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**<YOUTH JUSTICE AND OTHER LEGISLATION AMENDMENT BILL****Introduction**

**Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (11.29 am): <I present a bill for an act to amend the Childrens Court Act 1992>, the Corrective Services Act 2006, the Youth Justice Act 1992 and the acts mentioned in schedule 1 for particular purposes. I table the bill and explanatory notes. I nominate the Legal Affairs and Community Safety Committee to consider the bill.

*Tabled paper:* Youth Justice and Other Legislation Amendment Bill.

*Tabled paper:* Youth Justice and Other Legislation Amendment Bill, explanatory notes.

I am pleased to introduce the Youth Justice and Other Legislation Amendment Bill 2016. The first stage of amendments, in the form of the Youth Justice and Other Legislation Amendment Bill 2015, was introduced into the House in December 2015. This bill gives effect to the second stage of amendments to the Youth Justice Act 1992 and the Childrens Court Act 1992, and fulfils the government's election commitment to repeal the 2014 amendments and to reinstate court referred youth justice conferencing.

Reducing youth crime in Queensland is a priority for this government. That is why we are repealing these amendments and adopting an evidence based approach to reducing youth offending. Evidence clearly shows that increasing the severity of punishment does not reduce offending nor does it reduce reoffending. The former government promised its tough on crime approach would break the cycle of youth offending by targeting repeat offenders. Youth justice data shows that the number of repeat offenders did not decrease as a result of the former government's amendments. Since 2010-11, the proportion of young people who reoffended within six months of being found guilty has actually increased, indicating the former government's amendments are not effective and do not provide a deterrent for offenders.

This bill reflects evidence on what works to reduce youth offending. The government has listened to academic, legal and community sector stakeholders who have been open in their opposition to the 2014 reforms and have continued to make submissions to have them repealed. The overwhelming majority of submissions received by the government concerning the intention to implement the current reforms before the House today were highly supportive.

It should be noted by the House that the police still maintain their powers of arrest and prosecution, and courts still have their substantial discretion to sentence young people to detention in Queensland. These amendments do not take away any of those powers. In fact, those powers are enhanced and expanded by the provision of new sentencing options. To this end, the bill will close youth justice matters in the lower court, remove the automatic transfer of 17-year-olds to adult corrections and reinstate court powers to refer an offence to a youth justice conference. In closing the lower courts, the bill reinstates the former section 20 to the Childrens Court Act 1992.

However, to make court processes transparent and to ensure victims can be involved if they choose, the bill includes a new provision for victims or their representatives to be present in closed court. This bill builds on the fundamental principles of justice for victims as enshrined under the Victims of Crime Assistance Act 2009, which requires victims to be kept properly informed of the progress of matters in which they have an interest. The proposed amendments provide for the closure of youth justice proceedings in the lower Childrens Court only, with the longstanding practice for more serious indictable offences, as presided over by a judge in the higher Childrens Court of Queensland, district or supreme courts, to continue to be held in an open court.

The government has also committed to moving away over time from treating 17-year-olds as adults for the purposes of the criminal justice system. As a significant initial step in this process, the bill will increase from 17 to 18 the age at which young people, who have at least six months to serve in detention, are to be transferred to an adult correctional facility. Furthermore, to ensure the developmental and rehabilitative needs of young people are taken appropriately into account, the bill will empower a court to delay a young person's transfer for up to six months. However, to maintain the safety of youth detention centres, the bill provides a statutory age cap for detention of 18 years and six months. Under the proposed provisions, a person who is 18 years and six months will not be able to enter a detention centre to begin serving or return to complete a period of detention. The bill also amends the Corrective Services Act 2006 to provide certainty for a young person who is transferred from youth justice to adult corrections, so that a parole order issued under the Youth Justice Act 1992 is a parole order under the Corrective Services Act 2006.

Finally, the bill provides for the delivery of an enhanced court referred conferencing program, with \$23.6 million being provided in the 2015-16 state budget to implement that initiative. Evidence supports reintroducing youth justice conferencing. Conferencing is a restorative justice process and an effective diversionary strategy. Evidence shows that conferencing can have a positive impact on a young person's likelihood of reoffending. Evidence also strongly shows there are direct benefits to victims who are involved in a restorative justice process. These include a reduction in post-traumatic stress symptoms, a reduction in the desire for violent revenge and a heightened level of satisfaction. Research also suggests that restorative justice is most effective when it is legislated as a required consideration, rather than on an optional basis.

Amendments to youth justice conferencing reinstate and enhance the pathways for the court to refer matters to conferences and provide greater flexibility to deliver diversionary restorative justice interventions. Those diversionary interventions and conferences are not soft options for young offenders. Young people are required to accept responsibly for their behaviours, confront their victims and undertake a restorative process, which can include community reparations of one sort or another.

The amendments proposed by this bill and those already being considered in the House represent an important step in moving towards a more balanced and evidence based youth justice system. The government is developing a comprehensive youth justice policy to set out reforming the youth justice system based on evidence of what works. This policy will have a priority focus on reducing the overrepresentation of Aboriginal and Torres Strait Islander children and reducing the impact of youth offending in our communities by supporting children and young people to make long-term positive changes in their behaviour.

An example of action already being taken by the government is its implementation of the Transition to Success program, which is an alternative education and vocational training program currently being delivered in a community setting to young people. The program is being trialled in partnership with Youth Justice, Education Queensland in local secondary schools, registered training organisations, and not-for-profit and local businesses. Transition to Success is demonstrating success in delivering education, training and employment outcomes and in reducing recidivism.

Through this and other evidence based initiatives, the policy will drive action that ensures the community achieves better value from the investment in youth justice. This will include an increased focus on education, skills training, improved family relationships, enhanced resilience and social outcomes for young people. The policy will build on the important amendments contained in this bill and build a world-class best practice youth justice system. I commend the bill to the House.>

### **First Reading**

**Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (11.38 am): 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.

### **Referral to the Legal Affairs and Community Safety Committee**

**Mr DEPUTY SPEAKER** (Mr Crawford): In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.

### **Portfolio Committee, Reporting Date**

**Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (11.38 am), by leave, without notice: I move—

That under the provisions of standing order 136 the Legal Affairs and Community Safety Committee report to the House on the Youth Justice and Other Legislation Amendment Bill by 6 June 2016.

Question put—That the motion be agreed to.

Motion agreed to.