

JUVENILE JUSTICE AND OTHER ACTS AMENDMENT BILL

First Reading

Hon. KL STRUTHERS (Alger—ALP) (Minister for Community Services and Housing and Minister for Women) (12.53 pm): I present a bill for an act to amend the Juvenile Justice Act 1992 for particular purposes and other acts as a consequence of the change of that act's title and to amend the Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984, the Child Protection Act 1999 and the Young Offenders (Interstate Transfer) Act 1987 also for particular purposes. I present the explanatory notes, and I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Tabled paper: Juvenile Justice and Other Acts Amendment Bill.

Tabled paper: Juvenile Justice and Other Acts Amendment Bill, explanatory notes.

Second Reading

Hon. KL STRUTHERS (Alger—ALP) (Minister for Community Services and Housing and Minister for Women) (12.54 pm): I move—

That the bill be now read a second time.

During the election we made a number of commitments to strengthen the youth justice system. The bill I am introducing today delivers on these commitments. The changes proposed in this bill are based on a range of evidence and community feedback gathered during the review of the Juvenile Justice Act 1992. Youth justice is a complex and challenging area that requires balanced, evidence based approaches and actions. This bill sets out a robust package of changes to ensure Queensland's youth justice system promotes community safety, meets public expectations, acknowledges the rights of victims and contributes to positive outcomes for young people and their families. I would like to put on the public record my absolute commitment to tackling the issues associated with youth crime, including strengthening processes to ensure young people found guilty of offences can be dealt with effectively. I am also equally committed to supporting the victims of crime and to the provision of intervention, diversionary and support services to prevent and reduce youth crime.

Honourable members, youth crime trends for our state have improved over the past seven years, with the number of offences per 100 young people dropping from 9.3 in 2001 to 8.2 in 2008. This drop can be attributed largely to the efforts of many people, youth services and police who have been determined to tackle the causes of youth crime. Currently, Queensland's youth justice system comprises a range of prevention, detention, supervision, rehabilitation, diversion, police and court services to deal with young people between the ages of 10 to 16 who commit—or are alleged to have committed—offences. These interventions must be strengthened. The government funds a number of services to support victims of crime. There are intervention and diversionary programs such as the Safe Youth—Safe Communities initiative in Moreton and Woorabinda designed to address youth violence. Another is the Youth Opportunity Program in Cairns designed to assist families to manage young people successfully in the community while reducing the risk of further entrenching young people in the criminal justice system.

Honourable members, I am heartened by the fact that most young people who come into contact with the youth justice system do not reoffend. Unfortunately, there is a small cohort whose offending persists. Many of these offenders have dysfunctional families, poor educational attainment, mental health needs, drug and alcohol problems and limited access to health, legal and social services. These factors disproportionately affect Indigenous young people, who continue to be overrepresented in the youth justice system. Young Indigenous people are 15 times more likely to be detained than non-Indigenous young people. In view of these issues, the Queensland government recognised that input from community members and stakeholders in the youth justice field was vital in reviewing the act and the framework it provides for the youth justice system.

A major part of the review was therefore the public release of an issues paper. This paper outlined the terms of reference for the review, raised specific questions on prominent youth justice issues and invited submissions from the community. Some 174 submissions were received on the issues paper. Some 71 were from members of the public, including 53 from young people themselves, 26 were from youth advocacy and legal organisations and 30 were from other service providers. Other respondents included members of Indigenous groups, academics, members of the judiciary, government agencies and victims of youth crimes themselves. The consultation report released in early 2008 showed that Queenslanders do hold diverse views about youth crime, many people saying that they wanted to see more effort to tackle the causes of crime and some saying 'lock 'em up' was the only strategy. Again, as

we know, these responses are very varied. Importantly, the majority of submissions to the review acknowledged the overrepresentation of Indigenous youth and highlighted the need for action on this front. The amalgamation of youth justice, housing and homelessness, child safety services and Aboriginal and Torres Strait Islander partnerships within the new departmental structure offers us great opportunity to tackle these issues head-on.

