Speech By

Meaghan Scanlon

MEMBER FOR GAVEN

Record of Proceedings, 10 December 2024

MAKING QUEENSLAND SAFER BILL

Ms SCANLON (Gaven—ALP) (7.49 pm): I rise to address the Making Queensland Safer Bill 2024. Every Queenslander deserves to be safe and to feel safe in their home, in their workplace and as they go about their daily lives. I want to start by acknowledging all victims of crime: those who are unable to be here today, those in the gallery who may be listening and those who are in this chamber. I, and the Labor opposition, and indeed all members, recognise the pain that is caused by the consequences of crime. One victim is one too many. As the Victims' Commissioner outlined in her submission, victims are not a homogeneous group—their experiences, needs, perspectives and opinions differ widely—but, as the member for Cooper said recently, everyone is unified in the common goal of making our community safer.

The other day I was walking through the doors of the chamber and I paused to look at all of the members of the 58th Parliament and what I saw was a board made up of Queenslanders with an array of diverse backgrounds and experiences, all bringing something to the table in the contest of ideas. Before entering politics I worked as a solicitor. What drove me to the job was ensuring Queenslanders have access to justice. I am the daughter of a retired former Queensland Police Service officer, so the principle of consequences for action was instilled in me from a young age. I am also the sister of a brother with Down syndrome and so I cannot help but think about the not insignificant number of children who offend who have suspected or diagnosed disabilities. The fact is the causes of youth crime are complex. Sadly, some Queensland children are not growing up in the kind of loving, nurturing environment I think that every child deserves. I have seen the power early intervention had on my brother's life, particularly in those critical early years.

Yesterday I attended a ceremony where retiring District Court judge, His Honour Horneman-Wren, appointed by the member for Kawana, said—

> If we as a caring, humane and responsible society do not address the underlying societal issues that lead to offending, no slogan-based solution will ever prove effective.

That was a statement heard by the current Attorney-General and a statement I hope will be taken on board by this government. Access to health care, education, housing and support services are all measures that will help us turn a corner—evidence-based solutions, not just punitive measures which ultimately is all this bill does. There is no simple solution to this complex problem. There is no magic wand that can be waved, but Queenslanders want action, and we hear that. The bill before the House, while only 52 pages in length, is a complex area of law and public policy. Some of the 52-page bill has been derived from the LNP's four-word slogan during the election campaign—Adult Crime, Adult Time.

The Labor opposition accepts the outcome of the election and the views of the Queensland community that more needs to be done to ensure our community is safe. As the Leader of the Opposition has said, Labor will not stand in the way of the LNP increasing maximum sentences. However, some of the measures in this bill have the potential to leave a range of unintended

consequences in its path. Queenslanders did not vote for laws that put victims on trial. They did not vote to end restorative justice, a program supported by victims groups. The LNP are ramming through laws that experts say may make the situation worse.

We are a constructive opposition. That was evidenced by the fact that both I, the member for Bulimba and the member for Gladstone wrote to the government twice, before this bill was introduced and after, seeking a briefing from the department to ask legitimate questions.

Mrs Frecklington: But didn't turn up to the briefing that you requested.

Ms SCANLON: I take the interjection from the member for Nanango. I am advised we received no response.

Ms Farmer: You are making that up!

Mrs FRECKLINGTON: I take personal offence to that interjection and the speaker on her feet and I ask that she withdraw.

Mr J KELLY: Madam Deputy Speaker, I rise to a point of order.

Madam DEPUTY SPEAKER (Ms Marr): I am just getting some advice. I ask you to wait for a moment. Before we go to the point of order, the minister has taken personal offence and asks that you withdraw your comment.

Mr J KELLY: Madam Deputy Speaker, I rise to a point of order. I am not sure how the minister took personal offence. She would have found it difficult to hear over the number of interjections she was making. I had great difficulty following what the shadow minister was saying.

Mrs FRECKLINGTON: Madam Deputy Speaker, I rise to a point of order. I understand the speaker on his feet is reflecting on the chair.

Madam DEPUTY SPEAKER: Member for Gaven, for the dignity of the parliament, could I please ask you to withdraw.

Ms SCANLON: Certainly, Madam Deputy Speaker. I withdraw. We were prepared to come back to this House for another sitting week before Christmas so the government could deliver on its election promise while allowing Queenslanders and experts more than two business days to submit their feedback. That was rejected. Queensland is unique in that there is no house of review, so the committee process and the role of the crossbench and opposition is important in scrutinising laws on behalf of the communities that we represent.

