ECONOMICS AND GOVERNANCE COMMITTEE

Members present:
Mr LP Power MP—Chair
Mr RA Stevens MP (via teleconference)
Mr MJ Crandon MP (via teleconference)
Mrs MF McMahon MP (via teleconference)
Mr DG Purdie MP (via teleconference)
Mr A Tantari MP (via teleconference)

Staff present:
Ms J Langford—Committee Secretary
Ms M Salisbury—Assistant Committee Secretary

PUBLIC BRIEFING—INQUIRY INTO THE STRENGTHENING COMMUNITY SAFETY BILL 2023

TRANSCRIPT OF PROCEEDINGS

Monday, 27 February 2023

Brisbane

MONDAY, 27 FEBRUARY 2023

The committee met at 10.34 am.

CHAIR: Good morning. I declare open this public briefing for the committee's inquiry into the Strengthening Community Safety Bill 2023. I would like to respectfully acknowledge the traditional custodians of the land on which we meet today and pay my respects to elders past and present. We are very fortunate to live in a country with two of the oldest continuing cultures in those of Aboriginal and Torres Strait Islander peoples, whose lands, winds and waters we all share. My name is Linus Power, member for Logan and chair of the committee. The other members of the committee joining us via teleconference are: Mr Ray Stevens MP, member for Mermaid Beach and the deputy chair; Mr Michael Crandon MP, member for Coomera; Mrs Melissa McMahon MP, member for Macalister; Mr Dan Purdie MP, member for Ninderry; and Mr Adrian Tantari, member for Hervey Bay.

The purpose of today's briefing is to assist the committee with its inquiry into the Strengthening Community Safety Bill. The briefing is a proceeding of the Queensland parliament and is subject to the standing rules and orders of the parliament. Only the committee and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath or affirmation, but I remind witnesses that intentionally misleading the committee is a serious offence. I remind members of the public that they may be excluded from the briefing at the discretion of the committee. I also remind committee members that officers are here today to provide factual or technical information. Any questions seeking an opinion about policy should be directed to the minister or left to debate on the floor of the House.

These proceedings are being recorded and broadcast live on the parliament's website. Media are also present and are subject to the committee's media rules and the chair's direction at all times. You may be filmed or photographed during the proceedings and images may also appear on the parliament's website or social media pages. Just a reminder, including to myself, to turn your mobile phones off or to silent mode.

BOGARD, Ms Adele, Principal Legal Officer, Strategic Policy, Department of Justice and Attorney-General

DRANE, Mr Michael, Senior Executive Director, Youth Detention Operations and Reform, Department of Child Safety, Youth Justice and Multicultural Affairs

HALL, Mr Phil, Acting Director, Youth Justice Legislation Projects, Department of Child Safety, Youth Justice and Multicultural Affairs

HARVEY, Ms Bernadette, Acting Deputy Director-General, Youth Justice Service, Department of Child Safety, Youth Justice and Multicultural Affairs

MARCHESINI, Commander George, Acting Assistant Commissioner, Youth Crime Taskforce, Queensland Police Service

McLAREN, Commander Scott, Acting Superintendent, State Custody and Property Unit, Queensland Police Service

RALSTON, Inspector Grant, Manager, Youth Justice Unit, Crime and Intelligence Command, Queensland Police Service

ROBERTSON, Ms Leanne, Assistant Director-General, Strategic Policy and Legal Services, Department of Justice and Attorney-General

WILSON, Detective Senior Sergeant Andrew, Legislation Branch, Policy and Performance Division, Department of Justice and Attorney-General

CHAIR: Good morning. Thank you for agreeing to brief the committee today. I invite you to make some opening comments, after which committee members will have some questions for you.

Assistant Commissioner Marchesini: Good morning. Thank you for the opportunity to brief the committee in relation to the Strengthening Community Safety Bill 2023. I am Acting Assistant Commissioner George Marchesini of the Queensland Police Service. I lead the Youth Crime Taskforce and am responsible for managing the implementation of the amendments relevant to the QPS. Representatives from Queensland government departments join me here today to discuss the bill because we are taking a whole-of-government approach to protecting the community from the harm posed by a small cohort of serious repeat offenders.

The bill amends the Bail Act and the Criminal Code, which are administered by the Department of Justice and Attorney-General. It also amends the Youth Justice Act, administered by the Department of Child Safety, Youth Justice and Multicultural Affairs, and introduces consequential amendments to the Police Powers and Responsibilities Act, administered by the QPS. To assist the committee in its understanding of the bill I appear today with Mrs Leanne Robertson, Assistant Director-General, Strategic Policy and Legal Services, Department of Justice and Attorney-General; Bernadette Harvey, Acting Director-General, Youth Justice Service, Department of Child Safety, Youth Justice and Multicultural Affairs; and other colleagues.

The QPS has provided the committee with a joint departmental written briefing. The written briefing complements the bill, its accompanying explanatory notes, statement of compatibility and statement of exceptional circumstances. The focus of my statements today will be on the operational aspects of the bill relevant to the QPS.

The bill responds to serious offending, particularly by young offenders, and follows the 2022 North Lakes incident where two young people were charged with serious offences. The bill consists of two parts and intends to address serious offending by: firstly, introducing amendments to the Criminal Code to increase the penalties for unlawful vehicle offending; and, secondly, making amendments to the Bail Act and Youth Justice Act to strengthen the bail and sentencing frameworks as they apply to children, as well as provide for crime prevention and early intervention programs.