Honourable members, I am pleased to advise that respondents largely supported the Juvenile Justice Act in its current form and confirmed that it generally works well. My thanks go to all of those groups and individuals who took the opportunity to have their say on the Juvenile Justice Act. Their experiences and knowledge helped us develop innovative and useful responses in this new bill. I now turn to key amendments proposed in the bill. In line with the Bligh government's election commitments and our commitment to strengthen responses to youth crime and ensure the youth justice system meets current needs, the bill focuses on:

- improved sentencing, accountability and diversionary options for young offenders
- protecting the identity of young victims
- refining youth justice conferencing, and
- reducing remand levels.

In particular, during the election the Premier committed to giving courts specific powers to place curfews on juvenile offenders to reduce the chances of them reoffending and to ensure that they are properly supervised. This bill implements this commitment. The Premier also promised to increase the minimum mandatory detention period for young people convicted of multiple murders from 15 years to 20 years imprisonment—the same as it is for adults. This government recognises the need to protect the community from serious young offenders and meet public expectations about their sentencing. In view of the time, I seek leave to have the remainder of my second reading speech incorporated in *Hansard*.

Leave granted.

Although courts are currently able to sentence these young offenders in the same way as adults, the Juvenile Justice Act has enabled the young offenders to be released earlier. The amendment will ensure this no longer happens in these cases.

The Bill delivers on our commitment to reinforce court powers in relation to the naming of young offenders. The Bill provides specific guidance to courts about the naming of a young offender who commits a crime that is considered extremely serious and repugnant and naming is seen as appropriate for the purpose of protecting the community.

In addition, the Bill delivers on the Premier's commitment to giving police stronger powers to arrest young people who do not comply with youth justice conferencing requirements, who contravene an agreement or who fail to attend a drug assessment session, and to take the young person back to court, is delivered in this Bill. Also, the Bill clarifies how agreements that are incorporated in a sentence orders are enforced.

Honourable members the Bill contains a number of amendments to address matters raised by stakeholders during consultation.

Some young offenders remain in juvenile detention centres well after they turn 18. To streamline their transfer to adult prison, the Bill proposes that courts be required to consider setting a transfer date at the time of sentencing. This approach would apply to all young offenders aged 16 and over who are to be detained beyond the age of 18. The existing transfer process will be retained allowing the Department of Communities or young person to apply for transfer closer to their 18th birthday.

The Queensland government has also looked at ways to strengthen our legislation to provide increased protection for the identity of child victims. I am pleased to confirm that the Bill proposes legislative changes to automatically prevent disclosure of the identity of child victims of crime. These changes will expand the protection of young victims' right to privacy and match it to the level provided for young offenders.

As I said earlier, the Bill also contains a number of measures for reducing the number of young people held on remand. The review highlighted pressures on the youth justice system resulting from increased demand for services, particularly detention. These pressures are exacerbated by the high rate of young people being remanded in detention while waiting for court hearings. Less than 10% of instances of young people being remanded in detention subsequently result in detention. To help reduce the pressure, the Bill proposes that the court must:

- consider what the likely sentence will be when deciding whether or not to release a young person on bail, and
- ensure young people are not refused bail simply for welfare reasons, such as a lack of accommodation.

I am also pleased to inform the House that the Bill proposes a new name for the legislation—the Youth Justice Act 1992. This name is more reflective of the contemporary language used by our stakeholders and the general community, and is in keeping with similar legislation in other Australian states.

Finally, the Bill includes a number of minor and technical amendments to improve the workability of the Act. These range from streamlining court and departmental processes to making terminology consistent throughout the Act and giving courts the flexibility to reduce the time allowed for completing shorter-length community service orders.

All the legislative changes outlined in the Bill can be made without additional funding. I am confident these changes will complement other Queensland Government's funded initiatives announced in 2008 to improve the youth justice system such as—allocating funding of \$8 million over four years for youth justice diversion programs and \$170.6 million in capital funding for the expansion of the Cleveland Youth Detention Centre in Townsville. This will make an additional 48 beds available by early 2012.

Together these improvements in service delivery and changes in legislative changes will ensure our state has a responsible, robust youth justice system.

Once again, I thank all those who contributed to the review of the Act and informed the development of the Bill.

I commend the Bill to the House.

Debate, on motion of Mr Springborg, adjourned.