It is clear from many stakeholders that the legislation before the House goes beyond the slogan and policy that the LNP took to the election. Youth Advocacy Centre said—

… the provisions in this bill go far beyond the mandate given to the government by voters and what is necessary to ensure community safety.

Government members interjected.

Madam DEPUTY SPEAKER: Members to my right!

Ms SCANLON: The government may not be interested in what these stakeholders say, but I think Queenslanders are. The Queensland Council of Social Service said—

There is a clear mandate for this law, but it goes further than the mandate.

We accept that the government is acting on its promise to put in place its slogan policy before Christmas, but as was clearly evident from the stakeholders, the elements that go beyond that scope should be subject to a proper committee process. Throughout the submissions, and even the testimony at the public hearings, there was a similar theme which could be titled 'unintended consequences'. Bravehearts said—

Adopting policies that are not based on evidence and careful scrutiny of their impact on our children and young people, would be a grave error.

The Queensland Mental Health Commission said—

It is noted the short timeframe for consultation on the Bill may lead to unintended consequences.

The Independent Ministerial Advisory Council said—

It is the view of the IMAC that the fast-tracked process for developing this legislation has not allowed for an appropriate and evidence-based consideration of complex issues and any potential unintended consequences of the Bill.

The Queensland Family and Child Commission said—

The evidence is also clear that making laws without appropriately scrutinising the unintended consequences of those decisions, will ultimately have far reaching implications.

Queensland Homicide Victims' Support Group said—

… when legislation like this is rushed it can have unintended consequences and it can also trigger victims who already distrust Government.

These are just some of the many statements that outline negative unintended consequences that may occur because the government has rushed this legislation through. As outlined by the Bar Association, it is noted that one unintended consequence of this bill is that any incentive for young people to enter pleas of guilty to serious offences will be either completely removed or significantly reduced. They stated—

The consequence will be profound for:

victims of crime who will not only have the outcomes of their matters delayed pending trials and appeals, but will also have to give evidence;

the family members of victims of crime; and

the witnesses to the crimes.

As the Bar Association outlined at the public hearing—

It is the experience of our members that young people plead guilty to murder with greater frequency than their adult counterparts and this is due to the ability on sentencing for judges to reflect on their relative culpability and mitigating features in the length and nature of the sentence.

This was raised by others and, as such, there is a potential for increased delays due to the number of cases awaiting court. Therefore, we ask the government: what modelling has been done? Is the government going to resource the courts more and, if so, by how much and where?

We have also heard from stakeholders that victims themselves might have to be more involved in the court matters due to these laws, as a sentencing principle will now be primarily related to the victim. As the QLS has stated—

The new provision will result in the perverse circumstance where, for example, a child might be sentenced to a higher penalty on a less serious offence than an offender who has committed a more serious offence because the victim was more engaged in the proceedings.

If that is the case, does that sound appropriate? In their submission, the Queensland Law Society also stated—

In effect, these proposed amendments will inevitably put the victim's experience, and therefore evidence, in centre focus in the context of the criminal trial.

That comes from expert practitioners who work in the field and in our courtrooms every day. They went on to say that the amendments may result in an 'increased burden on court registries in regards to an increase in applications filed to cross-examine victims' and an 'increase in court time to hear and determine these applications'. They also stated that they would 'further increase the need for legal representation including for victims'.

Labor members will always support victims and their rights, which is why we need to ensure that the laws before the House do not have unintended consequences against victims, as raised by stakeholders. We certainly do not want a situation to occur as outlined by the QLS—

Government members interjected.

Ms SCANLON: This is the Queensland Law Society, which said—

The provisions will create a tiered system of justice with victims who are more articulate, better resourced and better educated having more potential to influence the outcome than those who are not.

It should be noted, as outlined by the Victims' Commissioner, that—

The current laws require the court to have regard to any impact of the offence on a victim, including harm mentioned in information relating to the victim given to the court under Victim Impact Statements.

Stakeholders have also indicated that there might be an unintended consequence with the legislation resulting in children receiving harsher penalties than adults for the same offence. The Office of the Public Guardian has stated—

OPG notes that section 9(2) (a) of the *Penalties and Sentences Act 1992* is not proposed to be amended, which maintains the principle of imprisonment as a last resort for adults. This discrepancy between the child and adult sentencing frameworks could be seen as discriminatory toward children.

The Queensland Law Society has stated that removing this principle for children while retaining it for adults is vexed and inappropriate in relation to detention.