I can advise that the QPS is readying itself for operationalising the bill should it pass in the Legislative Assembly. The bill contains amendments to make it an offence for children to breach bail and removes a requirement for police officers to consider alternatives for children who breach or who are likely to breach bail. The QPS currently investigates and prosecutes these offences committed by adults, so it is in a strong position to extend those processes to children who commit these offences. It is important to note that should a police officer detect a breach of bail by a young offender they may still consider diversionary options under the Youth Justice Act. Currently the QPS operates under a five-point plan when it comes to children on bail and compliance activities. This includes providing targeted support for at-risk children on bail to help prevent them breaching bail and returning to custody.

The bill also includes amendments to extend the scope of the electronic monitoring device trial, known as EMD, for children over the age of 15 years. A police officer cannot impose an EMD condition; however, it is a matter for the courts to decide who is subject to an EMD. The QPS's role is to fit EMDs to children, provide support and respond to EMD alerts that indicate risk to community safety.

The bill also creates a new circumstance of aggravation for the unlawful use of a motor vehicle where an offender publishes their offending on social media. The QPS will continue to use its existing investigation techniques as well as implement the announced social media monitoring initiative to identify those offenders committing and boasting about their criminal activities online. An important element of the bill will enshrine multiagency collaborative panels, also known as MACPs, into law. The QPS will remain a key stakeholder and continue to provide valuable information and support to the serious repeat offender cohort and their families through the MACPs.

I would also like to touch on new community safety reforms that QPS is involved in and which will work alongside the bill. These include extreme high-visibility policing patrols; the youth co-responder program, which involves teams of police youth justice workers patrolling the streets and engaging with young people; and the State Flying Squad, which has been expanded and given a youth justice focus. I will also raise one final measure that ensures the transparency of the arrangements should the bill be passed: the senior officers reference group of the Youth Crime Taskforce will provide oversight of the implementation of the amendments and will report to the Youth Justice Cabinet Committee on progress.

I would like to take this moment to reflect on the importance of the committee's work and the opportunity to appear here today to speak to the bill and provide ongoing assistance in this important area of reform. I will now pass on to Ms Bernadette Harvey.

Ms Harvey: Good morning and thank you, Chair and committee members. I would like to firstly acknowledge the traditional owners of the land on which we are meeting, the Yagara and Turrbal people, and pay my respects to elders past, present and emerging. I will provide you with a brief overview of the amendments to the Youth Justice Act 1992 and, of course, am then happy to take any questions.

The bill includes amendments to the youth justice bail framework and amendments to the youth justice sentencing framework as well as new arrangements for the transfer of 18-year-olds to adult custody and multiagency collaborative panels. The first of the amendments to the youth justice bail framework is the new breach-of-bail condition offence, but my colleague Leanne Robertson will address you on this further. The second is the extension and expansion of the monitoring device provisions. Clause 14 amends section 52AA of the Youth Justice Act to extend the current monitoring device provisions to 30 April 2025 and expands the eligibility to young people aged 15 and over instead of the current 16 and over. Section 52AA was introduced in 2021 with a sunset clause in order to facilitate the trial.

The use of electronic monitoring devices as a condition of bail in certain circumstances has been trialled in five locations: Townsville, north Brisbane, Moreton, Logan and the Gold Coast. A review was conducted by the department, with former police commissioner Bob Atkinson providing an independent peer review. The review found that, while there were some benefits associated with electronic monitoring, its effectiveness in deterring offending behaviour cannot yet be confirmed; nor can any changes to offending be directly attributed to the trial because of the low numbers during the review period. The extension of the provisions allows the trial to continue, providing an opportunity to establish a more robust evidence base to support decisions on the future use of electronic monitoring devices. If the bill is passed, there will be a further review in the lead-up to the new expiry date.

As mentioned in the introduction of the bill, the government intends to extend the trial into three new locations: Cairns, Mount Isa and Toowoomba. This will be done via necessary amendments to the Youth Justice Regulation once the necessary supports and services are in place.

Third, with regard to police power to arrest for contraventions of bail conditions, clauses 15 and 16 amend section 59A of the Youth Justice Act and insert a new section 59AA. These amendments remove the mandatory requirement for police officers to consider alternatives to arrest for a child who is on bail for a prescribed indictable offence or contravention of certain domestic violence orders. The police will retain the discretion to consider alternatives to arrest in those circumstances.

The final amendment to the youth justice bail framework is the expansion of the presumption-against-bail provisions. Clause 41 inserts a definition of 'prescribed indictable offence' into the Youth Justice Act dictionary. This will mean the existing presumption-against-bail provisions will apply to young people who are passengers in a vehicle and subject to unlawful use offences, and to the offence of entering a premise with an intent to commit an indictable offence. The new 14-year circumstances of aggravation for unlawful use of motor vehicles will also be a prescribed indictable offence.

The first of the amendments to the youth justice sentencing framework is the creation of a new serious repeat offender declaration scheme. A court, on application from a prosecutor, will be able to declare a child to be a serious repeat offender. This will apply where the child is being sentenced for a prescribed indictable offence and has previously been sentenced to at least one detention order for a prescribed indictable offence, and the court is satisfied there is a high probability that the child will commit a further offence. The court will have to consider a presentence report and have regard to the child's previous offending history, any efforts at rehabilitation and any other matters that the court considers relevant.

