



EDUCATION, TOURISM, INNOVATION AND SMALL BUSINESS COMMITTEE

Members present:

Mr SJ Stewart MP (Chair)
Miss VM Barton MP
Mr MA Boothman MP
Mr SL Dickson MP
Mr BM Saunders MP
Mr RA Williams MP

Staff present:

Ms S Cawcutt (Research Director)
Ms M Coorey (Principal Research Officer)

PUBLIC BRIEFING—INQUIRY INTO THE YOUTH JUSTICE AND OTHER LEGISLATION (INCLUSION OF 17-YEAR-OLD PERSONS) AMENDMENT BILL 2016

TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, 21 SEPTEMBER 2016

Brisbane

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Committee met at 11.02 am

CHAIR: I declare open the committee's public briefing into the Youth Justice and Other Legislation (Inclusion of 17-year-old Persons) Amendment Bill 2016. I would like to introduce the members of the Education, Tourism, Innovation and Small Business Committee. I am Scott Stewart, member for Townsville and chair of the committee. The other committee member with me today is Miss Verity Barton, the member for Broadwater and deputy chair. Joining us on the phone are: Mr Mark Boothman, the member for Albert; Mr Steve Dickson, the member for Buderim; Mr Bruce Saunders, the member for Maryborough; and Mr Rick Williams, the member for Pumicestone. The briefing is being transcribed by Hansard and the transcript will be published on the committee's website. Please ensure that you have your mobile phones turned off or switched to silent. The committee's proceedings are proceedings of the Queensland parliament and are subject to the standing rules and orders.

On 14 September the Attorney-General, Hon. Yvette D'Ath, introduced the Youth Justice and Other Legislation (Inclusion of 17-year-old Persons) Amendment Bill 2016 into Queensland parliament. The bill was referred to the Education, Tourism, Innovation and Small Business Committee for detailed consideration. The committee is required to report to the Legislative Assembly by 27 October 2016. The Department of Justice and Attorney-General will brief us on the bill this morning.

GUDZINSKI, Ms Kirsten, Senior Policy Officer, Youth Justice Policy, Department of Justice and Attorney-General

HALL, Mr Phil, Manager, Policy, Youth Justice, Department of Justice and Attorney-General

LYNCH, Mr Mark, Director, Youth Justice Policy, Research and Partnerships, Department of Justice and Attorney-General

CHAIR: I welcome officers from the Department of Justice and Attorney-General. We have allowed about an hour to hear from you, including questions from members. Mr Lynch, would you like to start.

Mr Lynch: Good morning. Thank you for the opportunity to come along today to discuss the transformation of the youth justice system in Queensland, signalled by the move to include 17-year-olds in the youth, rather than adult, justice system. In Queensland with a few exceptions, such as the laws around drivers licences and a few other things primarily related to employment and licences of one sort or another, the law defines adulthood as commencing at 18. Queensland is the only jurisdiction in Australia that treats 17-year-olds as adults in the criminal justice system. However, by treating 17-year-olds as adults in the criminal justice system we are not just inconsistent within our own state and with the rest of Australia but we are also in breach of the United Nations Convention on the Rights of the Child.

It is important to recognise that when the Juvenile Justice Act 1992 was first introduced it explicitly had a built-in commitment to move over time to include 17-year-olds in the youth justice system. The benefits of including 17-year-olds in the youth justice system are nationally and internationally recognised and acknowledged. Research from the United States using a longitudinal MRI study reports that brain development continues from childhood into our early 20s and that significant changes occur between puberty and adulthood to parts of the brain responsible for self-control, judgement, emotions and organisation. That study, albeit it was in 1991, remains the seminal work in the field to this day. Australian research also points to the way in which the brain is still developing during adolescence, and this accounts for the lack of maturity, underdeveloped sense of responsibility and tendency to reckless behaviour that is often displayed by young people. It is a very normal feature of adolescence.

The incomplete nature of children's and young people's neurological and cognitive development is such that a criminal justice system that responds to this group in a developmentally appropriate manner is warranted. A justice system that does not take into account the reality of adolescent brain development is an unfair justice system. Given the evidence that the brain continues to gradually mature into the early 20s, we recognise and acknowledge that any declaration of adulthood at some point less than 25 could be considered in some quarters as an arbitrary declaration. However, the international community, and Queensland in most other respects, have long settled on 18 as the age that can most reasonably and practically be considered a marker for the onset of adulthood.

While we have an efficient and effective adult corrective services system, we cannot lose sight of the fact that 17-year-olds are not adults. The youth justice system is specifically set up to provide reduced exposure to more hardened adult offenders; increase the ability to be diverted from the court system via rehabilitative diversionary strategies, interventions and options; improve access to more age-appropriate education, training and specialised programs; more intensive staff supported supervision and custody which characterises youth detention centres; and implement the sentencing principles of the Youth Justice Act itself which prioritise support and rehabilitation in the community where practicable and appropriate.

