

Violent criminals should receive harsher punishments.

The community must be protected.

We've announced one of the most comprehensive packages ever seen in Queensland.

Violent juvenile car thieves will face 14 years' jail.

I will have more to say on that shortly. We now know that the plan has more holes in it than Swiss cheese. It does not hold water. Queenslanders should be outraged that the Premier and the police minister tried to pull the wool over their eyes. This government has failed victims across Queensland at a time when they were looking for hope, real action and changes to youth justice laws. They have been let down. The Premier's much vaunted 10-point plan, like all the plans before it, fluffs around the edges. Queenslanders are right to be sceptical that this latest plan will make a difference.

This bill aims to respond to serious offending relating to motor vehicles and to strengthen youth justice laws, mirroring the calls of community members across the state that for far too long fell on deaf ears. The explanatory notes state that strengthening youth justice laws will be achieved by strengthening the youth justice bail framework and the youth justice sentencing framework, by expanding the list of offences included within the definition of 'prescribed indictable offence', by transferring 18-year-olds out of youth detention centres and into adult correctional centres and by the continuation of multiagency collaborative panels. The implementation of these changes will be achieved by amendments to the Bail Act, the Criminal Code, the Police Powers and Responsibilities Act and the Youth Justice Act.

The transfer of 18-year-olds out of youth detention centres and into adult correctional centres is a change that has been a long time coming. When the legislation that facilitated 17-year-olds being transferred out of adult centres back into youth detention centres was introduced, the then attorney-general and now health minister said that one of the reasons for the change was to ensure

juveniles were not exposed to adult offenders. For quite some time now, that is exactly what this government has allowed. It has allowed young offenders aged 10, 11, 12 and 13 to be exposed to these 18-year-olds, and that is a recipe for disaster. As the member for Morayfield said when he introduced this bill—

> The Youth Justice Act 1992 does not currently contain provisions for the transfer of remanded young people into adult custody.

That is an admission that this government's legislation was erroneous. In reality, those errors meant that we did not just have offenders turning 18 in youth detention centres; we had 18-year-olds being admitted to those centres on remand. We only have to talk to the staff who work in those centres to know that this amendment is long overdue. The minister would not even need to travel to Townsville to hear the concerns of staff there. He could simply go to the airport and ask the staff who have to be flown in because this government cannot properly resource the Cleveland Youth Detention Centre.

The LNP supports the concept of multiagency collaborative panels because we know that the youth crime epidemic cannot be addressed solely by police, by Youth Justice or by any one particular department. While protecting the community from offenders is and always has been our No. 1 priority, we know that a concerted effort is needed to address the underlying causes of this crime. Yet again, we have seen this government drag its feet when it comes to youth justice. I doubt it was the first time we have spoken about it. I remember the member for Morayfield attending a crime forum in my electorate, where he spoke about the importance of departments working together and even referred to some government departments as 'not pulling their weight'. That was almost five years ago—five years of those opposite turning a deaf ear to the victims of youth crime; five years to take action while the long list of victims of youth crime grew longer by the day. Whilst it has taken too long to implement, it is essential that we get it right when it comes to a multiagency response.

At the committee's hearing in Cairns there was evidence given of two young offenders who had been released from the Cleveland Youth Detention Centre and put on a plane back to Cairns, but no-one was there to collect them. They were returned to Cairns with the clothes on their backs and nothing else. There was evidence of a 12-year-old being dropped off at his grandparents' house after being released from detention. The only problem was that his grandparents were in Brisbane! This child was left to fend for himself unsupervised for three days. These are but some of the glaring omissions that, at least five years after the minister spoke about the importance of cooperation, have still not been addressed. Those of us on this side of the House would like a commitment from the minister that there will be regular reporting on the effectiveness of MACPs to ensure the issues that have been raised are addressed and to ensure the offending is reduced.

