

STRENGTHENING COMMUNITY SAFETY BILL 2023

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Every Queensland
community deserves
to be a liveable one

24 February 2023

Mr Linus Power MP
Chair
Economics and Governance Committee
Member for Logan

Via Email: egc@parliament.qld.gov.au

Dear Mr Power

RE: LGAQ Submission on Strengthening Community Safety Bill 2023

The Local Government Association of Queensland (LGAQ) is a not-for-profit association representing all 77 local governments across Queensland as the state-wide peak body for our sector.

We thank the Economics and Governance Committee (the Committee) for undertaking this Inquiry.

Please find enclosed a copy of the LGAQ's submission, on behalf of our members, for your consideration. Individual councils and councillors may also lodge their own submissions as well.

We are comfortable with this submission being made public. As outlined in our submission, we would encourage the Committee to hear from a panel of local government leaders, at a public hearing, about the impact of youth crime in their community and to address opportunities outlined in the Bill to keep the community safe, strengthen existing laws and respond to the impact of serious repeat offenders. We would be happy to help facilitate this opportunity if it is of interest to the Committee.

For further information in relation to this submission, please contact Mr Nathan Ruhle, Lead – Intergovernmental Relations on [REDACTED]

Yours sincerely,



Alison Smith
CHIEF EXECUTIVE OFFICER



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Strengthening Community Safety Bill 2023

Submission to Queensland Parliament Economic
and Governance Committee

24 February
2023

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About the Local Government Association of Queensland (LGAQ)

The Local Government Association of Queensland (LGAQ) is the peak body for local government in Queensland. It is a not-for-profit association established solely to serve councils and their needs. The LGAQ has been advising, supporting, and representing local councils since 1896, enabling them to improve their operations and strengthen relationships with their communities. The LGAQ does this by connecting councils to people and places; supporting their drive to innovate and improve service delivery through smart services and sustainable solutions; and providing them with the means to achieve community, professional and political excellence.

Partners in Government Partners-in-Government

In February 2023, the LGAQ on behalf of all 77 Queensland local governments re-signed a three-year partners-in-government-agreement with the State of Queensland.

The Agreement details the key principles underlying the relationship between the state and local governments and establishes the foundation for effective negotiation and engagement between both levels of government.

The agreement acknowledges that local government is the closest level of government to the community, affecting the lives of everyday Queenslanders and acknowledging Local Government as a genuine partner in the Australian government system.

The intent of the agreement was to continue the tradition of working in genuine partnership to improve the quality of life for all Queenslanders to enjoy. By identifying the roles and responsibilities of each party, it provides a solid foundation for effective negotiation and engagement between both levels of government.

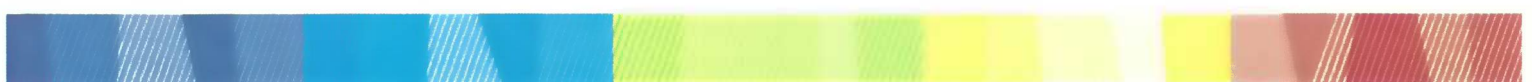
The LGAQ is committed to working with the Queensland Government and will continue to be a passionate advocate for councils, to serve our joint jurisdiction for the people of Queensland.

Rural and Remote Councils Compact

The Rural and Remote Councils Compact¹ signed on 25 June 2021, complements the existing Partnership in Partners-in-Government agreement in place between the LGAQ and the Queensland Government to provide a platform to ensure issues of priority for these communities are properly considered by the Government when developing policies, programs, and legislation.

The Rural and Remote Councils Compact, pledges to amplify the voice of and improve outcomes for the state's 45 rural and remote councils and their local communities by enhancing engagement between both levels of government.

¹ https://knowledgebaseassets.blob.core.windows.net/images/9c61cdc2_3cta:eb11-94ef-002248181740/Rural%20and%20Remote%20Councils%20Compact%20-%20signed%20copy.pdf



Strengthening Community Safety Bill 2023

Executive Summary

The LGAQ welcomes the opportunity to provide feedback to the Queensland Parliament's Economic and Governance Committee in relation to the Strengthening Community Safety Bill 2023 (the Bill), introduced in the Queensland Parliament on Tuesday 21 February 2023.

