




Speech By
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MEMBER FOR WATERFORD

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MAKING QUEENSLAND SAFER BILL

 **Ms FENTIMAN** (Waterford—ALP) (11.20 pm): No-one in this chamber can deny the pain and anguish of those who have experienced any crime. It is an experience that no Queenslander should have to face and we know that it leaves physical and emotional scars that can last a lifetime. It is clear that Queenslanders wanted us to move faster on issues such as crime. We have heard that message and we do accept the outcome of the election. We do accept that more needs to be done to keep our communities safe. We absolutely believe that every Queenslander has the right to be safe and to feel safe—safe in their homes, safe at work, safe at the local shops and just about everywhere else. The Labor opposition supports strong action and tough laws to protect Queenslanders. We will continue to fight and advocate for the safety of all Queenslanders. We will continue to consult with experts, stakeholders and Queenslanders themselves to achieve this.

Premier David Crisafulli made a vow to listen to experts and yet the results of what can only be described as a rushed committee process held last week would indicate that the Premier has done nothing of the sort. Adult Crime, Adult Time is a four-word slogan that has now manifested into a 52-page bill. According to almost every expert and stakeholder who has had the opportunity to have their say, this is a bill that has unintended consequences. One of those unintended consequences includes potentially making things worse for victims. Victims who are seeking justice may now face lengthier trials and the experience of having to be cross-examined by criminal defence barristers.

Another unintended consequence is the perverse outcome of a justice system that is harsher on kids than it is on adults. I do not think anyone thinks that will make our communities safer. We have heard the pleas of countless legal professionals, victims representative groups, youth advocates and victims themselves who want further consideration and consultation on this important bill. In fact, the Queensland Victims' Commissioner expressed her dissatisfaction with the consultation process. She stated—

I note the short timeframe to provide a submission ... is unrealistic for stakeholders—particularly victims, their families, communities, legal advocates, and service providers who will have very significant contributions to make. We must adopt a balanced, evidence-based approach to community safety for all and this is done through open, transparent, and accessible consultation.

It is not me saying that; it is the Victims' Commissioner of Queensland. The LNP government is ramming through this legislation without listening to victims, experts, stakeholders or members of the public. These are important laws and Queenslanders deserve the opportunity to have their say. We have already seen the LNP ram through legislation in a day during the last sitting week and they are on track to do the same again.

The Premier said that he would be a premier who took advice and who listened, but he is doing the exact opposite. Stakeholders have raised some pretty big issues with these laws. The committee report contains a lot of expert advice and evidence that should be considered.

Mr Lister: Don't talk to me about experts. They've had it their way for a decade and they were wrong.

Ms FENTIMAN: I take the interjection from the member for Southern Downs. When I talk about 'experts' I include victims. Victims themselves have called for more time and more consultation.

From the evidence that was given to the committee it is also clear that there are real and serious concerns about the capacity of watch houses and youth detention centres. Where is the government's modelling on how many extra children will be held for extended periods in watch houses? What is the safe ratio of police to children in watch houses? How many extra police will be needed to look after those kids in watch houses? How many additional youth justice staff will be needed in the youth detention centres? The government need to release that information—that is, if they have done the modelling. The government do not seem to have any of the answers because they are determined to ram and rush through this legislation.

Stakeholders have raised very serious concerns. Time and time again, many acknowledged that Queenslanders voted for these laws in the hope of having safer communities. However, the overwhelming evidence indicates that we will not achieve safer communities with these laws. The Bar Association stated that, while they will generally support evidence-based law reform, there is no evidence to suggest that this bill will fulfil its titular object of making Queensland safer. In fact, in the statement of compatibility the Attorney-General stated—

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

In their submission, Act for Kids Ltd stated that they believe the bill is 'likely to negate all evidence-based interventions with the result of increasing crime in Queensland'. That is the opposite of what the bill says it will do. Many of those who were able to speak at the committee hearings also raised concerns about a judicial system that punishes youth offenders with harsher sentences than adults. When was that canvassed in the campaign? 'Perverse' is the word most commonly used amongst those providing submissions because that is what this is. The Bar Association stated—

... a child imprisoned at 10 years of age is unlikely to turn out, newly-released into the community as a 30 year old, as anything other than a hardened, more dangerous criminal.

However, I think the biggest and most concerning unintended consequence of this bill is the fact that victims will find themselves on trial. It is me not saying that.

Mr Hunt: That's rubbish.

Ms FENTIMAN: I take that interjection. This is not a scare campaign. Criminal defence lawyers are saying that they will cross-examine victims.

Government members interjected.

Mr DEPUTY SPEAKER (Mr Martin): Order, members! Pause the clock. I am sorry to interrupt you, member for Waterford. Member for Nicklin, I have given you a bit of latitude. You have continued to interject. You are warned under the standing orders.

Ms FENTIMAN: The Law Society—that is, the criminal lawyers in Queensland—said—

It will lead to comparisons being made between victims, may compromise victim agency and result in them being cross-examined and otherwise being required to properly come to proof about the impact of the offence upon them.

The Attorney-General says that will not happen because the process has not changed. Who do you believe: the criminal lawyers of Queensland who say they will need to cross-examine victims because of the changes or the Attorney-General?

Honourable members interjected.

Mr DEPUTY SPEAKER: Order, members!

Ms FENTIMAN: I cannot begin to fathom what the emotional impact and trauma would be from an intense period of cross-examination in a criminal justice system to determine the impact of a crime on the victim. Has the government considered how it will be for victims having to be cross-examined by criminal defence barristers? Another unintended consequence of this bill—

Mrs Frecklington: The former attorney knows better than that. What a scare campaign.

Mr DEPUTY SPEAKER: Order! The House will come to order. Pause the clock. I will just wait for silence. We will just wait. The House is becoming more and more unruly as we get later and later. I have been giving a bit of latitude but now I will issue a general warning to everyone. If there are further interjections, members will just be warned and then the second time they will be asked to leave.

Ms FENTIMAN: I take the interjection from the member for Nanango, the Attorney-General, who says this is just a scare campaign. If it is, it is a scare campaign being run by the Law Society and the criminal barristers of Queensland who have given evidence to the committee that their members will have to cross-examine victims, and that is appalling.

Another unintended consequence of this bill is that it removes any incentive for young people to enter guilty pleas. This will have a range of serious implications for victims, their families and witnesses who will be forced to give evidence at trial with lengthy delays. Many of the submissions also expressed concern about the removal of restorative justice from the Youth Justice Act as a sentencing option, and I note the contribution from the youth justice minister who said restorative justice is still available because it is available for adults—not as a sentencing option, member for Currumbin, only for conferencing. Voice for Victims stated that restorative justice, whether at the request of the defence or prosecution, should not be removed. That is from victims themselves. The Labor opposition has moved amendments so that we could have further consultation on these issues that impact victims.

Mr Lister interjected.

Mr DEPUTY SPEAKER: Member for Southern Downs, you are warned.