When that declaration is made, the sentencing principles currently in section 150 of the Youth Justice Act will continue to apply, but the court will be required to give primary regard to the following five new principles: the need to protect members of the community; the nature or extent of any violence used in the commission of the offence; any disregard by the child for public safety; the impact of the offence on public safety; and the child's criminal and bail history. The declaration will continue to operate for a further 12 months. If the child is sentenced to detention, the 12-month period will commence upon their release from detention.

The next amendment to the sentencing framework involves changes to conditional release orders. A conditional release order is an intensive community-based order that can be imposed when a period of detention is suspended. The bill will lengthen the maximum duration of a conditional

release order from three to six months and will ensure children sentenced to a conditional release order for a prescribed indictable offence serve their suspended period of detention if they breach the order, unless there are special conditions.

The final sentencing amendment is that courts are to consider bail history when sentencing. The bill will make clear that a court is to take into account any bail history information put before it when sentencing a child. This could include information about their compliance or their noncompliance with bail conditions and their reoffending or their abstaining from offending while on bail.

There are two further amendments to the Youth Justice Act. The first is the transfer of 18-year-olds to adult correctional facilities. The bill will modify existing provisions for the transfer of sentenced 18-year-olds and insert new provisions for the transfer of remanded 18-year-olds. There are essentially three changes: the sentenced detainee will be liable for transfer if they turn 18 and have a further two months to serve, rather than the current six months; a freshly remanded 18-year-old will go straight to adult custody, whereas this currently happens only when they turn 19; and discretion is introduced for the transfer of a remandee who is over 18. The bill ensures an opportunity for the young person to obtain legal representation and to provide a submission to the chief executive on the proposed transfer. The chief executive's decision will also be reviewable by the Childrens Court.

Finally I refer to multiagency collaborative panels, MACPs. The bill inserts provisions to ensure the continuation of these panels—they have existed since 2021—and to ensure a collaborative and multidisciplinary approach to young offenders. The bill establishes MACPs in legislation in a similar way to the establishment of the suspected child abuse and neglect, SCAN, teams under the Child Protection Act. The bill legislates for the MACP system's purpose, membership and responsibilities. Information sharing amongst members under an arrangement established under the act is also in place, which will allow information sharing for the purposes of coordinated service delivery and ensures privacy protections for children. I will now pass to Mrs Robertson.

CHAIR: Thank you very much, Ms Harvey. Can I check that everyone on the phone is clear?

Mr STEVENS: It is clear but we are running out of time for questions.

CHAIR: I understand that. Mrs Robertson?

Mrs Robertson: I note that I am also joined by Ms Adele Bogard, who has also been nominated as a witness before the committee this morning. I am conscious of time so I will talk very briefly to the Bail Act amendments.

Section 29 of the Bail Act provides that it is an offence to breach a condition of bail, which carries a maximum penalty of 40 penalty units, or two years imprisonment. Currently, section 29(2)(a) of the act contains a provision that has the effect that the offence provision does not apply to a child. Clause 5 of the bill seeks to remove the restriction that prevents the offence from applying to child defendants. This will mean that children can be charged with an offence if they breach a condition of their bail, for example a curfew condition.

The maximum penalty available to a court in sentencing a child for this offence will be limited to 12 months detention under section 175 of the Youth Justice Act. As noted in the statement of compatibility for the bill, the amendment to the Bail Act is not compatible with human rights and clause 5(3) of the bill enacts a provision that declares that the Human Rights Act does not apply to section 29 of the bill in relation to a defendant who is a child.

I will turn very briefly to the Criminal Code amendments and an increase in maximum penalties. Clause 8(1) of the bill increases the maximum penalty for the simpliciter offence of unlawful use or possession of motor vehicles, aircraft or vessels in section 408A(1) of the code from seven to 10 years imprisonment. The bill also increases the maximum penalty for the existing circumstances of aggravation in section 408(1A) relating to the defendant's intention to use the vehicle for the purposes of facilitating the commission of an indictable offence from 10 to 12 years imprisonment.

Clause 8(3) of the bill proposes the creation of a number of new circumstances of aggravation for the unlawful use of a motor vehicle. The bill will create a circumstance of aggravation, punishable by a maximum of 12 years imprisonment, where the offender publishes material on a social media platform or online social network to advertise their involvement in the offence or the act or omission constituting the offence.

The bill will also create circumstances of aggravation, punishable by a maximum penalty of 14 years imprisonment, where the offence is committed at night or the offender uses or threatens to use actual violence; is or pretends to be armed with a dangerous or offensive weapon, instrument or

noxious substance; is in company with one or more persons; or damages, threatens or attempts to damage any property. Given that one of these new circumstances of aggravation will cover damage or attempted damage to any property, the current aggravated offence in section 480A(1B) of the code, which applies to narrow instances of wilful damage, will be removed.

Clause 8 of the bill also amends the existing defence to unlawful use of a motor vehicle found in current section 408A(1C) of the code. That section has a defence to the charge of unlawful use of a motor vehicle where the owner has given consent to the defendant to use the vehicle, for which the legal and evidential burden of proof is placed on the defendant. While undertaking analysis of the amendments' impacts on human rights generally, it was identified that this reverse onus of proof was an unjustifiable limitation on human rights and, in its current form, was incompatible with human rights. The bill seeks to address this incompatibility by placing only an evidential burden on the defendant.