As the closest level of government to the community, Queensland local governments are acutely aware of the impact of crime, in this case youth crime, on the victims, business owners and local communities right across the State.

While local governments don't have a direct role in providing policing services, local leaders are keen to represent the concerns of their community and be constructive in partnering with the government to address these concerns.

Queensland's disaster management arrangements place local leaders at the heart of not only coordinating the local response but preparing for any and all scenarios to protect people and property. In doing that, our mayors work hand in glove with the Queensland Police Service and emergency services officers and volunteers to keep Queenslanders safe.

It is in that spirit that Queensland's local leaders approach the issue of how best to tackle youth crime.

The LGAQ's policy statement, which is the definitive statement of the collective voice of local government in Queensland, confirms that councils will work in cooperation with the Queensland Police Service and communities to address crime, fear of crime, and injury prevention. It further states that local government will work with the State Government and all sectors of the community to assist with the identification of issues of local and regional concern and negotiate appropriate responses that contribute to a sense of safety and wellbeing. Local government will actively seek to engage stakeholders as part of planning and development processes as a contribution to building communities in which people feel safe.

There are also a number of LGAQ annual conference resolutions that have endorsement from Queensland's 77 local governments that speak to the impact of crime and youth crime on local communities, but also about solutions.

Once they are endorsed, these annual conference resolutions automatically become part of the LGAQ's advocacy platform and outline how local governments can work with other levels of government to respond to community concerns.



Recommendations

The LGAQ has included feedback from member councils on the impact of youth crime and has made six recommendations, summarised below:

- **Recommendation 1:** The LGAQ recommends the State Government provide additional diversionary facilities on remote State-owned properties across Queensland where low-risk youth offenders can gain social and vocational skills (including accreditation), enabling them to pursue future employment opportunities, rather than be sent to youth detention facilities.
- **Recommendation 2:** As part of an opportunity to increase early intervention strategies, the LGAQ recommends the State Government develop training and support for regional police to engage in community events, on the ground cultural training, and youth engagement activities as part of their regional placements.
- **Recommendation 3:** The LGAQ recommends the State Government coordinate a review of the *Juvenile Justice Act 1992* and the Youth Justice Framework in partnership with key expert stakeholders consisting of, but not limited to, Queensland Police, Members of the Queensland Judiciary, relevant State Government departments and members of Victims of Crime groups to address the following concerns:
 1. Lack of support and compensation for victims of juvenile crime
 2. Limitations in police powers
 3. Level of supervision for offenders under restraint or community release
 4. Consistency in the interpretation of the legislation by Magistrates dealing with young offenders
- **Recommendation 4:** The LGAQ recommends the State Government boost crime prevention by providing additional funding to the Queensland Police Service to enable them to install, maintain and operate CCTV systems in local communities.
- **Recommendation 5:** The LGAQ recommends the State Government better support the Indigenous Recruit Preparation Program to increase the numbers of fully sworn Indigenous police officers, and the introduction of a recruitment target of fully sworn Indigenous police officers to align with the population of First Nations people in the Queensland community.
- **Recommendation 6:** The LGAQ recommends the implementation of a community policing model in all Indigenous council communities.

Introduction

The first priority of any government is to ensure the safety of its citizens.

On behalf of our member councils, the LGAQ strongly welcomes action to address the youth crime issues impact local communities across Queensland.

While we recognise the timeframe for consultation on this Bill is extremely tight, the community concern about the impact of youth crime across Queensland is widely acknowledged.

The issue of youth crime and its impact on community safety and liveability has been raised by our member councils at various forums, including at the LGAQ's 2022 Annual Conference held in Cairns in October.

The LGAQ, as the state-wide peak body for Queensland's local government sector, represents our council members to advocate for issues and respond to reviews of policy settings. This often includes legislation that is tabled in the Queensland Parliament, statutory reviews, inquiries or other forums.

In this instance, we would encourage the Committee to hear from a panel of local government leaders about the impact of youth crime in their community and to address opportunities outlined in the Bill to keep the community safe, strengthen existing laws and respond to the impact of serious repeat offenders.