I note the amendment to section 221 of the Youth Justice Act, specifically the extension of the maximum period for which a conditional release order can be imposed and the amendments to consequences for breaching a conditional release order. With regard to the latter, there are many in the community who would agree that where an offender is offered an alternative to detention and the offender breaches that order they should be returned to custody, but what those opposite have failed to notice is the failings within the wider youth justice system. Away from the detention centres there is a considerable amount of work when it comes to preventing offending and to rehabilitating offenders that falls at the feet of both government and NGOs. Sadly, there are too many examples of where this system is also failing, and that is why the LNP repeatedly called for a full audit of early intervention programs. We know how crucial those early intervention programs are and we know the shortcomings in that space at the present time. If, following the passing of this bill, we are to extend the period for which a conditional release order can be imposed and to ensure we prevent crime wherever possible, we need to ensure these systems are working optimally.

Throughout the committee process there was evidence of intervention failing. Ms Zoe Ellerman of the Cape York Institute spoke of her support for early intervention. The committee chair is on record as saying that 'early intervention is better than getting serious repeat offenders'. Don't we all know that?

The increase in the period for which an offender can be ordered to participate in a program at face value makes sense, but very little is achieved if the program itself is not appropriate. It should be ringing alarm bells in this government that, for example, we have two well-respected Indigenous elders at the point of sheer frustration when it comes to support services, some of which are included in the programs that young people can be ordered to participate in.

Alfred Smallwood has, by his own admission, been involved with helping his community for over 20 years. It is completely unacceptable that we face the situation where a traditional owner in Townsville does not know who is running On Country programs that are designed to help youths from Townsville. It is equally disheartening to hear Linda Janetzki, who I know very well, question how certain groups get their funding and where are the KPIs or the outcomes associated with those funding agreements.

Alfred worked in the watch house and Linda was the coordinator of Townsville's police liaison officer unit for 23 years. These are people who understand the challenges and people who have incredibly strong connections to their community. Their concerns must be not only heard but also acted on. Perri Conti, who joins us in the gallery today, at the committee's hearing in Cairns made an extremely important point with regard to conditional release orders and the lack of mental health programs and counselling. This, too, must be addressed.

I turn to amendments contained in clause 21 of the bill; namely, the introduction of two new sections into the Youth Justice Act that seek to, according to the explanatory notes, 'provide a separate sentencing regime for serious repeat offenders'. Just as we saw in 2021, these amendments aim to protect members of the community. Who could forget those 2021 amendments? We saw the member for Thuringowa, for example, extolling their virtues and telling all who would listen that community safety was the No. 1 priority. In reality, we have seen more crime, more victims and more lives lost.

What is different this time? This time, we are told, community safety must be the court's primary regard. The offender's history of offending, the impact on public safety and the nature and extent of violence must also be taken into account, but only if the offender is declared a serious repeat offender. Those considerations of community safety must be taken into account alongside sentencing principles that include that a detention order should be imposed only as a last resort.

Is it any wonder that we see a legal system in disarray when it comes to youth justice. While senior members of this government publicly challenge the judiciary, those same members support legislation that restricts the judiciary in doing their job. While the community is expected to believe that their safety is paramount, those charged with administering justice are told that detaining an offender is the last resort.

It is this error that is just one of the reasons I moved the motion earlier today. This government cannot have it both ways. If community safety comes first, which is what we are being told again, they must unshackle the judiciary and let them do their job. It is now on the record that those who voted against my motion have sent a clear signal. Despite what they say in this place and on Facebook, they have voted to ensure the rights of the offender outweigh the rights of the victim. They cannot have breach of bail and tougher penalties on the one hand and then restrict the judiciary by leaving detention as a last resort in the sentencing principles within the Youth Justice Act. They are not compatible.

When we are talking about a bill that is supposed to tackle crime that has resulted in the deaths of Queenslanders, there is usually very little to make us laugh. But, the explanatory notes surrounding the proposed expansion of electronic monitoring are possibly the most hypocritical I have seen. Again, we cast our minds back to 2021 where, according to the member for Morayfield's media release, courts would 'get more powers allowing them to require fitting of electronic monitoring devices'—empowering the courts to deal with young offenders. What a noble thing to do, but it was a flop. According to the explanatory notes for this bill, the 'uptake was low'. In fact, eight of these young offenders have been fitted with a GPS monitoring bracelet.

'Low' is an understatement. According to former police commissioner Bob Atkinson, there was 'insufficient evidence and data from this review or other comparable jurisdictions to make definitive, evidence-based conclusions'. That is not true according to the explanatory notes which suggest that 'there are some penalties associated with electronic monitoring'. Clearly, the only benefit was to offenders who could, and still can, basically decide not to be subject to monitoring by refusing to charge the device. Again, the rights of the offender outweigh the rights of the victim.