For adult and child defendants charged with unlawful use of a motor vehicle with circumstances of aggravation involving violence, where the defendant was armed or pretends to be armed or where there is property damage exceeding $30,000 and the defendant does not plead guilty, those charges must proceed on indictment. The remaining circumstances of aggravation will be dealt with generally in the Magistrates Court, subject to that court's ability to adequately punish a defendant. These arrangements for disposition mirror existing arrangements for similar offences that carry the same circumstance of aggravation—for example, unlawful entry of a motor vehicle under section 427 of the code. That concludes the statement.

CHAIR: I now turn to the Deputy Chair. Do you have any questions?

Mr STEVENS: Yes, I do, Chair. My question is to the assistant commissioner. A main focus of the Strengthening Community Safety Bill is the implementation of an offence of breach of bail to hopefully change the outcomes in terms of repeat offenders. Assistant Commissioner, can you explain to me how the new provision for breach of bail will affect the outcomes in terms of, for example, the car stealing that we have all heard about, particularly when there is a directive under the Youth Justice Act to magistrates and judges that incarceration is deemed to be a last resort?

Assistant Commissioner Marchesini: Obviously I am not going to comment on policy initiatives around that. I will comment on what we do. There is not one, single initiative that will solve the problems that we are dealing with. It needs to be considered in light of all of the tools that are available in terms of operational police and how they investigate and take action. The breach-of-bail provision is one of a suite of tools and a mechanism for police to consider the matter that is under investigation. If a particular person has been charged with an offence and they are on bail, we look at having that person return to court for consideration and, in terms of community safety, whether ongoing custody needs to be considered.

Mr STEVENS: Has the department analysed the reasons some children breach their bail conditions and others do not? What appears to be the main drivers of breach of bail?

CHAIR: That might be a broader question, but Assistant Commissioner Marchesini might begin.

Assistant Commissioner Marchesini: Previous to this amendment being considered before parliament, the police have had interactions in the past two years, since the task force has been established, undertaking intensive bail compliance checking. Once again, there are a number of tools and actions that need to be considered, not just the amendment itself. There are a number of mechanisms that we already have in terms of returning children to or bringing children into custody, depending on what is being investigated and the nature of the breach.

Earlier in the opening address I mentioned operating under a five-point plan. When it comes to children, bail and compliance activities, this basically includes targeting at-risk children on bail to help prevent them breaching bail and being returned to custody. That is always going to be a key initiative. As of 31 January 2023 there have been over 33,000—in fact, 33,627—interactions with young people relating to intensive bail supervision under the five-point plan. When police come across situations where further action has to be taken, that situation will be considered. This amendment along with a whole range of other suites of tools are then considered in terms of what action police take.

CHAIR: The deputy chair asked about detention as a last resort in the sentencing of children. One of the changes in the bill is the serious repeat offender declaration for that limited group who meet those criteria. Can someone talk to the fact that the primary regard of the magistrate or others doing the sentencing has changed? I think in terms of the first question we probably need to make clear to the public the serious repeat offender declaration section.

Assistant Commissioner Marchesini: I might defer to Bernadette Harvey in terms of the regime under the Youth Justice Act. Leanne Robertson from DJAG might also be in a position to answer.

Ms Harvey: The declaration will apply to young people who have already been sentenced to a detention order. As I explained, it will change the principles that the court must have primary consideration of. The five principles are: the need to protect the community; the nature and extent of the violence; the child's disregard for public safety; the impact of the offence on public safety; and the child's criminal and bail history. They are then seen to be the guiding principles for the court in applying that sentence.

Ms Bogard: Just to build on what Ms Harvey said, ultimately it will be a matter for the individual court sentencing the child and the particular circumstances of each case. The task of determining a penalty ultimately involves the complex balancing of interests including, where a declaration is in place, the primary consideration of community safety. It may be that the interests of community safety in the particular circumstances of a case warrant a detention order or a greater period of detention than the court may have considered without those primary sentencing considerations of community safety. I thought that might clarify matters a little bit.

Mr STEVENS: My local police tell me that there are some 400 of these serious youth offenders statewide and probably 100 in my Gold Coast region. Is the assistant commissioner of the opinion that this particular law will assist in reducing the numbers of serious youth offenders out in our communities?

CHAIR: We are sort of straying in the questions, but I will put it to the assistant commissioner.

Mr STEVENS: In terms of the Strengthening Community Safety Bill, is it the opinion of the department that these new laws will assist in reducing the crime by those 100 serious repeat offenders in my area?

CHAIR: Obviously the witness is not giving a personal opinion.

Assistant Commissioner Marchesini: I will get to that question. Certainly in the last two years or so with the task force, a key focus has been on the cohort that has just been mentioned. We talk about roughly 400, and that number fluctuates. Let me be very clear: the number of serious repeat offenders is calculated on different metrics to what we have in the amendment in terms of a serious repeat offender declaration. If we need further information, I will refer to Bernadette Harvey in terms of how that is worked out. Certainly, it is around offending frequency and a number of other characteristics.

In the last two years there has been a lot of effort in terms of concentrating on that cohort. One of the initiatives that you see in the amendments is around enshrining the multiagency collaborative panels into that. In terms of my earlier point about looking at it as an end-to-end system taking a holistic approach, the multiagency collaborative panels are focused on that particular cohort of children. The laws that are being suggested, which will be debated shortly, certainly do assist in terms of being an additional suite of tools that we are able to utilise in conjunction with other mechanisms that we will obviously continue with as we move forward.