It is important that the Committee has an appreciation of the causes and impacts of youth crime, across a range of different communities in Queensland.

We note the comments from the Minister for Police and Corrective Services and Minister for Emergency Services, Hon. Mark Ryan MP, in his introductory speech that:

*"While this bill contains significant reforms to strengthen and build on the operation of some of Queensland's current youth justice and criminal laws, the significant additional investment package of more than \$332 million ensures that programs to divert children away from crime will continue, building on the work already done over recent years and continuing to reduce the overall number of unique young offenders. More than \$88 million will be available for grants programs and programs delivered by non-government organisations, and \$66 million will be provided over two years for priority police initiatives including extreme high-visibility patrols, police online and engagement teams with intelligence capability, and a specialist youth crime rapid response squad."*²

Local government leaders are keen to support place-based initiatives that recognise the value of early intervention and other diversionary programs. The challenges in Mount Isa are different to Townsville and to Brisbane. Understanding that dynamic, within a state-wide policy framework is fundamental in responding to the broader issue.

² https://documents.parliament.qld.gov.au/events/han/2023/2023_02_21_DAILY.pdf#page=17

The primary concern of the LGAQ and our member councils is the safety of residents and the liveability of Queensland's local communities.

Submission

In responding to community concerns around the impact of youth crime, the LGAQ acknowledges the objectives of the Bill, as outlined in the explanatory notes:

The objective of the Strengthening Community Safety Bill 2023 (the Bill) is to give effect to legislative reforms announced by the Queensland Government on 29 December 2022 aimed at keeping the community safe, and to strengthen youth justice laws to respond to serious repeat offenders. The Bill will do so by amending the *Bail Act 1980*, the *Queensland Criminal Code*, the *Youth Justice Act 1992* and the *Police Powers and Responsibilities Act 2000* to:

- increase the maximum penalty for unlawful use or possession of motor vehicles, aircraft or vessels from seven to ten years imprisonment
- create new circumstances of aggravation for the offence of unlawful use or possession of motor vehicles, aircraft or vessels where:
 - the offender has published material advertising their involvement in or of the offending on social media
 - where the offending occurs at night
 - where the offender uses or threatens violence, is or pretends to be armed, is in company and damages or threatens to damage any property
- provide that it is an offence for children to breach a condition of their bail undertaking
- extend and expand the trial of electronic monitoring as a condition of bail for a further two years and to include eligible 15-year-olds
- remove the requirement that police consider alternatives to arrest if they reasonable suspect a child on bail for a prescribed indictable offence or certain domestic violence offences has contravened or is contravening a bail condition
- provide that a child's bail history must be taken into account during sentencing
- create the ability of a sentencing court to declare³ that a child offender is a serious repeat offender in certain circumstances to enable considerations such as community safety to be paramount
- enable conditional release orders to operate for a greater period of time
- ensure certain child offenders serve their suspended term of detention if they breach their conditional release orders
- expand the list of offences included within the definition of 'prescribed indictable offence' to facilitate greater operation of provisions of the Youth Justice Act 1992 aimed at serious repeat offenders, including the presumption against bail provision under section 48AF and the new sentencing regime for children declared serious repeat offenders
- enabling the transfer of persons who have turned 18 years on remand and the earlier transfer persons who have turned 18 years serving a sentence from youth detention centres to adult correctional centres
- ensure the continuation of multi-agency collaborative panels which provide intensive case management and holistic support for young persons identified as high risk or

requiring a collaborative response through a multi-agency and multi-disciplinary approach.³

As outlined previously in this submission, the 2022 LGAQ Annual Conference (held in Cairns in October), received four specific motions were put forward by member councils and strongly endorsed by the Annual Conference.

Youth Diversionary Facilities

One of the resolutions put forward and endorsed by member delegates related to the need for more youth diversionary facilities.

Many young people are going through the court system after falling into bad ways and committing crimes. The reasons behind this offending behaviour are often very complex. The current system of either sending them to formal youth detention centres, where they often become further criminalised by the fellow inmates or are given some form of community service is not working for many of these vulnerable young members of society.