Of course, I am referring to the amendment to the Bail Act. This is an amendment that I have advocated for repeatedly in this place. Those opposite said we wanted to reintroduce a former section of the Youth Justice Act—an accusation that was, and still is, completely baseless. It was in this House in April 2021 that I moved an amendment to omit section 29(2)(a) of the Bail Act. It was an amendment supported by all members on this side of the House. Every single member on the other side of the House voted against it, including the members for Thuringowa, Townsville and Mundingburra.

The three members on that side of the House who represent Townsville voted against it. It came as no surprise because, after all, the member for Townsville spoke against the breach of bail provision the very next day. The member for Thuringowa was vehemently opposed to breach of bail as an offence for juveniles. He spoke against it in this House in June 2020, July 2020, April 2021, May 2021, June 2021, March—

Mr HARPER: I rise to a point of order, Mr Deputy Speaker. I find the member's remarks offensive and I ask him to withdraw.

Mr LAST: I withdraw. He spoke against it in March 2022 and in May 2022, but on 8 March I guess the penny finally dropped for the member for Thuringowa when he posted on Facebook that he would support the proposed amendments.

Despite all his big words in this House, I guess the fact that charges for unlawful entry against juveniles have more than doubled in the northern police region under his watch finally hit home or maybe it was the fact that unlawful use of motor vehicle charges against juveniles has almost tripled. It is undeniably a backflip to speak against something seven times in this House and then back it publicly. Even the member for Thuringowa's backflip does not compare to the member for Morayfield's backflip. He not only voted against my amendment and now supports it but has copied my amendment word for word.

When it comes time for this bill to be voted on we will see the hypocrisy of the member for Thuringowa and the member for Morayfield etched in stone. We will also see that almost two years after they had the chance to do so they have finally put Queenslanders ahead of their own egos.

Mr HARPER: I rise to a point of order, Mr Deputy Speaker. Again, I find the member's remarks offensive and I ask him to withdraw.

Mr LAST: I withdraw. I will also be interested to see how members from the Far North vote on this bill because they too voted against my motion. They too have stood by while unlawful entry offences against juveniles in the far northern police region have double and unlawful use of a motor vehicle charges against juveniles have almost tripled.

I move on now to the amendments to the Criminal Code. While the amendments I have mentioned earlier feature a backflip, these amendments illustrate a perfect belly flop. It is the Premier who supposedly said that social media is now the media, and many would agree. As the use of social media and youth crime has increased, we have seen two distinct groups emerge on social media platforms. We have seen groups that advocate for victims and share information that may prevent someone from becoming a victim. They are the people who are welcomed with open arms by a community living in fear and the people derided by people like the member for Thuringowa who, ironically, uses social media to accuse them of dividing the community.

Then there is the second group. Make no mistake, these are offenders who gloat about their crimes and thrive on the pain felt by others. It is undeniable that for the victim of a crime being forced to relive that crime or to see someone boasting about it is a traumatic experience. I have spoken with many victims of crime who have seen the vehicle that they worked so hard to buy being driven erratically on the streets or set alight on social media. I have been contacted by people whose homes were broken into and who have seen the offenders post photos to social media wearing items stolen from their children's bedrooms. It is confronting and it is unnerving.

I note the amendment that advertising an offence will be considered a circumstance of aggravation, but I ask how this will be monitored. We have all heard of people being exposed to offensive and illegal material online. Right here in Queensland we have one of the world's leading groups in the fight against child pornography. Yet, despite the efforts of law enforcement throughout the world, this barbaric trade continues.

If the minister thinks that these young offenders are going to hand over the passwords to their social media accounts, he is sadly mistaken—not to mention the fact that these young offenders share phones between themselves at will. Recently we heard the Premier speak about giving police extra resources for intelligence gathering, including on social media, but just days later senior police admitted to needing to use overtime to facilitate high-visibility patrols in a Townsville shopping centre.