Mrs McMAHON: My question is for the assistant commissioner. I want to look at how police have been dealing with juveniles to date, noting the submission spoke about the reduction of young offenders. There is obviously reference to the data from the statistician's office. Is there any data on how police dealt with those offenders—I am assuming they are individual offenders—in terms of how many were cautioned, how many went through a community-based order and how many were actually charged and faced the Childrens Court?

CHAIR: I think I got the gist of your question. Assistant Commissioner, can you answer that question sufficiently?

Assistant Commissioner Marchesini: I can in terms of cautions. There were two other matters the member spoke of?

CHAIR: Member, can you clarify? It was the number of cautions—

Mrs McMAHON: Based on those statistics, what options did police take in dealing with juvenile offenders who were found committing? Was it by caution, were they actually charged and placed before the Childrens Court or were there other community-based orders such as community conferencing and that type of thing?

Assistant Commissioner Marchesini: I understand that QPS is already preparing a response with regard to question on notice No. 96, asked by the member for Clayfield on 23 February 2023, in relation to cautions that have been given to young people. I will have to take on notice the other information in terms of those statistics. What I can talk to—I might also invite Inspector Grant Ralston to talk to this—is that there are obviously a number of options available to police. If we are looking at the broader cohort and not just the serious repeat offenders that this bill particularly references, a big part of that work is in terms of early intervention. It is looking at what other diversionary measures we have in place. That involves cautions as well as restorative justice conferencing, which is a piece of work that we are still going to very much concentrate on. I might ask Detective Inspector Ralston to speak to some of the work happening on the ground in terms of facilitating our contact with children who are probably in that first cohort of 'at risk'.

Insp. Ralston: As the assistant commissioner mentioned, it is the end-to-end system that we concentrate on in that early intervention space. It is not only child protection investigation units. We are building capability throughout the state with uniformed police also, to caution-train our officers. Basically, from the academy out onto the street now, we are giving extra training to our officers. From the time they step out into the community as newly appointed officers, they have that cautioning ability. When they come across people committing crimes, they have those diversionary options of restorative justice conferencing, cautioning and taking no action where appropriate. Then there is the punitive side where necessary. As the assistant commissioner mentioned earlier, throughout the state we have 18 multiagency collaborative panels looking at serious offenders. That is the end-to-end system. We have diversion at one end; at the other end we have the serious repeat offender cohort where we have multiagency panels addressing those approximately 400 serious repeat offenders in the state.

In eight areas of the state we have youth co-responder teams. That is a partnership between the Department of Children, Youth Justice and Multicultural Affairs and the QPS. It involves one member from each of those departments in an unmarked police vehicle working 24 hours a day, seven days a week out on the street, stopping and speaking to young people who are disengaged or at risk, visiting their homes and providing support to those young people and their families in a holistic sense to try and do everything they can to prevent further offending.

CHAIR: We seem to have some positive results about those groups that perhaps might commit a limited numbers of offences, but then we seem to have a lot more struggles with people who, once they have engaged with a number of serious offences, persist and continue to do it. Is that fair to say? Why do those approaches not necessarily make the impact on those individuals?

Insp. Ralston: Without going into individual cases, there appears to be in a lot of those instances a lot more background and years of trauma coming from the homes and the family unit of those serious repeat offenders. We are doing everything we can to try and break that cycle but, as I mentioned, we take a holistic approach. We are trying to not only help that young person but also get a holistic response through the MACPs and the youth co-responder teams into the family unit to try and provide whatever services and support we can to the entire family. That includes siblings as well.

Assistant Commissioner Marchesini: I will add to that in terms of the investment of time and effort with that particular cohort compared to what Inspector Ralston has just spoken to, particularly around intensive case management. Perhaps it might be an opportunity to talk briefly around that. It may highlight some of the background of some of these children we are dealing with and the investment of time and effort that goes into working with these children.

CHAIR: Which group are we talking about—those who first interact with youth justice or those who are persistently interacting?

Ms Harvey: The persistent interactors, the serious repeat offender cohort. That is the 400 that are being referred to. The department has over the last couple of years been engaging in a program called intensive case management. That is working intensively with these young people, their families and their younger siblings in a wraparound way to look at the factors leading to their offending. Part of the new announcements is our capacity to expand that to a broader range of locations across the state to ensure we are working in that much more intense way with a greater number of young people. They are the young people who are being discussed at the multiagency panels. It really is our capacity to gear up our engagement with these young people and, as I said, their families.

CHAIR: Often the challenges you face are discrete to a community. We are going to speak to people in Townsville and Cairns and we hope to speak to some people from Toowoomba. It is those discrete communities that have specific challenges, and the nature of them is quite different. Are there different programs for different areas?

Ms Harvey: Intensive case management does allow us to look at the range of factors in a particular location. The factors that might be leading to the young person offending might be different. If that is disengagement with education then obviously the range of alternatives that are available varies in different locations. It is sort of a common methodology, but the way in which we work might be different or the focus of the work might be different in those different locations.

