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MEMBER: Ms BOLTON

 **Ms BOLTON** (Noosa—Ind) (10.48 pm): I rise to speak on this bill in support of some elements and to express concern on others. The positives include ones identified in the youth justice inquiry such as that courts must consider the full offender history when sentencing; that in the principles of sentencing, victims be given primary consideration—that is welcomed—and that magistrates will be required, instead of having the ability to refuse, to allow victims and their families into Childrens Court. Now I will turn to some concerns.

There was evidence during the Youth Justice Reform Select Committee inquiry—and that is going back to sometime in April—that short sentences, for example three months, do not provide time to effectively rehabilitate, hence, recommendation 36 for a one-year transition that was of a residential nature with either education or work training after release. It is a positive that government has committed to this. However, there was no questioning at hearings by the then opposition members of that committee, including the newly appointed minister, regarding Adult Crime, Adult Time or a recommendation for it.

049 That is important because it would have given the opportunity, during that seven-month inquiry, to investigate such an undertaking and what it could or could not achieve to create safer communities. In the current rush, any level of appropriate scrutiny, community feedback or investigation has been lost. Queenslanders deserve to be safe now and into the future and victims definitely must be prioritised. They also deserve facts. Statistics show that detention increases criminality and recidivism, with around 90 per cent of youths reoffending within a year after incarceration. It also decreases opportunity to rehabilitate and contribute to society. There is no evidence that these repeat offenders, including with reduced mental capacity due to fetal alcohol syndrome, consider detention or the length of a sentence when committing a crime; hence, increasing incarceration times would not be a deterrent.

As seen by the committee report, research on the effects of longer detention on youth recidivism is not found. What has been put forward by the department is a report from overseas by a university researcher 15 years ago showing that juvenile incarceration—and I think the time was something like 16 to 36 weeks or something similar in Washington state—had recidivism rates 37 per cent lower than other interventions. However, there are no details on what the interventions were. Another report from 2021 showed a recidivism rate 25 per cent lower, but yet again there were no details. Neither tell us anything about extending incarceration or adult time for adult crime nor how the 13 per cent mentioned in that report who did not reoffend can be considered a successful benchmark to try to attain. We want much more than that.

There is a 2013 study from the US on the automatic transfer of young people from the juvenile justice system to the adult justice system for those who commit serious crimes—adult time for adult crime, if you like. They reported that those removed to the adult system had higher recidivism rates than those who stayed in the juvenile system. That is why across the world countries adopted youth detentions that are rehabilitative and retain connection to their communities, with the data demonstrating the success of these and much lower recidivism statistics than we have, and ours are incredibly high.

This is important. Are we not as MPs and government supposed to make evidence-based decisions? During that youth justice inquiry we saw and heard the unacceptable trauma to our communities from these repeat offenders. The fact that they were allowed back into communities without appropriate long-term rehabilitation, transitions or monitoring was a key failing identified, and Queenslanders understandably had the right to be angry. However, there were solutions put forward during that inquiry. The fact that there has been no response to those, including to Keith Hamburger's detention model, from the new government is really disappointing. The costs, efforts and voices of Queenslanders during that inquiry—from the victims that we heard from to the front liners—are being lost in this rush.

Here is a question: with detention as a last resort standard for adults and youth in Australia and globally, what does a bill that abolishes it put in its place or actually do? During the inquiry it was never

ascertained as to its effect on court determinations. Countries that have the death penalty, such as the United States, have higher rates of homicide per 100,000 population compared to Australia, demonstrating that harsher penalties do not stop offending when the reasons for offending remain, and those reasons need to be addressed in Queensland. We have repeat offenders with multiple comorbidities including brain damage. Some 53 per cent have experienced domestic violence, 17 per cent have an intellectual disability and 33 per cent have a mental or behavioural disorder, with many victims themselves. No amount of incarceration will end their offending or reasons for it and they will cycle through our prisons, offending in-between, at a cost greater than the options that were put forward during that inquiry.

The Productivity Commission reports that it costs \$1,800 a day or \$657,000 a year which would mean that a seven-year sentence for a 12-year-old would cost around \$5 million, and that is with a 90 per cent chance that they will reoffend within 12 months. Longer incarceration with long-term rehabilitation may decrease that percentage. However, with overflowing detention centres and without significant investment in options that the Katter party as well as communities in our north put forward, what is the reality? Who would employ a 21-year-old who has spent half of their life incarcerated? The overflow to adult prisons will add to the overcrowding already there, and we have heard that many miss out on work skills programs due to this.

It was also identified during estimates that any rehabilitation currently funded by the department of youth justice ends when a youth transitions into adult prisons. When adults who have spent only a year—and I have spoken to them—relay how they would be better going back to prison, that demonstrates how flawed our systems are. On release, with nothing and nowhere to go, they are provided \$100. No wonder 50 per cent of our adults reoffend quickly. I appreciate that the minister and Attorney-General are providing reassurances that rehabilitation failings will be addressed. However, we are considering a bill that will increase time in both adult and juvenile detention without any clear plan and reassurances. We are making a decision without clarity or understanding of the ramifications including that these changes may actually increase the velocity and intensity of offending on release, not reduce it.

There are a lot of unknowns. Our role as MPs is to implement legislation to remove those who present a danger as well as rehabilitate and transition them back when safe to do so. For those who may always be a danger, we need to speak openly about options instead of the silence that surrounds this topic. As I said in my chair's foreword during the YJ inquiry, there needs to be consequences for actions and appropriate rehabilitation that is of a duration that is effective for the offender as well as for their siblings and the environment that led to the offending in the first place. The reasons need to be removed.

There also needs to be evidence-based decision-making, not decisions that are ad hoc and lacking appropriate scrutiny and consultation. We need a commitment to continue implementing all recommendations from that youth justice inquiry. This includes ending the statistical debates that continue to this day by implementing recommendation 60 and targeting immediately the 300 to 400 repeat offenders who have been identified in the serious repeat offender index before they offend again, not waiting until they do. We can do this by mandating interventions of long-term residential rehabilitation and lowering the threshold for declaration.

During that seven-month youth justice inquiry as well as in current submissions we heard what Queenslanders sought—for repeat offenders to be removed from their communities to a secure setting that provides the best chance to rehabilitate, to learn and work and to not reoffend on release. Detention as it currently is does not provide that, and nor do these amendments. However, no doubt after this bill is passed there will be much back patting because we can say that we did something. However, that is not anywhere near good enough. We all owe much better to our communities and to every victim, including victims of the future, who all must be prioritised.