The government's own Victims' Commissioner, a position that those opposite voted for, stated, 'The proposed amendments to section 150 creates incongruity with section 9' of the Penalties and Sentences Act. As such, it is incumbent on the government to outline why there will now be a two-tier system in respect of sentencing options for the same offence—one that will apply to children and one that will apply to adults. Also, it appears that when taking into account the harm to the victim it is for all offences if committed by a child but only violent and particular sexual offences for adults. These are just some of the unintended consequences that have been through the truncated committee process. IMAC stated—

Restorative justice has important benefits for victims and victim-survivors, young offenders and their families, and the community more broadly. The complete removal of restorative justice orders for the 13 serious offences outlined in the Bill is concerning and not supported by the IMAC.

Mrs Gerber interjected.

Ms SCANLON: I take the interjection from the member for Currumbin, who said that those statements by IMAC are not correct. I think that is disrespectful to the individuals who have put forward those submissions. On behalf of Voice for Victims, Natalie Merlehan stated—

... the ability to use restorative justice, whether at request of the defence or prosecution should not be removed, and if the rights of victims are to be considered as 'front and centre' the choice to undertake restorative justice, where suitable should be allowed to be considered through the appropriate channels and as a part of a healing journey for the victim and a willing perpetrator.

The YFS Community Legal Centre stated—

The removal of restorative justice options for offences classified as 'Adult Crime, Adult Time' is a step backwards. Evidence demonstrates that restorative justice not only reduces reoffending but also fosters accountability and rehabilitation while providing opportunities for victims to participate meaningfully in the justice process.

Mrs Frecklington: Give us some figures for the 13 most serious crimes in the last 10 years.

Ms SCANLON: The Queensland Aboriginal and Torres Strait Islander Child Protection Peak believes—

Mrs Frecklington: Are these the people you were defunding?

Ms SCANLON:—that restorative justice orders serve an important function in facilitating rehabilitation as well as providing a sense of justice to victims of crime. I note the Attorney-General's interjection when I talked about an Aboriginal and Torres Strait Islander legal service. That is incredibly disrespectful.

Mrs FRECKLINGTON: Madam Deputy Speaker, I rise to a point of order. From the former government that defunded ATSILS—I take personal offence and I ask that she withdraw.

Madam DEPUTY SPEAKER (Ms Marr): Member for Gaven, the member for Nanango has taken personal offence. I ask you to withdraw.

Ms SCANLON: I withdraw. They also advised that restorative justice delivers measurable benefits, with 77 per cent of children either reducing or altogether ceasing offending after participating in a restorative justice process.

The Crisafulli LNP government went to the election saying that they would listen to experts and take the advice. Therefore, it is disappointing to see them rushing through changes that remove elements of the law that the experts have indicated have a positive impact on the justice system. Restorative justice is not mandated; it is a sentencing option. If the bill is passed it will be removed as an option for those offences.

I turn now to the issue of capacity. As has been outlined previously by the QAO, Queensland's youth detention centres are consistently operating above their safe capacity. Via the statement of compatibility, the government itself has acknowledged that the amendments may result in children being held in watch houses for extended periods. It is incumbent on the government to explain in detail how it will manage the situation and ensure everyone is safe. It is incumbent on the government to release the modelling that they have received regarding capacity. At the hearing the director-general, Mr Gee, said—

... I do not intend to breach the cabinet handbook. I will not be talking about matters that may or may not be part of the budget process or the Cabinet Budget Review Committee.

Frankly, the director-general has let the cat out of the bag. We know that modelling has been done. We know that the government is, therefore, considering it. To ensure that as parliamentarians we are fully informed regarding the impacts of these laws, we call on the government to release the modelling today.

It is incumbent on the government to ensure that the staff of watch houses and detention centres are provided with every possible resource to ensure that they themselves are kept safe. The Queensland Police Union stated—

... the QPU flags the potential for increased or sustained detention capacity issues at Queensland Police Service watchhouses ... Youth detention centres are continually over capacity and young offenders are often held in QPS watchhouses for lengthy periods.

In their submission the Inspector of Detention Services stated—

We are concerned that the new sentencing laws in the Bill will increase the risk of prolonged detention of children in watch-houses and in doing so will increase the risk of harm to them.

They went on to say—

To mitigate this risk, we submit that the Queensland Government should delay the commencement of the Bill until the Wacol Youth Remand Centre is operational.

It is imperative that the government outlines to this chamber how it will deal with capacity issues to protect not only those young individuals but also, and most importantly, the hardworking and dedicated public servants on the front line in these centres. How will they be safe?