Mr PURDIE: My first question is for Acting Commissioner Marchesini—or maybe Mrs Robertson might want to add some value, as her earlier verbal submission went into a lot of detail about increasing the head sentence for unlawful use of a motor vehicle. We did hear—we have it in front of us—that the head sentence is being increased, particularly for a circumstance of aggravation, to 14 years. I want to go back to the start. Assistant Commissioner, in your opening submission you said—it is also the first sentence of the written submission—that the legislation before us is directly in response to serious offending following that North Lakes incident on Boxing Day where that lady was stabbed to death. We are now in a situation where the head sentence for unlawful use of a motor vehicle is 14 years with a circumstance of aggravation, which I understand would have to go to a higher court and require a full brief of evidence, but unlawful wounding under section 323 of the Criminal Code is still only a seven-year offence. Have DJAG or the Queensland police raised any concerns about the disparity we have now and the issue with juveniles using knives? Essentially, someone stabbing someone is still a seven-year offence, which could be dealt with by a youth justice conference or other means, and a head sentence for unlawful use is 14 years.

CHAIR: Is the question that, where it is taken to be an aggravation, it would not be treated that way, or whether the use of a knife in aggravation—

Mr PURDIE: The disparity between section 323 now for unlawful wounding, which is the offence of someone stabbing someone, is a seven-year offence. The legislation we have before us—

CHAIR: Just appreciating that it would also be an aggravating offence.

Assistant Commissioner Marchesini: I will start off before getting some additional comment from Leanne Robertson. There are a number of facets to that particular question. Obviously, we treat every investigation on a case-by-case basis. On many occasions with the unlawful wounding that was referred to there are potentially other charges that could be preferred. Obviously, I am talking quite broadly there. Secondly, I am not going to comment around government policy in terms of why the unlawful use in particular was targeted, but I will say that we have seen an increase, as you know with the crime statistics, in terms of unlawful use across the state. We have also seen what we consider to be an emerging issue with the use of social media, particularly with the unlawful use offence. That is something that is quite concerning in terms of the notoriety that is gained by doing that particular behaviour. In terms of what is being proposed in the bill targeting unlawful use of a motor vehicle, that is something that I know investigators on the ground will certainly be looking at. In terms of any additions to that I will pass to Leanne Robertson, unless there are other matters you want me to comment on.

Mrs Robertson: I do not think I can take it much further than that. Obviously, the focus of the government's initiative was around unlawful use of a motor vehicle. I note the comments that have been made in relation to unlawful wounding, but I cannot really take it any further.

CHAIR: There is one thing I could add, if you do not mind, member for Ninderry. Some of the people who are listening may have the view that unlawful use of a motor vehicle is similar to in the 1980s where a screwdriver was used on a car that was left, whereas now we are seeing more and more of these incidents that involve a house break-in—and in some cases other things—in order to get a key because of the security of cars. Has the nature of unlawful use of a motor vehicle changed?

Assistant Commissioner Marchesini: The broad comment I will make around that is: I think anywhere we see technology being utilised we always see offending behaviour change over time, utilising or even combating technology. Hence, there is obviously a pattern that has perhaps started to emerge. I cannot talk any further in terms of validating that through research or evaluation, but certainly we are seeing that.

The other comment I want to make in terms of the issue around young persons carrying knives is that obviously there is a bill before parliament at the moment. That was introduced by the Minister for Police and Corrective Services and Minister for Fire and Emergency Services. The Police Powers and Responsibilities and Other Legislation Amendment Bill 2022 is looking at expanding the trial of handheld scanners to detect unlawfully possessed knives beyond Surfers Paradise and Broadbeach. I understand that has been before the committee and a report has been tabled recently. In terms of those sorts of things, with regard to knife crime there are a number of initiatives on foot at the moment.

Mr PURDIE: In relation to the multiagency response that we spoke about—we heard you talk about that before—has there been any increase in CPIU numbers across the state to deal with that, or has that come from the current strength in different districts that CPIU officers are now attached to those multiagency response teams?

Assistant Commissioner Marchesini: I might ask Inspector Grant Ralston to firstly address the nature of the MACPs and the representation there. There are key points of contact right across the state, not necessarily all CPIUs, but I will ask Grant Ralston to speak to that. In terms of demand, we are continually looking within the districts at where our resources are and where they need to be allocated for that. That will continue to happen through our internal processes. I believe there are some districts that are putting up submissions internally in terms of seeking those resources, and they are things that are balanced across all of our other priorities as well.

Insp. Ralston: In response to the member's question, I can report that a number of the 18 multiagency panels across the state have representation. They all have Queensland Police Service representation from members at sergeant, senior sergeant or inspector level. The majority of those members are from a Child Protection Investigation Unit background. In some areas they are from a Criminal Investigation Branch background. We were very careful and very positive with whom we chose as key points of contact because we want all representatives from the QPS to have that victim-centric child focus background so that we appoint the right people to the right positions.

Mr PURDIE: Inspector, thanks for that. My question was specifically with regard to those 18 panels that have been established. I appreciate that you have some experienced officers on them, but is that from extra strength? Have new positions been created to support the local CIBs and CPIUs, or have staff from CPIUs been pulled into that multiagency response team?

CHAIR: To some extent I guess we are dealing with the bill in terms of its implementation.

Insp. Ralston: In response to the member's question, those QPS representatives are from current strength, not from extra positions.

Mr TANTARI: The Strengthening Community Safety Bill proposes to introduce a new circumstance of aggravation where an offender publishes material advertising their involvement. I am particularly interested in this given the prevalence of social media today glorifying, if not normalising, some of the criminal offences that are taking place as well as notoriety for individuals. Given that the social media landscape is quite large, how will the QPS define the social media platforms or online social networks they may have to deal with in trying to eliminate some of the advertising of these offences?

