Speech By

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MEMBER FOR NOOSA

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BREACH BAIL, GO TO JAIL AND OTHER LEGISLATION AMENDMENT BILL

Ms BOLTON (Noosa—Ind) (5.02 pm): We all agree: Queenslanders need to feel and be safe in our homes, workplaces and communities. Serious offending must have consequences and serious repeat offending needs to end. The government says that the reforms in this bill will deter serious offending, strengthen accountability and restore public confidence in the bail system and are about making the community feel safer, but will they? Bandaids are attractive and at times provide instant relief. Imprisoning serious offenders for longer is that relief. However, as evidence has shown, there is no rehabilitative effect, with the Queensland Corrective Services annual report 2026 reporting a 55 per cent rate of return to prison within two years.

This bill introduces a mandatory minimum 12-month custodial sentence for specified offences committed while on bail, unlawfully at large or after failing to appear. It also changes the bail test, reduces the requirement to consider diversion for children and extends human rights overrides for another five years. These are significant changes. They affect judicial discretion, which ultimately is about ensuring that politics does not interfere in our courts, and add a load to already under-resourced police and courts as well as at-capacity jails and detention centres. The QCS reports that built cell capacity was at 136 per cent last financial year. If memory serves me—and I am happy to be corrected on this—the current government when in opposition raged about this as well as bursting watch houses.

As with other legislation brought in by various governments, this bill does not address the underlying causes of offending. It also offers no evidence that adding 12 months to a sentence will deter crime; nor does it provide independent data supporting such proposals or guarantee immediate safety as, from our understanding, judges can still release offenders if they pass a new 'high degree of confidence' test. Hence, serious repeat offenders could still be within Queensland communities and able to reoffend. Does that make communities safer now?

Crime is a symptom. Neglecting its underlying causes will continue to see crime committed, regardless of increased incarceration. Housing, mental health, domestic violence and addiction continue to be causes, with rehabilitation limited and often non-existent when prisons are overcrowded. The Australian Lawyers Alliance said—

> The Bill is very likely to increase remand, contested hearings, full briefs of evidence, custodial sentences and pressure on watch houses and detention centres.

The Queensland Bar Association echoes these concerns. We already have a legal system that is choking, with years before cases are heard and determinations made.

The consequences of this bill go beyond its commendable intent. For police, Legal Aid workers, prison and detention centre staff and all who wait, including victims, for cases to be heard, the government acknowledges this yet has not provided assurances on how this will be addressed through the needed extra resources, extra judges and extra prisons—and for what? There is no evidence that there will be a reduction in offending except during incarceration. The Northern Territory Law Reform Committee's 2021 inquiry found insufficient evidence to support mandatory sentencing as an effective

general or specific deterrent. This may be why the current government, when in opposition, did not support mandatory sentencing when the Katter party moved to include it for certain car theft offences during debate on the 2023 Strengthening Community Safety Bill.

Removing judicial discretion requires justification. We need evidence why it will produce better outcomes, and, sadly, I cannot find any. This is particularly relevant for children. The Australian Institute of Criminology clearly articulated again, as it has for many years, that a child's brain development requires a different response to change offending behaviours. Earlier this year I asked where the long-term wraparound supports were for them, including housing, and what targeted responses were being actioned for the 500 or so youths identified during the former youth justice select committee who were causing the majority of crime in their communities. Have I got a response to that so far? No. Removing the option of diversion and individual case management, especially with a recommendation from our police who often know intimately the offender before commencing proceedings, raises a vital question: what are we actually doing?

The Queensland Ombudsman and Inspector of Detention Services submitted that further overcrowding of detention facilities will reduce community safety, with the QAO forecasting that the adult prison population could grow by up to 46 per cent by June 2035. Under the previous government, as well as the current one, I called for an independent crime data agency to improve decision-making, support comparison between jurisdictions and end the practice of selecting statistics to suit any particular narrative. Seeing the rollout over the last two years of legislation that has no evidence base in response to community safety, I believe we now need something much more than just that independent crime statistic agency; we need a system that delivers transparent, accountable and evidence-based decisions that has a process of scrutiny that cannot be bypassed and where factual information must be provided, instead of narratives for political gain. However, that might not hold much appeal for media and clickbait which influences Queenslanders, as seen in my own online question to the Noosa community as to whether they supported this bill. Of the respondents, 55 per cent support it; however, if they knew the facts around these short-term reliefs would that still be the case? I do not know. What I do know from all the evidence is that this bandaid does not guarantee immediate safety; nor does it deliver safer communities into the future.

As analysed for two decades in various inquiries, including the Auditor-General Report No. 15: 2023-24—Reducing serious youth crime and the Legal Affairs and Community Safety Committee's 2014 *Inquiry on strategies to prevent and reduce criminal activity in Queensland*, reducing crime and victims is about addressing contributors. Yes, we need serious repeat offenders off our streets; however, we need to urgently prioritise an enormous amount of funding to address the contributing factors. We need governments to move beyond slogans and blame to bipartisan agreements and to commit immediate and long-term funding on housing, mental health and more.

For Noosa respondents in support of this bill, I believe if they knew that 'automatic' did not guarantee 'immediate', they might have rejected the narrative. There needs to be a clear message to repeat offenders of serious crimes. An extra 12 months in detention at least keeps communities safer for that period, and buys some time for this House to see the needed reform that can actually deliver real, long-term safety for our communities. For this reason only, I support this bill.