




Speech By
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MEMBER FOR MAIWAR

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MAKING QUEENSLAND SAFER BILL

 **Mr BERKMAN** (Maiwar—Grn) (10.51 pm): I rise to speak on the so-called Making Queensland Safer Bill and I will start by turning to the bill's statement of compatibility with human rights—or incompatibility as the case may be—which is quite an extraordinary read. It outlines in detail the many and varied ways these laws will limit the rights of Queensland children, and for what? The evidence is crystal clear for young people that any interaction with the criminal legal system, but especially spending time in custody, leads to future offending. The government can hike up the penalties all they like but it will not prevent offending.

However, the LNP is not interested in genuinely preventing crime. It is no wonder the Premier has walked back on his commitment to resign if victim numbers do not fall. These laws are about political grandstanding at the expense of the safety of all Queenslanders. These laws do not just completely remove the already watered down principle of detention as a last resort. They say the court cannot even consider such a principle. I will spell this out. This is a principle that still applies in sentencing adults—the principle that you try all other forms of rehabilitation first and only use imprisonment as a last resort—but it will no longer apply to children. The AG's own statement of compatibility says—

This will, in essence, create a sentencing system where adults are better protected from arbitrary detention than children.

This change is not only incompatible with human rights; it removes an evidence-based principle from our laws that non-custodial sentencing is often more effective for rehabilitation. We are forcing the courts to close their eyes to any such principle simply because it does not suit the government's agenda. The term 'Orwellian' gets thrown around in this place all too often, but I think in this circumstance it is a pretty neat fit.

As I said earlier, the LNP's Adult Crime, Adult Time is not a policy; it is a slogan. What they are actually doing is removing the court's discretion when sentencing. This bill applies mandatory life sentences to children for murder. For other offences, including non-violent offences, it applies the same maximum penalties for adults to children as young as 10 and includes mandatory prison sentences for vehicle offences. It stifles judicial independence, a fundamental democratic principle, all for the purpose of the LNP's pursuit of its political slogan.

I can understand the desire in the rare and genuinely horrible situations where a young person commits a serious harmful crime for a just outcome and to ensure that it never happens again, but the LNP's laws simply will not do that. Unfortunately, removing the court's discretion to apply an appropriate sentence will likely inhibit rehabilitation and disrupt those key cognitive and social developmental stages, creating more serious institutionalised offenders in the long term. The government's key victims advocacy body the IMAC, the Independent Ministerial Advisory Council, said the so-called Adult Crime, Adult Time laws—

... will have serious consequences, including the creation of a cohort of individuals who are further disengaged from society and at higher risk of further offending.

This is not some pinko conspiracy theory; it is what all the evidence says. Under the LNP's laws, children will spend more time in detention and their human rights will be violated. That is why the government have had to so substantially override the Human Rights Act to introduce this bill. Again, the government's own statement of compatibility with human rights is unequivocal. It states—

The amendments will lead to sentences for children that are more punitive than necessary ...

When the LNP admit these laws are incompatible with human rights, they are not just admitting that the laws limit human rights; they are effectively admitting that those limits are not reasonable and cannot be justified in a free and democratic society. This is an incredible overreach and it is why the Human Rights Act only provides for an override in exceptional circumstances. That brings me to the first of the three fundamental lies that underpin these laws.

The LNP is justifying these horrific human rights abuses against the backdrop of a confected youth crime crisis. There have been some terrible tragedies in recent years and there is no denying the profound impacts these tragedies have on victims and their families, and I want to acknowledge the member for Capalaba and the tragedies that have befallen him and his family. I acknowledge that when we met as an advocate—and I continue to now—there was nothing any of us could have done to wind that back and there is no evidence to suggest that Queensland is facing a crisis that justifies the widespread breach of the rights of children and their families. The Queensland Police Service, the Queensland Government Statistician's Office and the Australian Institute of Criminology show a consistent decrease in youth crime in Queensland. The ABS demonstrates that the youth crime rate in Queensland has halved over the past 14 years. There are fewer individual young people committing offences and there are fewer offences being committed. The LNP is just ignoring this evidence, again to suit its own agenda.

