



Speech By
Christian Rowan

MEMBER FOR MOGGILL

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YOUTH JUSTICE AND OTHER LEGISLATION (INCLUSION OF 17-YEAR-OLD PERSONS) AMENDMENT BILL

 **Dr ROWAN** (Moggill—LNP) (5.50 pm): I rise to contribute to the debate on the Youth Justice and Other Legislation (Inclusion of 17-year-old-Persons) Amendment Bill 2016. This bill was introduced into parliament on 15 September 2016 by the Attorney-General, the Hon. Yvette D’Ath MP. To provide some background, the objectives are twofold: firstly, to increase the upper age of who is a child for the purpose of the Youth Justice Act 1992 from 12 years to 17 years; and, secondly, to establish a regulation making power to provide transitional arrangements for the transfer of 17-year-olds from the adult criminal justice to the youth justice system.

Getting tough on crime is not—and has not—been one of the Labor government’s stronger policy objectives. The Palaszczuk Labor government repealed the Liberal National Party’s 2014 youth justice reforms without any appropriate and justifiable evidence based review. However, on most other matters the Labor government has also been more than willing to endlessly conduct reviews with extended time frames. The major problem with the Palaszczuk Labor government, which I have mentioned here many times when addressing the Queensland parliament, is that Labor’s preference is always for a knee-jerk reaction over and above a mature consideration of all the facts when it comes to the consideration of matters of social complexity.

In their haste to repeal many of the Liberal National Party’s great policy and legislative reforms, those opposite failed to take into account that in 2014-15 under the previous LNP government there was an 8.7 per cent decrease in the number of juvenile defendants dealt with in all Queensland courts and a 4.9 per cent decrease in the number of charges against juvenile offenders. This is the very reason the Liberal National Party has consistently expressed concern about the lack of detail with respect to Labor’s youth detention laws.

It is also important to recall that back in 2007 the former Beattie Labor government considered a proposal to remove children from adult prisons, but they abandoned the proposal because Queensland’s juvenile detention centres were already too overcrowded. Again in 2009 the former Labor minister for communities, Ms Karen Struthers, made a written commitment to remove youth offenders from adult prisons. Ms Elizabeth Fraser, the former commissioner for children and young people, lobbied the government and the department and completed a policy position paper on this very issue. Minister Struthers wrote to Ms Fraser in 2009 and gave a commitment to make the change but refused to put a time frame on its then implementation. Minister Struthers later refused to go ahead with the plan because of the cost and associated management and implementation issues. These same issues still exist today.

Today there are approximately 49 17-year-olds in adult prisons and another 200 who are subject to community based orders. Under the reforms presently before the House, both groups will be moved to the juvenile detention system. The cost of transferring 17-year-olds out of adult prisons and into the

youth justice would be approximately \$175,000 per young offender, and the current legislation before the Queensland parliament states that the cost would be \$44 million a year. There are also capital costs to consider which could potentially run into hundreds of millions a dollars a year.

This policy has been made without proper consultation and just how it would be implemented remains unclear. The risk management elements and the material emergent safety concerns for even younger offenders have not been properly articulated. There are many details yet to be considered, such as how we are going to separate hardened 17-year-old offenders from 12-year-olds? The cost figure also assumes that the number of 17-year-olds in the youth justice system will continue as it currently is and says nothing about implementing programs with the aim of reducing juvenile crime in the first instance and/or preventing reoffending by juveniles.

Queensland government figures today show that there has been an increase in the number of assault incidents involving 17-year-old prisoners to 63 last financial year, which is up from 46 in 2014-15. Whilst we reflect on these figures, another fact is that presently 17-year-olds are accommodated together with other 17-year-olds away from the rest of the adult prison population within the relevant correctional facility. As former Labor minister Mr Warren Pitt said, 'For every argument in favour of a move, there is an argument that could be put forward to support the status quo.'

It has been well documented that 17-year-olds would not necessarily always be better off if they were transferred to the juvenile justice system. Today in our jails 17-years-olds have access to specialised programs designed to meet a range of special needs. These include education, vocational training, substance abuse treatment and programs, anger management and life skills as well as addressing explicit offending behaviour. All of these programs can contribute towards a young prisoner remaining crime free once released.

As a responsible member of parliament I cannot and will not endorse this legislation in its current form when the safety of very young detainees cannot be guaranteed if 17-year-olds are moved into the juvenile justice system. A full and transparent costing of this proposed public policy transition must be elucidated and articulated before any legislative reform is enacted. Far more detail is needed and the consideration of all the above elements I have outlined should occur. I oppose the Youth Justice and Other Legislation (Inclusion of 17-year-old Persons) Amendment Bill 2016 not necessarily on philosophical grounds, but because of the failure of the Palaszczuk government to clearly outline a fail-safe risk management framework and an appropriate practical transition implementation plan for their proposal in Queensland.

I am a caring and compassionate person and I believe in offering rehabilitation to those who have committed a range of offences, but I also believe in individual accountability and personal responsibility. With individual liberties and personal rights also come mandatory responsibilities. With this government failing in its management of transport services, failing in its management of Queensland's child safety system and failing in its management of Queensland's economy and associated infrastructure investment, how could anyone have confidence in the Palaszczuk Labor government implementing its proposal here today?

We have had years of failed administration, such as the failed Queensland Health payroll implementation, corporate fraud with the fake Tahitian prince episode, the Jayant Patel clinical governance debacle and the tentacles of union corruption and illegality surrounding the Labor Party in Queensland. We can have no confidence in this Labor government implementing this plan in Queensland, and it is for these reasons that I oppose this legislation.