In addition to current land holdings, it is proposed that small centres be developed on some of the existing State Government properties, where these young people can be given a chance in life. This can be done by providing them with both social and accredited vocational skills in a safe environment away from the bad influences they currently live in.

These facilities can be set up across the State and while a wholistic approach is important, should specific groups wish to establish culturally specific facilities, this should be accommodated.

These facilities should not be seen as places of punishment but rather places where young people, who have often missed out on opportunities because of the environment they are in, could develop the necessary skills to succeed in life.

This is a positive step that could address re-offending rates and provide specific services and support that is required to break the cycle of crime.

Recommendation 1: The LGAQ recommends the State Government provide additional diversionary facilities on remote State-owned properties across Queensland where low-risk youth offenders can gain social and vocational skills (including accreditation), enabling them to pursue future employment opportunities, rather than be sent to youth detention facilities.

While this is a broad recommendation, that builds upon existing options being examined by the State Government, the outcome sought from this recommendation could be achieved by:

1. Utilising State-owned regional and remote properties to establish Youth diversionary projects for youth who are at risk of entering the Juvenile Justice system; and
2. Delivering diversionary projects in place, that provide young people who are disengaging or have disengaged from the education system with alternative pathways into further education, employment and social engagement that is culturally appropriate and inclusive.

³ <https://documents.parliament.qld.gov.au/tp/2023/5723T165-CA47.pdf>

As part of this process, investigating more opportunities for early intervention is important to ensure that at-risk children are identified before they enter the criminal justice system.

At a local level, increasing the engagement with local police can be facilitated through simple low impact activities and youth diversionary programs. This can include simple engagement with the community through sports and recreation programs, and where appropriate cultural activities can work to create an ongoing dialogue with community members and introduce a way for local police to identify at-risk youth.

Institutional support for these activities, and some training may enable further reductions in recidivism, and ultimately more youth seeing community policing as a viable career option.

Recommendation 2: As part of an opportunity to increase early intervention strategies, the LGAQ recommends the State Government develop training and support for regional police to engage in community events, on the ground cultural training, and youth engagement activities as part of their regional placements.

Broader review of the Youth Justice legislation

While the package of legislative reforms being implemented in this Bill is acknowledged, as is the \$332 million investment in additional resources announced on 21 February 2023⁴, there has not been a significant consultation process undertaken with criminal law experts.

Further to these legislative reforms and the additional allocation of targeted resources, a coordinated and broader review of the legislation would have significant benefit.

Recommendation 3: The LGAQ recommends the State Government coordinate a review of the *Juvenile Justice Act 1992* and the Youth Justice Framework in partnership with key expert stakeholders consisting of, but not limited to, Queensland Police, Members of the Queensland Judiciary, relevant State Government departments and members of Victims of Crime groups to address the following concerns:

1. Lack of support and compensation for victims of juvenile crime
2. Limitations in police powers
3. Level of supervision for offenders under restraint or community release
4. Consistency in the interpretation of the legislation by Magistrates dealing with young offenders

This issue was also supported as an annual conference resolution by member councils at the 2022 LGAQ Annual Conference in Cairns.

As part of this broader review, the State Government could consider -

- a. Incorporating greater considerations for victims of juvenile crime.
- b. Enhancing police powers to adequately deal with juvenile offenders.
- c. Implementing greater consequences and penalties for repeat juvenile offenders.
- d. Exploring potential consequences for nominated caregivers and guardians where there is a lack of adherence to parental responsibilities.

⁴ <https://statements.qld.gov.au/statements/97218>

- e. Providing additional community supervision for offenders under restraint or community release to ensure ongoing compliance with court orders.
- f. Consistent interpretation of the legislation by Magistrates dealing with youth offenders that is reflective of community expectations and needs.

Impact on liveability

While councils are not the first responders who deal with local crime in their communities, the liveability of Queensland communities is fundamentally important to all of our members. Councils deal with the impact of crime in their communities – from damage to public infrastructure, to business and investment confidence through economic development strategies, planning policy and supporting social cohesion and the social benefits of ensuring that all Queenslanders are safe no matter who they are or where they live.

