




Speech By
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MEMBER FOR MAIWAR

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**MAKING QUEENSLAND SAFER (ADULT CRIME, ADULT TIME) AMENDMENT
BILL**

 **Mr BERKMAN** (Maiwar—Grn) (9.30 pm): Here we go again. Madam Deputy Speaker, I suspect you and other members know what I am going to say, just like I know that this bill will pass, despite the myriad experts warning of the serious long-term consequences and despite the criticism just this morning from two UN bodies—the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Special Rapporteur on the rights of Indigenous Peoples. We do not need UN bodies to tell us that this bill is incompatible with basic child rights. The government seems to have no compunction whatsoever in telling us that itself. In fact, our Premier wants to refer to the UN as a ‘bunch of boffins’, I think was his term and, moreover, he seems to want to rewrite the very concept of human rights to suit his own political purposes.

When these laws fail to prevent the next devastating crime, the LNP will, without a doubt, just introduce more offences, tougher penalties, longer sentences and wider nets that will equally do nothing except provide cover for the complete systemic failures of consecutive Queensland governments to ensure that everyone has access to the things they need to live well.

This bill adds 20 new offences to the LNP’s discriminatory sentencing regime, the so-called Adult Crime, Adult Time laws. I say ‘discriminatory’ because, as a society, we understand that treating everyone the same can result in unequal outcomes. Here we are talking about kids whose brains are not fully developed, who are more impulsive than adults, who are more susceptible to peer pressure, and who tend to engage in riskier behaviours than adults.

On top of that, the cohort of kids we are talking about are often suffering the impacts of intergenerational trauma and disadvantage. They are likely to have cognitive or developmental disabilities. They are likely to be the victims of crime themselves.

I am baffled by the LNP’s mental gymnastics today that they can spend almost the entirety of the ministerial statements this morning talking about how the state has utterly failed kids in out-of-home care and still turn around in the same day and say these same kids should be treated as adults and locked up as adults. The whole point of a two-tiered criminal system is to account for the specific needs of children and the ways they differ from adults. That is the bare minimum.

By now, armed with all of the evidence, we should have moved away from an adult system adapted for children. We should have moved to a system that provides the supports needed to prevent offending behaviour in the first place—connection to culture and kin, access to safe, secure housing, family supports, a fully funded education system with adequate disability screening and supports, access to pro-social activities and resources, and an end to child removals.

It feels in some respects like climate change all over again. We cannot even begin to talk about legitimate solutions because we are still fighting about the basic science, about the fundamental evidentiary basis to make policy and law on these issues.

It is a smokescreen. The major parties know what works because every time a new youth justice bill has come before parliament these last few years, experts have fronted up to the committee and shared detailed submissions explaining the causes of offending, debunking the media-led youth crime crisis and proposing solutions affording care and nuance to everyone involved.

The major parties are not interested in what works to prevent crime. They are only interested in maintaining a narrative of fear and division to sell their tough-on-crime policies. It was Labor who toughened bail laws and first overrode the Human Rights Act to lock up kids in watch houses and now they apparently refuse to oppose these changes, too. The LNP says it is acting on the advice of its Expert Legal Panel, so release the advice. Let us see it. If there is any justification for this bill that is not fear-driven retribution, we want to see it. All the experts want to see it.

As it stands, we have at least 23 different organisations, all with specific expertise in this area, who oppose the bill and raise serious concerns. Those concerns span the ineffectiveness of the bill in deterring or preventing offending, the impacts on staff and kids in detention centres and watch houses that are already stretched to the brink, the limitations on human rights, the impacts on First Nations communities, the flow-on effects on the courts, the exorbitant costs associated with detention and—thanks to Tom Allsop, the CEO at PeakCare for this metaphor—the tidal wave of long-term consequences heading our way.

I express my thanks to each and every submitter who again did their best to push back on bad law. Unlike the LNP, I am not going to ignore the expertise of submitters to this bill. I will turn first of all to consider the specific offences set to be included. ATSILS explained that these new offences will amplify the problems associated with the first tranche, with many of the charges capable of being satisfied by a wide range of factual circumstances. Examples include: going armed as to cause fear, threatening violence and drug trafficking. ATSILS pointed out some real-world examples where, for example, a wine bottle, an immigration peg and even a Zimmer frame were the items the accused was alleged to be armed with.

During committee hearings, I pressed the Department of Youth Justice and Victim Support for the past decade of data in relation to their 20 chosen offences. Although they only provided data for the last five years, that is enough to raise serious questions about why many of the offences were included. Instances of proven arson have fallen, drug trafficking has fallen, kidnapping for ransom has not been proven once in the last five years. Moreover, as Katherine Hayes from the Youth Advocacy Centre noted, a number of the offences included in this bill already have life imprisonment as an available option for sentencing.

Turning to the impacts on the system, it is no secret that the entire purpose of this legislation is to ensure that more kids are locked up for longer. The consequence of that will be an overwhelmed youth detention system that will be entirely incapable of providing humane detention rehabilitation for these children.

The LNP thinks the child safety system is no place for kids to grow up. I ask any one of them to spend a day in the Cleveland Youth Detention Centre, in the Brisbane or West Moreton youth detention centres while they are on lockdown because of staff shortages. When the detention centres are full, we know this government takes no issue whatsoever with holding kids in police watch houses, whether it is the new Wacol remand centre, which is just a glorified watch house, or the tiny regional watch houses where kids may have no access to sunlight or fresh air or anything to do except stare at the walls for days and weeks at a time. The Australian Workers' Union shared the perspective of its members in these facilities when they told us, 'There is no way you can safely accommodate these young people in the current infrastructure without compromising either the young people's safety or staff safety.'

So I say again, when we talk about community safety, we need to ask who is their community? It certainly is not disadvantaged children. It certainly is not First Nations people, and nor is it workers.

Experts are clear that this legislation will not prevent crime. While the government claims the overarching purpose is to enhance community safety, the evidence is clear that this bill will not deter offending. That evidence is not affected by the committee's attempts to draw false equivalence with the evidence of a select few individuals offering their personal anecdotes or wishful thinking to the committee. Retribution will not make our community safer. Ultimately, subjecting kids to long stints in custody will only lead to further offending and more antisocial behaviour, and when that happens the LNP will have no answer but to keep locking up survivors of the youth justice system in the adult prison system. A huge proportion of those kids are First Nations. Some 70 per cent of Queensland's detention centre population are Aboriginal and/or Torres Strait Islander children.

Finally, I want to draw attention to the submission of Commissioner Natalie Lewis which reflects on the exorbitant costs associated with holding kids in detention, costs that could be diverted to critical early intervention programs, education and disability support, as well as community-controlled justice

groups. Holding a child in detention for the equivalent of 12 months costs Queensland \$800,000—for one child. The new detention centre in Woodford is expected to cost \$630 million and the new remand centre—a giant watch house—cost \$250 million. It is an absurd amount of money to sink into a failed youth justice system.

I have to again thank stakeholders for their tireless efforts, all the submitters to the bill and the witnesses at the hearing who work and live closely alongside these children and who are fighting for the collective rights of young people and their families to end those cycles of disadvantage and trauma and who work to create the conditions that will stop offending. They have fronted up committee hearing after committee hearing for successive governments and meticulously and steadily explained the serious consequences of these regressive policies. Although we never see it reflected in the votes, I think it is making some difference. They are now attempting to walk back. Despite the name of the bill—Adult Crime, Adult Time—they want to comfort us with the idea that kids will still be sentenced differently. The pressure is working to some extent and the community will not accept ever-increasing numbers of children being locked up.