That brings me to the second of three: the LNP claims their ambiguous four-word slogan rolled out ahead of the election is justification for trashing parliamentary process, fast-tracking legislation without adequate time for stakeholder engagement and, indeed, without any stakeholder engagement on the actual content of the laws before their introduction, which ultimately will treat kids even worse than adults in the criminal legal system. The timing of this is also deeply concerning, right before the holidays without any lead time for preparation. The existing infrastructure simply will not be able to cope and they know that. This is going to be a summer of egregious human rights abuses in Queensland, and Queenslanders did not vote for that. Perhaps they voted for change, but they did not vote for this, which is more of the same but worse.

The biggest farce of all here is the idea that jailing kids will somehow make our communities safer. This is contrary to the views of every credible expert in the field. So much for a government that is going to listen to the experts! Ninety per cent of children sentenced to detention in Queensland reoffend within the first year of release. For the small cohort of kids who are reoffending at higher rates, it is clear that the system is failing and we need to listen to the experts and radically change tack. That means recognising that offending does not arise in a vacuum and recognising that the majority of children charged with offences in Queensland have a diagnosed or suspected mental health or behavioural disorder, most are totally disengaged from education, around a fifth are homeless or have unsuitable accommodation, around a quarter have an intellectual disability, the vast majority are known to the child protection system and most serious repeat young offenders are engaged in substance misuse and many are themselves the victims of crime.

Adult Crime, Adult Time ignores all of these factors for the sake of a neat slogan. Free mental health care, school meals, state school funding, more social housing and more community-led intervention program services will work. These laws will not. They will fail. They will take us backwards. The LNP is not just lying to victims by introducing a bill that, based on the vast majority of evidence, will make offending worse; it is actually removing benefits for victims. This bill removes the option for some victims to access restorative justice processes, which many say they valued greatly.

Again IMAC, the key advisory body representing victims, said in its submission—

By taking away restorative justice processes, this Bill removes options for victims and victim-survivors to recover from harm, voice their views about the offence and outcome, and understand more about the offence committed against them, ultimately leading victims to be empowered.

This government is taking that away. IMAC also said that this bill will disproportionately impact First Nations people, which we know, and the government is not even pretending it is otherwise. I said it last sitting week and I will say it again: this is what the LNP's racist agenda looks like in action. We all know that it is overwhelmingly First Nations and racialised young people sitting in detention centres and police watch houses across the state. First Nations kids are 23 times more likely than their

non-Indigenous peers to be in prison in Queensland. The government's statement of compatibility again acknowledges that there will be a greater impact on Torres Strait Islander and Aboriginal kids. There is no dispute that these laws will not make those kids safer. The LNP talks about community safety, but it does not see First Nations children as part of our community. It does not care about their safety. It does not care about their wellbeing, their great potential and their hope for a better life. The Institute for Collaborative Race Research said in its submission—

By introducing a Bill that it knows will traumatise, isolate and lock up Black kids, the Queensland Government tells us that racial violence is alive and well in Queensland lawmaking.

Government members interjected.

Mr BERKMAN: Those opposite accuse the Greens of sowing division. Christ! Experiences of racism, of being othered—

Mr DEPUTY SPEAKER (Mr Martin): Pause the clock. Member, that was unparliamentary. I would ask that you withdraw that.

Mr BERKMAN: I withdraw. Experiences of racism, of being othered, of serious systemic disadvantage and discrimination: these are not just unacceptable in and of themselves; they are drivers of offending behaviour, and with these laws the LNP wants to further entrench the very things that lead to offending in the first place. This bill is not about rehabilitation or better outcomes; this bill is retribution. Until we see all kids as part of our communities deserving of safety and care, we stand no chance of making our communities safer.