Turning now from the policy intent to the actual mechanics of the bill, there are a few points that I think can usefully be made. The bill changes the definition of a child for the purposes of the Youth Justice Act from 17 to 'under 18'. The bill provides for the management of this change by dealing with three cohorts of 17-year-olds: a cohort who have not yet been charged; a cohort for whom proceedings are on foot; and a cohort who have been sentenced and are under Corrective Services supervision by way of imprisonment order or a community based order at the time the bill commences.

The bill will commence by proclamation within 12 months of passage. From commencement a 17-year-old who is alleged to have committed an offence whilst aged 17 but who has not yet been charged will be treated as a child for the purposes of the act. Part 6, division 11 of the act deals with child offenders who become adults, and this will apply if the person has turned 18 or when the person turns 18. Management of the second cohort, the 17-year-olds who are involved in current court proceedings, and the third cohort, those who are serving current adult sentence orders, requires more careful planning. It is a more complex contextual situation that has to be dealt with.

The government did have the option of utilising the existing section 6 of the act which, as I already flagged, foreshadowed this move to include 17-year-olds, but this would have left the latter two cohorts in the adult system. The need for planning and capacity building means that some individuals within those groups who are close to turning 18 or who are very close to the finalisation of their proceedings or close to completing their sentence will not see the benefits of this reform. Here we are obviously thinking of someone who is days or a week away from finishing their sentence in an adult prison, and it makes more sense to leave them to finish that week than it does to uproot them and transfer them maybe from North Queensland down to Brisbane for the sake of a couple days.

The government will do all that it can to transition as many second and third cohort 17-year-olds into the youth justice system as possible, with the bill providing a transitional regulation-making power to deal with those two cohorts. For the second cohort, those for whom proceedings are on foot, a transitional regulation may provide for the person to be treated as a child in relation to the alleged offence, and for some this will be a simple matter of transferring the proceedings to the Childrens Court. The regulation will need to provide certainty for a range of different scenarios—including, for example, the case where a lengthy hearing is part heard at commencement or a joint trial of a 17-year-old with a co-accused who is 18—so section 390(3) will provide a broad power for the court to make an order or give directions to facilitate the transition to ensure that any of these scenarios or other unanticipated scenarios can be managed in a sensible and appropriate way.

For the third cohort, who are already subject to a sentence order, the transitional regulation may provide for the application of the Youth Justice Act and other acts to the person as if the sentence or any other subsequent order about the sentence were a sentence or order made under the Youth Justice Act. This is important because it preserves the independence of the judiciary. The bill does not in any way interfere with sentence orders made prior to commencement; rather, it simply provides for the administration of those orders for 17-year-olds in the youth justice system rather than adult system. By way of example, an adult probation order will be able to be administered as though it were a youth justice probation order. The adult order would stand, but the person would report to a youth justice service centre and take direction and receive support from a youth justice case worker.

Similarly, a sentence of imprisonment would remain a sentence of imprisonment, but the person would serve that term of imprisonment in a youth detention centre rather than an adult prison. The bill contemplates exceptional circumstances where a 17-year-old might not be transferred from adult to youth custody, and this is to provide for circumstances where, for example, as I mentioned, a person is due for release a short time after. Any exceptional circumstances will be managed by these transitional arrangements.

The bill provides a broad power for the court to ensure that any anticipated scenarios can be managed in an appropriate way. It allows the court to make orders or give direction in the interests of justice and having regard to the application of the act or another act under the transitional regulation to vary the sentence or even discharge a sentence and replace it with an equivalent youth justice sentence. It is, however, anticipated that the discharge would only occur in extreme cases where, for example, the intention of the sentencing court would otherwise be thwarted and could not be achieved by way of an order, direction or variation of the sentence order. These powers that the bill gives to the courts are there to ensure flexibility and the preservation of the intention of the sentencing courts throughout the transitional phase.

The proposed section 389(3)(a) facilitates the continued application of other acts to an adult sentence that is being administered using the provisions of Youth Justice Act. This will facilitate, for example, the application of appeal provisions to the sentence, again preserving the integrity of the adult sentence made prior to commencement. Taken as a whole, these heads of power for transitional arrangements are broad enough—but clearly defined enough—to facilitate a regulation which will provide for all of the detailed arrangements necessary to achieve the policy intent of this bill. Importantly, these changes will commence by proclamation in order to ensure that in fact there is thorough planning for a safe and proper transition to be made.

The actual implementation of these processes made possible by the bill will be achieved in large part through the endeavours of some critical work groups. A cabinet subcommittee is being formed to oversee the progression of the work. Reporting to that cabinet subcommittee there will be a whole-of-government panel—a key agency whole-of-government group—and that will be convened to oversee the development and implementation of programs and practices necessary to build the capacity of detention centres and the communities sector and safely integrate 17-year-olds within the youth justice service system. There will be a stakeholder advisory group also established which will support and advise the government panel in its work, and the government will undertake a very comprehensive and rigorous process working with these stakeholders with the intention of ensuring that the infrastructure and services are indeed ready to safely meet the increased demands that will accompany the inclusion of 17-year-olds into the youth justice system. Consultation with stakeholders will commence immediately to identify all possible scenarios and the necessary arrangements that will be required to manage those eventualities, and that work will inform the regulation.