In that respect, the LGAQ advocates for the economic and social sustainability of Queensland's communities.

We recognise the benefits of the Crime Prevention Through Environmental Design guidelines for Queensland⁵ which were originally developed in 2007 to support a consistent approach to crime prevention for local councils, urban planners and designers, businesses, police, community groups and others interested in the sustainability and prosperity of Queensland's local communities.

Other proactive initiatives that prevent crime are also worth considering.

There have been repeated calls across local towns and cities for councils to install, upgrade, operate and maintain CCTV systems to assist the Queensland Police Service (QPS) in their policing functions.

While the State has, on occasion, provided grants to enable councils to install this equipment, this only covers the initial capital cost and not the ongoing maintenance and operational cost, which is significantly higher than the original outlay.

Some councils, especially the larger ones, have been forced into undertaking this function, at their community's expense. With the increase in crime and anti-social behaviour across communities in the state, there has been calls for either more CCTV or the installation of systems where there have not been ones before.

Local QPS officers assure council staff that access to CCTV systems is essential for them to effectively police the community and is required to both prevent crime and to be able to apprehend perpetrators. CCTV is an important tool for the QPS to perform their role, and we would encourage more investment from the State Government.

Recommendation 4: The LGAQ recommends the State Government boost crime prevention by providing additional funding to the Queensland Police Service to enable them to install, maintain and operate CCTV systems in local communities.

⁵ <https://www.police.qld.gov.au/sites/default/files/2021-07/Crime%20Prevention%20Through%20Environmental%20Design%20-%20Guidelines%20for%20Queensland%202021%20v1.pdf>



Community policing

In some Indigenous communities in Queensland, community engagement with the Queensland Police Service (QPS) can be lacking, and negative stereotypes persist. Through roles such as Police Liaison Officers (PLO) and Protective Service Officers (PTO) there are incremental improvements in relationships and improved on-ground outcomes.

Mayors and senior executives from Queensland Indigenous community councils strongly support the need for a community policing model with a focus on improved socio-economic outcomes in First Nations communities. This can support a State Government target of reducing re-offending rates for all First Nations offenders (youth and adult).

Indigenous community leaders want to see fully sworn Indigenous police in community that have all the powers of any sworn QPS officer, rather than someone with a uniform and no power. Community members becoming police officers would send a strong message of QPS' role in fair and equitable rules of law, cultural diversity, and inclusiveness.

The establishment of the model would require agreement on required formal training and qualifications and not provide different (lower) levels of learning, but consider prior experiences, individual history and recognition of prior learning opportunities.

Repeated reviews and surveys of police officers report high levels of fatigue and a desire to change professions. To support local Indigenous communities and police officers, we must do something different that will deliver improved outcomes for all parties.

These issues don't just exist in First Nations communities. To support the need to build cultural awareness across all of Queensland, the LGAQ would support increased training for all Queensland Police Service officers.

Supporting the transition to a community policing model requires resourcing and a commitment to increase the number of fully sworn Indigenous police officers.

The Commission of Inquiry into Queensland Police Services responses to domestic and family violence included evidence tendered that gave a breakdown of indigenous QPS members (officers and staff), stationed across regions, divisions and district and included the rank and role of each member, as at 31 May 2022, and outlined below:

First Nations police officers by region

| Region | Headcount |
|---------------|-----------|
| Brisbane | 50 |
| Central | 28 |
| Far Northern | 26 |
| North Coast | 32 |
| Northern | 18 |
| South Eastern | 34 |
| Southern | 38 |
| Total | 226 |

First Nations police officers by rank

| Rank | Headcount |
|------------------|-----------|
| Inspector | 6 |
| Sergeant | 56 |
| Senior Sergeant | 15 |
| Senior Constable | 161 |
| Constable | 38 |
| Total | 276 |

Headcount by First Nations identity*

| Identity | Police | Recruit | Staff member | Total |
|-------------------|--------|---------|--------------|-------|
| First Nations | 276 | 3 | 118 | 397 |
| Non-First Nations | 8235 | 18 | 2231 | 10484 |
| Non-disclosed | 3784 | 399 | 2357 | 6540 |
| Total | 12295 | 420 | 4706 | 17421 |

* diversity figures (other than gender) rely on employees to self-identify through a voluntary Equal Employment an Opportunity survey.