Assistant Commissioner Marchesini: I will address that with two key components. The first one, in terms of the investigation component, will obviously always utilise investigative techniques in utilising that information that is being posted as evidence in terms of the offence being committed. The second part of that is as per a recent announcement with our social media monitoring, and that is boosting numbers within our Crime and Intelligence Command. A key part of that is obviously looking at what is being posted online. It is certainly not lost that that is a mammoth task in terms of the internet and the platforms that are being posted on, but it is a step in the right direction in allocating a direct resource in terms of acknowledging that particular trend. The last piece of that is also working with key stakeholders, which we have talked about around the eSafety Commissioner and other social media outlets that we need to continue to work with to develop solutions in terms of how we are able to pull a lot of these images off the internet.

Mr TANTARI: I am just interested in knowing what would occur in relation to the advertising of these offences with the platforms that are up there at this point in time. I am just trying to get an idea of how police may be able to interact with those platforms, given there are various ways of sharing those sorts of things as well, where somebody may not have committed the offence but they are in a roundabout way actively involved in the advertising of an offence by sharing and things like that.

CHAIR: I concur. There is no doubt that a lot of MPs would have experienced the revictimisation of someone who has gone through a traumatic experience and then had that broadcast on social media.

Assistant Commissioner Marchesini: Earlier I talked about emerging technologies and the issues that come out of that; hence, having social media monitoring is one key component. It is also uplifting capability throughout our districts in terms of having the ability to reach out to those platforms through the eSafety Commissioner and other arrangements that have been made to quickly take those images off the platform. Many times that is not necessarily around the offenders, so it is those entries that are being broadcast.

Insp. Ralston: To add to what Assistant Commissioner Marchesini mentioned, the intelligence sections of all of our 15 police districts around the state are very aware of the social media issues at times. What is put up on social media is not healthy at times for the community. They are all very well aware of connections. In some instances with some social media platforms those police can reach out to have that social media post removed. In other instances where that may become more difficult, as the assistant commissioner mentioned, the intelligence sections have the ability to reach out to the eSafety Commissioner to intervene and take down those posts, so we will obviously continue that into the future.

CHAIR: Member for Coomera, I am sorry that we took a while to get to you.

Mr CRANDON: That is fine. A lot of the questions that I was going to ask have been asked, so I will just get on to a couple of others. How many 18-year-olds are currently held in youth detention centres? If you can break that down by centre, that would be welcome. In the event that the Strengthening Community Safety Bill 2023 goes through the parliament, will those 18-year-olds be transferred to adult prisons?

CHAIR: Are you asking specifically as of last night, or are you asking the department for an average?

Mr CRANDON: What we are talking about in the first instance is how many 18-year-olds are currently held in youth detention centres now broken down by centre, and will those 18-year-olds be transferred to adult prisons as a result of this legislation?

Ms Harvey: I will answer the first part and then perhaps hand to my colleague Phil Hall to respond. On 15 February there were 30 young people aged over 18 in youth detention centres. Apologies, I do not have the breakdown for each centre, but we can take that on notice and come back with that information. I might just hand to my colleague Phil Hall to respond.

Mr Hall: As Ms Harvey said, there were 30 on that date a few days ago. Five of them were sentenced and 25 were remanded. The short answer to the question is that none would transfer immediately. The provisions are not retrospective. As of commencement, if the bill is passed certain processes would start. Depending on whether that young person is happy to be transferred and agrees and does not seek a review in the Childrens Court, that process could happen quickly—within a month, perhaps. If it is more complicated, the chief executive takes longer to make a decision and there is a review in the Childrens Court, it will take longer. There is also the provision, as Ms Harvey outlined in her opening statement, that a freshly remanded person over 18 would go straight to adult custody rather than youth justice custody, so that would be an incremental change that would take effect over a period of time as new people are remanded. For example, the 18-year-olds who are currently in youth detention, who entered custody aged over 18, would be eligible for the transfer process to be initiated. As I said, that could take potentially a month or two.

Mr STEVENS: In relation to the MACPs that you have been talking about—I think you have answered most of the questions in that area—are you keeping data on success rates, or lack of success, in relation to intensive case management cases, and can that be made available to the committee if you have?

Ms Harvey: In relation to an evaluation of intensive case management, an evaluation has been undertaken. I need to take some advice in relation to the provision of that evaluation to the committee, but that evaluation is showing a 51 per cent decrease in offending for young people who are going through intensive case management, and a 72 per cent reduction in offences involving violence.

CHAIR: The essence is that the data is being kept on those?

Ms Harvey: Yes, it is.

Mr STEVENS: They are taking on notice whether or not that data can be made available?

CHAIR: We were just presented with some data. Is there any further data you can take on notice to present to us about research that is being held on that piece?

Ms Harvey: There are two different things. With regard to the multiagency collaborative panels, it is still early days in terms of building an evaluation framework for multiagency collaborative panels, but certainly for young people who are being managed through intensive case management there is the data I have presented. If the question is specifically around the release of the evaluation, I am happy to come back with some advice around the release of the evaluation report.

CHAIR: Ms Harvey is undertaking to get back to us on the release of that.

Mr STEVENS: Thank you.

CHAIR: We heard repeatedly a call for a bringing back of section 59A, which was to do with young people and bail, and then we heard before about breaching bail such as curfew or residential condition orders. Would breaching a condition of bail such as curfew or residential condition orders for young offenders been considered a breach under section 59A from 2014 through to 2016?