The Labor opposition is ready to work with the government on this complex issue to ensure positive outcomes are derived for all Queenslanders. As such, we understand the need for provisions regarding the ability to promptly transport 18-year-olds from the youth justice environment to the Corrective Services environment. Whilst there have been some issues raised, we understand that they will hopefully be worked through and implemented in a sound and appropriate manner.

In respect of information updates being provided to victims via an opt-out model, we support this provision. We agree with the principle of opening up the Childrens Court more, with appropriate safeguards around it. Opening the court to certain individuals and media whilst maintaining certain safeguards might result in a positive outcome where Queenslanders are better informed about their justice system. It also builds on the reforms undertaken by the former Labor government earlier this year. However, it is clear that this amendment has been put forward by the government without clear consultation with the government's own Victims' Commissioner. In their submission, they stated that—

... the proposed removal of section 20(2) of the CCA fails to recognise that there may be appropriate and justified reasons to exclude certain parties from a hearing of a criminal proceeding of a child.

While we support the rights of victims, we ask that the government look at this to ensure appropriate safeguards are in place in particular circumstances. We also heard from stakeholders that the legislation does not match up to the government's goal of early intervention and we ask the government to explain how their laws and policies will marry up. Act for Kids said—

We applaud the Queensland Government's stated intention to invest in prevention and early intervention and an evidence-based approach to children and families and see this Bill as opposite to that intention and likely to negate all evidence-based interventions with the result of increasing crime in Queensland.

The Queensland Human Rights Commissioner said, with respect to earlier intervention and rehabilitation programs, that—

... the harm that will be caused by this Bill will outweigh these efforts and undermine their intended outcomes.

It is up to the government to explain how their programs will work and how the legislation intersects with them. The feedback from stakeholders is significant, particularly when you consider that this bill was introduced at 11.28 am on Thursday, 28 November, declared urgent and sent to the committee by 11.50 am. The record reflects that the Labor opposition raised strong reservations regarding the urgency motion and pointed out that the House could have sat one week later—next week—to provide the committee more time but that offer was not taken up. Within just over a week, the committee—stacked with LNP members—rammed the hearings through. This short timeframe has meant that many stakeholders, indeed many members, have not had the ability to completely appreciate the totality of the legislation before us. Associate Professor Terry Goldsworthy from Bond University, a name those opposite in the LNP are familiar with and refer to, said—

It is disappointing that such a tight timeframe was imposed on submissions in relation to this bill. It would have been much more prudent to allow sufficient time for comprehensive submissions to be made. The last time legislation was rushed through the parliamentary process like this it resulted in the ill-conceived and problematic VLAD anti-bikie laws that were a dismal failure is terms of combating organised crime.

Those are the words of Terry Goldsworthy.

Mr Stevens: It worked! The bikies left town.

Ms SCANLON: I take the interjection from the member for Mermaid Beach. For the new members in this House, it was the former LNP government, which was overseen by the member for Kawana, which implemented these reforms which did not work and were proven by the courts as such.

Mrs FRECKLINGTON: Madam Deputy Speaker, I rise to a point of order on relevance under standing order 118(b) in relation to the long title of the bill.

Madam DEPUTY SPEAKER (Ms Marr): Thank you, member for Nanango. I was just going to refer to that myself. Please bring it back to the bill. You have strayed from the bill, member for Gaven.

Ms SCANLON: Madam Deputy Speaker, it was in relation to a submission but I will come back. The Australian Association of Research in Education outlined that this very parliament—

... has not provided adequate time to conduct a full inquiry and this threatens to undermine the credibility of the Bill.

The Law Society said—

The timeframe for us to consider this submission has been truncated.

Ms Boyd interjected.

Madam DEPUTY SPEAKER: Excuse me, member for Gaven, could you please take a seat. Member for Pine Rivers, was that comment addressed to me personally?

Ms Boyd: No, it was not.

Madam DEPUTY SPEAKER: Thank you.

Ms SCANLON: The Queensland Law Society went on to say—

We did not receive a confidential consultation of the Bill before its introduction ... A fundamental tenet of our system of parliamentary democracy is that stakeholders have a meaningful opportunity to be involved in the consultative process. The above timeframes are not consistent with this.

Legal Aid stated it was—

... unable to provide comprehensive feedback noting the very limited window for consultation and the nature and magnitude of the amendments being proposed.

I could go on. These are just some examples of many stakeholders expressing their frustration with the lack of consultation provided to them by the LNP government.

It is clear from the actions in respect of this bill, coupled with the LNP's actions regarding ramming legislation through the last sitting and their motion earlier today, that the LNP are not interested in the proper process of democracy in this state. I have previously stated that the Labor opposition acknowledges that the LNP took a position, albeit in slogan form, to the election and the people of Queensland voted them in.

