




Speech By  
**Michael Berkman**

**MEMBER FOR MAIWAR**

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### **QUEENSLAND COMMUNITY SAFETY BILL**

 **Mr BERKMAN** (Maiwar—Grn) (5.10 pm): I rise to give my contribution on the Labor government's so-called Queensland Community Safety Bill. The raft of changes to youth justice legislation introduced in recent years by this government, egged on by the LNP, have been completely at odds with the recommendations of every knowledgeable stakeholder, service provider, community controlled organisation and the various statutory bodies established to uphold the rights of children and other vulnerable populations. This bill does nothing more than continue that trend.

The bill removes the current principle that detention of a child is the last resort, a principle that has its basis in no less than the international Convention on the Rights of the Child. Labor says the replacement clause is just a codification of the principle as it is already applied in practice. If that is the case, why change it? This is a purely political response to pressure that at best changes nothing and at worst means more kids will be locked up. The new wording creates a positive obligation to detain children where necessary for community safety. Not only is that a fundamental shift in emphasis but also it is indicative of the fallacy that sits right at the core of this legislation. The truth is that the way we incarcerate children right now is ultimately reducing community safety. Locking kids up for longer and longer periods of time in increasingly overcrowded watch houses and prisons with limited access to rehabilitative programs not only harms those children but also increases the likelihood they will reoffend and makes the wider community less safe.

The bill also enacts a range of measures that either directly or indirectly increase the surveillance of young people. The first example is giving the media a right of entry to Childrens Court proceedings unless a party makes an application to exclude them. Given the media's track record on these issues we can have little confidence that young people will remain anonymous. This is especially concerning in regional and rural towns where children may be more easily identifiable. The likelihood of inflaming community tensions and increasing vigilantism is very real. The media have been excluded from Childrens Court proceedings in recognition of the specific developmental needs of children, ensuring children can participate fully so that appropriate orders can be made. The overriding purpose was to achieve therapeutic outcomes. It still allowed the court to grant media attendance where it would not prejudice the child's interests. Inviting the media into courts tells us this government no longer cares about good outcomes for these children and long-term safety. They are more interested in being seen to do something.

The bill also proposes to expand the electronic monitoring program with the explicit intention of subjecting higher numbers of children to ankle monitors while on bail. Visible ankle monitors lead to isolation, undermine anonymity, stigmatise children within more positive circles and may reify them within antisocial circles, effectively leaving these kids stuck in cycles of reoffending. There is no evidence that electronic monitoring reduces serious offending. This is just an expensive way to keep kids locked up more often and for longer on insignificant breaches of bail. It will be First Nations kids who are worst affected by this, as is already demonstrated by the existing trials.

On that note, I find it pretty telling that the government can find time this week to rush through three bills for three new commissioners, but they cannot find time to appoint an Aboriginal and Torres Strait Islander children's commissioner, despite that being an action committed to by all state and territory governments under the National Framework for Protecting Australia's Children and it being included in the government's community safety plan released in April of this year. If this government was serious about supporting First Nations communities and ensuring everyone in our community is afforded safety they would be funnelling money into culturally appropriate bail support programs instead of expensive and ineffective monitoring technology.

That brings me to the bill's expansion of the use of handheld scanners by police in public places. The expansion of the trial is opposed by a broad cross-section of stakeholders. There is no doubt it is important that people are safe to access public services and spaces, including public transport and shopping centres. The proliferation of police and surveillance, specifically the encouragement of stop and search powers, just will not achieve that. There is still no reliable evidence that this approach is deterring or reducing crimes involving knives.

This bill would also allow for the recording and monitoring of phone calls made by young people in youth detention centres. There is limited information available about how this is intended to be used, but it raises very serious concerns around young people's rights to privacy and may deter young people from staying in touch with family and community members.

**An opposition member:** They're in detention!

**Mr BERKMAN:** Yes, they are in detention and they should remain in touch with their communities, which is critical to their rehabilitation and reintegration after release. In addition to expanding the surveillance of children, this bill includes a bunch of increased penalties and expanded offences which we know have no corresponding deterrent effect. Specialised offences for using social media to broadcast offending are about nothing but politics. Instead of dealing with this in sentencing, as would be more appropriate, Labor is chasing headlines. It is the same with expanding hooning offences to cover spectators. They are giving a huge amount of discretion to police to determine what this includes, potentially criminalising young children for just being near a crime or in the care of an offending adult. How does this deter hooning? How does it keep anyone safe?

Right now we are locking up more children than any other Australian state. Vulnerable young people are being subjected to extended stays in watch houses across Queensland in appalling conditions, lockdowns in youth detention centres, segregation and isolation, the use of force and increased surveillance and policing. Is it working? Is anyone here going to claim that locking up kids is working? It is not. No doubt I could have spent the entire time allotted for this speech addressing the appalling conditions for children in Queensland's watch houses. In just the last few months we have seen media reports of a child being hit with a police baton in a watch house, a 15-year-old asthmatic crying out for help and being told by officers that he can breathe fine if he is talking; and a 13-year-old disabled Aboriginal girl shut in isolation crying in distress. It is difficult to stand here as one of only two people in this place making the case that it is not okay for kids to be detained in police watch houses for weeks on end.

While we do not oppose the proposed amendments allowing temporary transfers from watch houses to youth detention centres for programs, it is hardly something to celebrate. It simply should not be necessary. I understand the QPS has announced an inquiry into watch houses following all of the media scrutiny, but forgive me if I hold little hope for that inquiry. The police and government have failed to respond adequately to even the damning independent commission of inquiry into QPS responses to domestic and family violence. Cops continue to investigate cops and this government continues to legislate away children's human rights.

Briefly, I note the bill also creates a firearm prohibition order scheme for Queensland with expanded police powers to search someone under an FPO, as they are called, without a warrant. Although the Greens and I obviously support this country's ongoing strong gun controls, we know from other jurisdictions that these FPOs are not necessarily being used to improve gun safety at all. They are not used to just target bikies or serious offenders; they are yet another example of ever-expanding police powers without adequate scrutiny.

When I talk to people in my community about crime, the vast majority do not just want a reaction; they want prevention. They do not want more kids in watch houses or prisons after stealing a car or doing worse; they want the offending not to happen in the first place. All the penalties and prisons in the world will not bring back what is lost when the government fails to prevent crime. That is still the

missing piece for both Labor and the LNP because they are both stuck in this endless cycle of kneejerk reactive politics when it comes to crime and community safety. Community safety will only come from treating all members of our community as deserving of safety, but this government is failing to see vulnerable young people as deserving of safety—twice over: first when they fail to address the underlying factors that lead children to offend and second when they subject them to violent systems of surveillance, policing and prisons after the offending occurs.

A genuine community safety bill would be about prevention, not reaction. It would champion substantive investment: in public health, wellbeing and disability support services; in education and housing; in culturally appropriate support programs, intensive case supports and early intervention; in rent caps and public housing. All these things could be done if we just spent money where it was required.

*(Time expired)*