




Speech By
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MEMBER FOR CURRUMBIN

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QUEENSLAND COMMUNITY SAFETY BILL

 **Mrs GERBER** (Currumbin—LNP) (4.51 pm): It is the highest mandate of any state government to keep our community safe, but in my community people do not feel safer today than they did almost a decade ago, when this Labor government came to power. The Miles Labor government know this. That is why they are rushing through this bill on the eve of an election. Premier Miles did not draft this bill with a genuine desire to fix the youth crime crisis that they started. The proof is in the bill itself.

In 2015, the Palaszczuk Labor government loudly and proudly introduced legislation to water down our youth justice laws. They made detention a last resort. They abolished breach of bail. They closed the Childrens Court to victims, their families and the media. They reinstated sentence review and abolished the ability of the Childrens Court to advise the Family Responsibilities Commissioner of children who have been convicted of an offence, effectively abolishing the Childrens Court trigger. They abolished the sentencing option of boot camps and made findings of guilt where no conviction was recorded inadmissible when the youth becomes an adult and commits offences. In 2019—that is right, they did it again—Labor watered down our bail laws so more youth offenders could get bail and be back in the community. All this has led us to where we are today—in the grips of a youth crime crisis, where teen criminals know their rights exceed the rights of victims.

Let us look at the way they watered down laws in relation to victims first. Nine years ago, Premier Miles, along with every other Labor minister here, sat around that cabinet table and voted to close the Childrens Court to victims and their families. They locked them out and removed the ability of the Childrens Court to notify the Family Responsibilities Commissioner of a child being convicted of an offence.

Let us turn to that Childrens Court trigger first. Today, on the eve of an election, we see the minister rush in and bring forward amendments to allow this trigger to work again. The harm has been done. The Family Responsibilities Commissioner submitted to the select committee that the Labor government have stopped the Family Responsibilities Commissioner and its local commissioner elders from being able to work with parents and the broader kinship to create a healthy family environment for these kids—effectively stopping the commissioner from doing early intervention by abolishing that trigger in 2016. Labor did this nine years ago. Today, on the eve of an election, they come in here to reverse this and fix the problem. This is a problem they created in the first place.

The same goes for Childrens Court. They closed that to victims and their families. The stories we have heard of victims and their families being locked out of the court process are fundamentally shameful. It has taken victims marching in the streets and people to be significantly damaged and harmed for this state government to realise that what they did in 2016 was wrong. Just like the Childrens Court trigger, it is the height of hypocrisy for the Premier to now pretend that this is suddenly an issue he is rectifying. He created this issue. He locked out victims and chose to prioritise offenders. To pretend anything else is simply misleading.

In February this year I tabled the LNP amendments that would have reopened the Childrens Court to victims of crime, their families and the media, but this government voted them down. They were not interested in listening then. This bill proves that they are still not interested in listening. Labor are adopting the LNP's calls to open the Childrens Court to victims and their families but, in true Labor style, they are keeping an element of secrecy. They are not reinstating the openness and transparency of our Childrens Court like it was when the LNP was in power. They are not allowing the media in like they were prior to when they watered down the laws. If Labor were serious about reopening the Childrens Court, they would do it properly and allow the media back in so that Queenslanders could have transparency of the sentences that youth criminals get. Why are they keeping this element of secrecy?

That brings me to the next part of this bill that demonstrates that this government are not serious when it comes to fixing the youth crime crisis that they created. To hear the police minister come into this chamber and say that they are providing the courts with all the necessary tools they need to make decisions to keep this community safe is absolute rot. This government are not removing detention as a last resort from the Youth Justice Act. Let me step through this for members. In 2016, this government deleted section 150(5) of the Youth Justice Act which, under the LNP, read—

... in sentencing a child for an offence, the court must not have regard to any principle that a detention order should be imposed only as a last resort.

The Miles Labor government deleted that section and instead inserted these words—

... a detention order should be imposed only as a last resort and for the shortest appropriate period.

They also inserted this as a youth justice principle in the schedule at the back of the act. For almost a decade, our courts have been hamstrung by this section—forced by law to only detain youth criminals as a last resort. In fact, do not take my word for it. The Court of Appeal adjudicated on it. The Court of Appeal said—

The fundamental proposition contained in the Act is, of course, that a child should be detained in custody for an offence only as a last resort and only for the least time that can be justified.

At paragraph 84, the Court of Appeal said—

The injunction in the Act that detention is to be regarded as a sentence of last resort, to be imposed only when the court is positively satisfied that there is no other possible alternative, is, therefore, not merely a platitude or a bromide. It is an emphatic parliamentary order enacted with express deliberation.

It is pretty clear: Labor's actions in watering down our Youth Justice Act and making detention a last resort have meant detention for young thugs, no matter how many offences they commit, under Labor has been a sentence of last resort. They created a generation of repeat youth offenders who know there are no consequences for their actions.

Now, with this bill, they are proposing to reword detention as a last resort, but the intention is the same. Do not take my word for it. Take the member for Cooper's word for it. The Labor member for Cooper in this House said—

In terms of removing detention as a last resort, it is incredulous to me that the LNP is still continuing with this line.

As if more proof is needed, Labor's own statement of compatibility for this bill proves they have no intention to change this aspect of the law. The statement of compatibility states—

The proposed amendments are clarifying provisions and are not intended to change the law.

There we it have folks; those opposite made a decision almost a decade ago and continue to make that decision to water down our laws and keep detention as a last resort. Only the LNP will remove detention as a last resort. Only the LNP will reopen the Childrens Court to victims, their families and the media. Only the LNP will reinstate consequences for action with Adult Crime, Adult Time. Only the LNP has a plan to fix the youth crime crisis by introducing the Making Queensland Safer Laws by the end of the year.

I am going to turn to a couple of other aspects of the bill. The bill also increases the maximum penalty for serious vehicle offending for dangerous operation of a motor vehicle that causes death or grievous bodily harm. However, increasing the maximum penalty for adults means very little for youth offenders because the Youth Justice Act limits the sentence that a court can give. In general, youth criminals only ever face half the maximum penalty that an adult can get, and in the Magistrates Court the maximum penalty is 12 months. Under the LNP's Adult Crime, Adult Time, youth criminals who commit serious offences will face the full force of maximum penalties.

The bill further creates a new offence for ramming and wilful damage of emergency vehicles and driving a vehicle that endangers a police officer. The reason we need this new offence is that Labor watered down the laws nine years ago and now youths are running at our police instead of running from them. They are targeting our police. Without the LNP's Adult Crime, Adult Time, they will not face the full force of maximum penalties in this provision.

For all the government's tough talk on increasing penalties, we have seen their laws fail. When the government increased the penalty to 12 years for unlawful use of a motor vehicle to commit an offence and 14 years if it is at night or with violence, it was revealed at the end of the year that only three defendants were given a sentence of detention for those offences and, of those, one was sentenced to five months and the others to 12 months for a penalty that purportedly contained a maximum of 14 years.

Without the LNP's Adult Crime, Adult Time, we will see no consequences for action for these youths. We will continue to see this youth crime crisis rip through our state and cause more damage to victims. Only an LNP Crisafulli government will reopen the Childrens Court to victims and their family. Only an LNP Crisafulli government will create consequences for action in our Youth Justice Act and undo the almost decade's worth of harm this Labor government has created by watering down our laws and creating a generation of repeat young offenders who know that their rights exceed the rights of victims. Only an LNP Crisafulli government will put the rights of victims before the rights of offenders.