




Speech By  
**James Lister**

**MEMBER FOR SOUTHERN DOWNS**

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Record of Proceedings, 23 August 2023

**CHILD PROTECTION (OFFENDER REPORTING AND OFFENDER PROHIBITION ORDER) AND OTHER LEGISLATION AMENDMENT BILL**

 **Mr LISTER** (Southern Downs—LNP) (4.55 pm): I rise on behalf of the people of Southern Downs to make a contribution on the Child Protection (Offender Reporting and Offender Prohibition Order) and Other Legislation Amendment Bill 2022. The 'other legislation amendment bill' is the significant part of this bill. I share in and echo the dismay expressed by my honourable friend the shadow minister when he talked about the sham of a democratic process we see here. If you look at the relative thickness of the bill and its associated greens and the amendments and its associated greens, the amendments are thicker. My good friend the member for Theodore was just telling me there are 48 pages for the bill and 57 for the amendments. Those tawdry comparisons aside, that represents a betrayal of the proper process for legislation in this state.

**Mrs Frecklington:** It displays arrogance.


**Mr LISTER:** I take that interjection from the member for Nanango: it is arrogance. 'We know best.' I was talking to my honourable friend the member for Burnett, who is the deputy chair of the committee. He was genuinely dismayed. He was happy with the effort that he and other members put into the committee report on the original bill. Whilst not everyone always gets their way, I felt he was proud of what had been achieved in scrutinising that bill, consulting with affected parties and the public, and ensuring it received the proper attention that any form of legislation coming through this House should receive. Now we see a ragbag of amendments thrown in with—the member for Burdekin may correct me—17 minutes notice. It was effectively the length of the second reading speech by the minister. There are 57 pages of amendments.

It is very difficult for an opposition—indeed, for a community—to properly assess and express its wishes with respect to the bill and its amendments when we have so little time in which to look at it. I think that is exactly what the government was aiming for. I challenge any member on that side as they speak in the course of this debate to justify the presentation of so many amendments to such a diverse array of acts and consequences for the community with so little time. It is indefensible. I share in and applaud the passion that the member for Maiwar just displayed. Whilst I do not always agree with the member for Maiwar on things, I certainly share his dismay with the roughshod way the legislative process is being treated in this regard.

I would specifically like to rebut something the Minister for Youth Justice said when she spoke before. I do not deny that the Minister for Youth Justice has been courteous to me and has met with me and Lawrence Springborg, the mayor of the Goondiwindi Regional Council, which is in my electorate. She is available to me and I appreciate that. I appreciate the sincere beliefs that she holds regarding the best way to deal with youth crime in my electorate, particularly Goondiwindi.

If I recall correctly, she was talking about how there are a great number more serious repeat offenders and offenders in detention at the moment. My view on that is that they are primarily—almost exclusively, in fact—on remand, so when the minister makes that point to try and illustrate how the government has succeeded in dealing with youth crime, I think that needs to be taken to task. In fact, the law should operate as such that the time spent on remand should be as little as possible and the cases should be heard as quickly as possible. The problem is that the Youth Justice Act provides that an array of alternatives have to be implemented by a magistrate in sentencing a youth offender before they can be given a custodial sentence. The reality is that, once most of these offenders have done their time on remand, they go before a magistrate and they are set free because the law says that they should be.

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 **Mr LISTER** (Southern Downs—LNP) (6.11 pm), continuing: Before the intervening debate, I was speaking about the crime in Goondiwindi and I was offering a rebuttal to some of the things that the Minister for Youth Justice had said in her contribution earlier in this debate. What I was saying is that the government's talk about the number of offenders who are in custody or in detention at the moment reflects largely the number of those who are on remand. It hides the fact that the Youth Justice Act and its sentencing principles still make it a requirement that magistrates only imprison or incarcerate offenders who have been convicted as a last resort.

The effect of that is that whenever an offender gets to court after being on remand they walk straight out of the courtroom. It might be technically that they are on some kind of supervision order or some other arrangement which does not explicitly say they are set free, but in practice they are free. In the experience of my communities such as Goondiwindi, when they are free they continue to commit crimes. They continue to steal cars, to ramraid businesses, invade people's properties, to go to motels and identify a car that they like sitting in a particular car park—say, it is No. 4—and kick down the door to No. 4. In recent times we have seen a trend towards pre-emptive violence where offenders have not even given the terrified occupant of the motel room or the house an opportunity to hand over the keys to their car, they have just clobbered them.

I stress that I say this in rebuttal to some of the things that the youth justice minister said in her contribution earlier in the debate. I understand that she sincerely believes that what the government is doing is the right way to go. However—and I have expressed this to the minister—I feel that it is logically and practically impossible to protect the community whilst allowing offenders to return to the streets. If we have to balance competing rights and priorities, then on the one hand we have the interests of youth offenders and the complexities of their situation—they come from sullied homes and backgrounds, trauma and all those sorts of things—and on the other hand we have the victims of crime or potential victims of crime. This is a binary thing. We either prevent those youth offenders from continuing to offend or we do not. We either lock them up—on remand, which is less than ideal, or by convicting and sentencing them to some form of custody—or we do not. We either look after the interests of good, law-abiding citizens who live by and uphold the law or we do not.

I listened to the contribution of the member for Maiwar and I mentioned earlier in my speech that I was impressed by his impassioned and articulate criticism of the government springing 57 pages of amendments upon the House—which is a great discourtesy to the House, I would say—which have had no scrutiny at a committee level and no public disclosure whatsoever. What I disagree with him on is his reflection on the most vulnerable people in the community. He was talking about not only the youth justice implications of this bill but also the matters around decriminalising public urination, public intoxication and begging for vulnerable people. He said that we are talking about locking up the most vulnerable people in the community.

I disagree with the member for Maiwar on that particular point because in my estimation—and I would say in the estimation of any fair-minded person on the street of Goondiwindi—the most vulnerable people in the community are those who are subject to home invasions. I know many people in Goondiwindi who have been home invaded more than once—some three times—and had their cars stolen. Some have been traumatised by the experience. These are people who have been minding their own business in their homes—their castles. Any relativism about the rights of the community and the rights of youth offenders is a nonsense. It is a sham. It is a fig leaf to cover the Labor Party's commitment to the bleeding heart, left wing values that say that the offenders themselves are victims and therefore they need to be looked after.

I say that what we do is lock them up now and then we continue those conversations about how to prevent the causes of the crime. Anybody in this House who says that that is not the way to do it is effectively saying that those offenders ought to be free on the streets to continue to commit their crimes, and that is not on. That is incompatible with the expectations of the community. I think the protest outside was an indication of that, if nothing else.

Lastly, I just say that the mystical rapture about decriminalising offensives such as public urination, public intoxication and begging is also, in my view, irrational because we are all equal before the law. When someone says that this type of person is vulnerable therefore they are subject to a different interpretation of the law than everyone else, that is a very slippery slope. I think it indicates to the community that, in order to deal with decay and deal with problems which should be fixed at their source, we are just going to water down the laws that apply to those people.

I also take umbrage at the moves to take away the powers of police to move on somebody suspected of soliciting for prostitution. I can imagine a number of scenarios where someone would not want that happening outside their home.

*(Time expired)*