Ms Bogard: The breach-of-bail offence that existed between 2014 and 2016 was a breach of committing a further offence. A breach of a curfew condition or a residential condition would not have fallen within that offence. The offence under section 29 of the Bail Act, which will now apply to children if the bill is passed, applies to a breach of bail condition, not committing a further offence whilst on bail. That would apply to a breach of curfew or a breach of residential condition.

CHAIR: To clarify, 59A and, I think, 69A—whatever the current section is—are quite different in that curfew and directions of the judge were not regarded as an offence under the act and therefore were not captured under 59A?

Ms Bogard: Correct.

Mr STEVENS: With regard to increasing penalties, in percentage terms how many offenders are currently sentenced to maximum penalties?

CHAIR: To clarify, are we talking youth justice or offenders in general?

Mr STEVENS: Youth justice. In relation to the increasing penalties that we are talking about in this framework that we are applying to the youth of our state—these reoffenders et cetera—what percentage of them are actually sentenced to maximum penalties?

Mr Hall: We would not have that data on hand today. I anticipate it would be pretty low. There is case law that applies for both adults and children that makes clear that the maximum penalty is only for the most extreme and most heinous example of an offence that you can possibly think of, and obviously it is not all that common that that scenario arises before the courts, either for adults or for children. The maximum penalty set by parliament is for that most serious case. Most sentences are for something less than the maximum.

CHAIR: A different way to phrase it would be that most of the cases of a breach of a particular law are not at the most extreme edge of a breach of the law in the view of the magistrate or judge that is making that sentencing?

Mr Hall: That is right, and where either side—the defence or the prosecution—is not happy with a sentence, there are appeal and review mechanisms available.

Mr STEVENS: With regard to strengthening the youth justice framework and the amendments that require certain child offenders to serve the suspended term of detention if they breach conditional release orders, which offenders does this apply to? 'Certain child offenders' is the term used.

Mr Hall: It will be a case-by-case consideration. If a child is sentenced to a conditional release order and they breach that conditional release order—for example, by not participating in the programs they are directed to participate in—then they are brought back before the court and the court has to make a decision then about whether to lock them up for the rest of their period of detention that was suspended when they were initially given the conditional release order, or to allow the conditional release order to continue perhaps on varied conditions.

Currently the child has the obligation to show why allowing the conditional release order to continue is the best option. This bill, if passed, would change that to require the courts to revoke the order and require the child to serve the rest of the period unless there are special circumstances. To answer your question, what are special circumstances will depend on the individual case: the nature of the breach, how well the child might have complied up to the breach, the seriousness of the breach, and whether there might be a change of circumstances, for example, a change of living arrangements that might give the indication that there might be better prospects of compliance in the future. There is no particular cohort that that applies to. It is a case-by-case consideration.

Ms Bogard: To clarify what I think the member was asking about, the amendments will apply to those who are put on a conditional release order in relation to a prescribed indictable offence; that is the certain offences we are talking about. The current situation is that any offender who breaches a conditional release order has to explain to the court why they should not be ordered to serve the suspended period of detention hanging over their head. Under the amendments in the bill, children who are put on conditional release orders for prescribed indictable offences will be in a show cause position where they have to serve the suspended term unless there are special circumstances.

Mr STEVENS: Those are the 'certain child offenders' that we are referring to?

Ms Bogard: That is correct.

CHAIR: Ms Bogard, was there any section under section 59A—the old provision—where a youth offender who had breached the conditions of their conditional release would have to immediately serve the rest of their sentence?

Ms Bogard: No. The provision you are referring to is the breach-of-bail offence provision and that did not relate to conditional release orders, so if a person was found guilty of committing a further offence then they could be charged with that breach of bail.

CHAIR: So it was not connected at all with conditional release orders?

Ms Bogard: Correct.

CHAIR: There being no further questions, I thank you. I did notice that Ms Harvey undertook to get back to us on a particular detail. I note that with the data not available there may be difficulties with it, but you will provide us with that information at any rate.

Mr STEVENS: There were other matters taken on notice during the questioning process that we went through then. Are they going to be coming back to us in a certain time frame on those? I imagine the secretariat has kept a list of them.

CHAIR: We have identified two issues. There is one here with regard to numbers in youth detention which I thought had been answered, but maybe some further information—

Ms Harvey: Chair, I think the question was specifically around the number of 18-year-olds across the three detention centres.

CHAIR: And the provision of data on the multiagency collaborative panels—no, sorry, not the—

Ms Harvey: Intensive case management evaluation, yes.

CHAIR: Is there anything else you think we have missed, member of Coomera?

Mrs McMAHON: Chair, there was data from my question.

CHAIR: Is it easier to clarify or is it something we should follow up with through the secretariat?

Mrs McMAHON: It was the data on how police dealt with the juvenile offenders.

CHAIR: We will look at the transcript and will follow up with Assistant Commissioner Marchesini. With that, I thank you all for the information you have provided today. To our diligent Hansard reporters and the broadcast staff who are listening upstairs, thank you for your assistance. A transcript of the proceedings will be available on the committee's webpage in due course. Proceedings can also be viewed on the web broadcast. We note the questions on notice. Because we have a shortened time line, I ask that any responses be returned by 5 pm on Wednesday, 1 March 2023. I declare this public briefing closed.

The committee adjourned at 11.41 am.