This represents 2.25% of the total policing service, whereas the Queensland Government Statistician's Office reports that by 30 June 2031, the proportion of the Queensland population identifying as Aboriginal and/or Torres Strait Islander is projected to be between 4.6% and 5.4% of the State's population.⁶

Recommendation 5: The LGAQ recommends the State Government better support the Indigenous Recruit Preparation Program to increase the numbers of fully sworn Indigenous police officers, and the introduction of a recruitment target of fully sworn Indigenous police officers to align with the population of First Nations people in the Queensland community.

Recommendation 6: The LGAQ recommends the implementation of a community policing model in all Indigenous council communities.

These issues were also raised as an annual conference resolution and received the endorsement of Queensland councils at the 2022 LGAQ Annual Conference in Cairns.

⁶ <https://www.qgso.qld.gov.au/issues/2781/population-estimates-projections-aboriginal-torres-strait-islander-qlders-2006-2031.pdf>

Examples

The following examples were cited by member councils in the development of annual conference resolutions put forward in 2022:

Goondiwindi Regional Council

The severity and frequency of juvenile crime has impacted our community. The overwhelming majority of property crime experienced by our community is due to a small number of repeat youth offenders.

The Police require appropriate resources and enhanced powers to deal with recidivist juvenile offenders including those who have been released into the community on court orders.

Legislative changes need to occur to break the cycle of crime and hold repeat offenders accountable and protect communities. We are advocating for greater deterrents and interventions to prevent ours and other communities having to deal with the consequences of repeat juvenile offenders.

Council has actively been engaging with relevant cross border (New South Wales & Queensland) stakeholders and the issues contained in the above motion have been regularly identified as issues requiring legislative change.

Livingstone Shire Council

Residents and business owners within the Livingstone community have often expressed concern at the apparent lack of consideration given to victims of juvenile crime within the Juvenile Crime legislation.

These are victims whose property has been stolen and often damaged in the conduct of the crime. The question of fairness and justice is prominent within the legislation, but how is "fairness" to be extended to victims of crime.

There appears to be no compensation requirement for juvenile offenders, however insurance costs rise as a result of claims against the crime.

Council is seeking support for the residents and business owners of Livingstone Shire Council and other councils in Queensland which suffer from heightened juvenile crime. The legislation is lacking in its consideration of victims of crime and needs expert input in developing amendments to facilitate this consideration.

Conclusion


The LGAQ strongly welcomes action to address the youth crime issues impacting local communities across Queensland.

Local government leaders across Queensland are keen to partner with the State Government to implement place-based solutions that address the underlying causes of crime.

Preventing crime and increased early intervention will improve the liveability of Queensland's communities, and in turn improve community safety for its residents.

In doing so, we support an evidence-based approach that reduces crime, reduces re-offending rates and rehabilitates offenders.

Contact Details

Please do not hesitate to contact Nathan Ruhle, Lead – Intergovernmental Relations via email  or phone 1300 542 700 should you wish to discuss any aspect of this submission.



Appendix

LGAQ Policy Statement

The LGAQ Policy Statement⁷ is a definitive statement of the collective voice of local government in Queensland. The relevant policy positions of local government in the context of community safety are as follows:

7.4.2 Community Safety

7.4.2.1 Councils will work in cooperation with the Queensland Police Service and communities to address crime, fear of crime, and injury prevention.

7.4.2.2 Local government will work with the state government and all sectors of the community to assist with the identification of issues of local and regional concern and negotiate appropriate responses that contribute to a sense of safety and wellbeing. Local government will actively seek to engage stakeholders as part of planning and development processes as a contribution to building communities in which people feel safe.

7.4.2.3 Local government will incorporate Crime Prevention Through Environmental Design (CPTED) principles in their assessment frameworks within the planning development process.

⁷ <https://www.lgaq.asn.au/downloads/file/183/2019-lgaq-policy-statement>