As the Leader of the Opposition has outlined, we will not stand in the way of increased maximum sentences. However, it is clear from the submitters and the public commentary that the bill before the House makes substantial other changes to the justice and youth justice system in Queensland which were not canvassed during the general election. Why did the LNP not release an exposure draft when in opposition or when in government to get public comment, particularly given that, before the election, I am advised that the then leader of the opposition said during a leaders' debate that the laws had been drafted?

It was extremely obvious to us and all stakeholders that there was one important stakeholder missing in the conversation during the committee process—that is, the Queensland Police Service. They are the Queenslanders on the front line every day fighting crime and keeping our community safe. To not hear from them during the process is a sad indictment on the part of the LNP government. The Labor opposition, on behalf of Queenslanders, wanted to ask them a series of questions regarding this legislation, including: how they would operationalise the laws in the timeframe required by the government; how would the Queensland Police Service train their officers in the new procedures and laws in the timeframes required; are the police ready for any additional demand; and what contingencies have they put in place? These are just some of the many questions that have been left unanswered. It is disappointing that the committee chairperson, a former police officer, did not go out of their way to hear from former colleagues, and we wonder why. Today, we call on the police minister to stand up during this debate and answer these questions.

While the consultation process was truncated, many constructive ideas and feedback were given by stakeholders, including the requirement for a legislative review period. Legislative review mechanisms are not a new thing. They appear across the statute books and the government, which is true to its word, should not be afraid to include a review clause. As such, I can advise the House that the Labor opposition will be moving an amendment during consideration in detail to include a legislative review mechanism to ensure these laws will be reviewed 18 months after they commence.

Ensuring these laws can be properly reviewed within the term of government will do two things. The bill's genesis is about support for victims and victim numbers. Premier Crisafulli, when introducing the bill, said this will be a government that has as its focus a safer community and fewer victims of crime. During the leaders' debate during the general election, the then leader of the opposition answered, 'You bet,' to a question from a respected and considered Nine Network journalist who asked him, 'Your biggest campaign promise is that crime will be lower under the LNP and there will be fewer victims year on year, if you are elected. If you fail to do that, will you resign as premier?' It was alarming to hear the testimony of the director-general of the Department of Youth Justice and Victim Support before the committee when he said—

I know that the government will announce how it intends to count the number of victims in the near future. That is a matter for whole-of-government consideration.

Premier Crisafulli, during the election, used the ABS statistics which are published yearly based on the information and data provided by each jurisdiction. In our case, it is the Queensland Police Service. This is based on the current method provided by the ABS. We know that this data exists. The police use QPRIME and other computerised systems to capture it in real time and, as such, Queenslanders have a right to know. I table a copy of the amendments and associated material for the benefit of the House.

Tabled paper: Making Queensland Safer Bill 2024, amendments to be moved by Ms Meaghan Scanlon MP 255.

Tabled paper: Making Queensland Safer Bill 2024, explanatory notes to Ms Meaghan Scanlon's amendments 256.

Tabled paper: Making Queensland Safer Bill 2024, statement of compatibility with human rights contained in Ms Meaghan Scanlon's amendments 257.

I was further interested to read that despite the fact that the statement of compatibility and the statement about exceptional circumstances related to provisions amending the Youth Justice Act it was not signed by the youth justice minister, and I wonder why that is. As I stated at the beginning, one victim of crime is one too many. We have a collective responsibility to ensure that our laws not only meet community expectations but also are evidence based and work.

While we acknowledge the outcome of the election and the policy that was taken to it by the LNP, that policy was in slogan and infancy form at best. It was not detailed policy that thought through all of the issues. While the Labor opposition will not stand in the way of the LNP government's ability to implement the policy that we and stakeholders understand they took to the election, we also have an obligation on behalf of the many stakeholders who did and did not have the ability to submit to the committee process and to scrutinise the laws. As such, I move—

That the words 'now read a second time' be deleted and the following words inserted:

'1. withdrawn and redrafted to remove the following provisions and elements with the remaining elements contained in a separate bill, to be reintroduced and considered during this week's sitting:

(a) clauses 6, 7, 8, 10, 11, 15, 23, 28, 37(2), 39 to 45, 47 to 53, 58 and 59;

(b) elements of clause 19 that deal with restorative justice; and

2. The removed elements in 1. be referred back to the Justice, Integrity and Community Safety Committee to undertake full and proper examination and report back to the House by early 2025.'