Let me be very clear: the LNP supports any action taken against offenders who choose to brag about their crimes. The question that needs to be answered, however, is how these laws will be enforced. The emotional and financial pain that young offenders have caused across this state justifies in itself these offenders being held to account. For years now the LNP has talked about consequences for action, and that is not just about locking offenders up.

Let us be very clear: there are offenders who after one interaction with police commit no further offences. There are offenders who go to detention and are rehabilitated. Then there are the tough nuts. It is well publicised that this group commit a disproportionately high number of offences. Just a few years ago this group was 10 per cent and now it is 17 per cent. Why? This government failed to implement consequences for actions.

In this House back in 2016 I shared the story of a young offender I had mentored at Cleveland. That person went on to become a valued member of our community. He got a job, had a family and bought a house. You can rehabilitate these young offenders, but as I said then—and I will repeat it now—you cannot rehabilitate these young offenders overnight. We also need to ensure community

safety. The cold, hard facts as contained in the *Childrens Court Annual Report 2021-22* are that in that year only six per cent of youth offenders who stole a vehicle went to detention and the average period of detention for offenders convicted of stealing a vehicle was—wait for it—3.6 months. That is right; 3.6 months. It defies logic to think that in under four months any system would be able to rehabilitate an offender convicted of stealing a vehicle, and these are not first-time offenders.

I remind members of the testimony of former police officer Geiszler to the Legal Affairs and Safety Committee hearing in Townsville in 2021. He said—

We are not talking about kids who have not been given a chance. As a police officer, I cautioned kids time and time again before I went to a power of arrest. Once they go before the court, they are then admonished and discharged once, twice or maybe three or four times before even a conviction is recorded.

The solution offered by those opposite, according to their advertising and media appearances, is to increase the maximum penalty for stealing a motor vehicle to 10 years or, with aggravating circumstances, to a maximum of 14 years. As the opposition revealed yesterday, that is simply not possible and it will remain impossible after this bill is passed. Let me explain why. Section 175(g) of the Youth Justice Act states—

(g) order that the child be detained for a period not more than—

(i) if the court is not constituted by a judge—1 year; or

(ii) if the court is constituted by a judge and section 176 does not apply—the shorter period of the following—

(A) half the maximum term of imprisonment that an adult convicted of the offence could be ordered to serve;

(B) 5 years.

Section 176(2) states—

(2) For a relevant offence other than a life offence, the court may order the child to be detained for a period not more than 7 years.

Hence, the amendments moved by this government and debated here today are flawed. It was this government that said they would increase the maximum penalty for unlawful use of a motor vehicle to 10 years—or 12 to 14 years with a circumstance of aggravation—but we now know that is not possible. If those opposite do not believe me, look up the sections in the Youth Justice Act which govern the terms of imprisonment a magistrate or a judge can impose. Even if found guilty of a crime—

Mr Crisafulli interjected.

Ms Fentiman interjected.

Mr DEPUTY SPEAKER (Mr Hart): Pause the clock. Attorney-General and Leader of the Opposition, you will not quarrel across the chamber.

Mr LAST: This should be called out for what it is. It is a sham, and the Premier and minister should hang their heads in shame at their attempt to mislead the Queensland public. They went out with this 10-point plan to get tough on juvenile crime in Queensland, and we now know it cannot work. The maximum penalty if you appear before the Magistrate's Court is one and if you are in a superior court, the District Court, it is seven, so the 10, 12 and 14 all of a sudden do not apply. We have already seen the Deputy Premier attack the judiciary, and Queenslanders would be right to think that by deliberately failing to amend other relevant sections of the Youth Justice Act and others this government is setting up the judiciary to be blamed for this government's failings when it comes to youth justice.

The LNP will not be opposing this bill; however, it is abundantly clear that it falls well short of what is required to address juvenile crime in this state. It is only right that we have asked questions, and it is only right that on behalf of the community and victims of crime we will call for improvements that benefit all Queenslanders. I look forward to hearing the minister address the concerns that I and others on this side of the House will raise. I mentioned earlier the importance of consequences for actions. This government is on notice from the people of Queensland, especially from victims of crime. For too long there has been inaction. For too long you have denied there is a problem. As a government it is your responsibility to ensure the safety of all Queenslanders, and if you fail to act the consequences will be felt by victims in the short term and by your government in October 2024.