Inclusion of 17-year-olds in the youth justice system is obviously a major policy reform. However, it is important to bear in mind that there is already reform well underway in youth justice and we already have in place a well-developed evidence based platform to bring about and then support the historic change that is carried through with this particular bill. The ongoing reform agenda in youth justice is very clear in its objectives. It is about reducing offending and reoffending, it is about reducing remand numbers, it is about increasing the numbers of children and young people successfully supported in the community, and it is about increasing community safety. The youth justice reform agenda acknowledges the responsibility we have when a child or young person offends to intervene and stop them from progressing further into a life of crime, and we in Youth Justice acknowledge that how we intervene with young offenders will have a profound impact on whether they continue into a life of crime or whether they turn away from offending and make a positive contribution to their local community and Queensland more generally.

Evidence is driving this reform agenda. However, and critically, research and government data clearly together point to the necessity for a broad range of government agencies to work together if we are in fact to effectively respond to the highly complex needs of children and young people in the youth justice system. It is clear that children and young people who do not have their basic health and welfare needs and who are not participating in education, training or employment are at high risk of being remanded to custody and of reoffending. The complex support that is required to meet the needs of this cohort cannot be provided by Youth Justice alone. The magnitude of the change that we are discussing here will require a coordinated, comprehensive, whole-of-government approach and, with this recognition in mind, the whole-of-government youth justice policy is currently being developed to secure agreement and drive coordinated efforts to identify safe and better alternatives to remand in the community. Diverting children and young people from the youth justice system

altogether provides support for meeting the underlying complex needs that lead to offending and provides support beyond the completion of a youth justice order to sustain change and reduce reoffending.

A priority of the reform agenda is reducing the unacceptable level of overrepresentation of Aboriginal and Torres Strait Islander children and young people, who are 23 times more likely to be held in detention than non-Indigenous young people on any average day. A very high youth level on remand, with almost two-thirds of children and young people in detention not actually sentenced but being remanded, is a feature of the youth justice system in Queensland that we cannot let continue. Reducing remand and overrepresentation are key strategies that are necessary if we are to meet the challenge of including 17-year-olds into the youth justice system.

Under the wide range of reforms underway, Youth Justice will continue to hold children and young people accountable for their offending, courts will continue to appraise appropriate outcomes for offending and Youth Justice will continue to administer youth justice orders. The immediate focus for all government agencies involved in this exercise will be concrete measures aimed at reducing offending, reoffending and remands in custody.

As a final note I would make the point that what we are discussing as a particular issue today is in fact just one key element of this much broader research agenda which is aimed at better outcomes for young people, for families, for local communities and for Queensland as a whole. Thank you very much and we are obviously happy to respond to any questions that you have.

CHAIR: For those committee members who are on teleconference, I will go to Verity first. Then I will have some questions and then we will open it up to you guys over the phone.

Miss BARTON: Thank you all for coming in today. Firstly, how are 17-year-olds who are presently incarcerated in adult prisons managed within those adult prisons? I wanted to ask what are the circumstances, but I do not want you to talk about their offences but how they are managed and maintained within those facilities.

Mr Lynch: We are in Youth Justice and probably that is a question more for Corrections, but in general terms I would make the point that Corrections does recognise that 17-year-olds have more complex needs than those who are older and they make every effort to ensure they are together as a group, and they do have a range of specialist programs that they direct towards those young people. I guess the reality is that the overwhelming majority of the people that they are responsible for are much older and they have a very demanding client cohort that they have to respond to, whereas Youth Justice of course is exclusively focused on children and young people. Yes, Corrections does respond to the needs of those. They do have specialised programs and they do endeavour to meet the specific needs of that age group.

Miss BARTON: Are they separated from those who are 18 and over?

Mr Lynch: Yes, they are, but I think that is probably a question better directed to them to the extent to which that separation holds and how exhaustive it is.

Miss BARTON: I guess the problem is that, because the Attorney has introduced the bill, it is your department that is briefing us. Probably a lot of my questions are for Corrections, but it is a reality that the Minister for Corrections has not introduced the bill.

Mr Lynch: Sure.

Miss BARTON: I get that there is still a lot of work to be done in the sense that this bill just provides a framework and how the transition works is still to be determined over, I imagine, the next 12 months until proclamation, but is it your expectation, having worked, I assume, with Corrections, that 17-year-olds would be separated within youth detention? I imagine that there are significant concerns about 17-year-olds and perhaps 10-year-olds being together as well.

Mr Lynch: Yes. I think there are two aspects of it. It seems that you are asking two questions, so correct me if I have misunderstood. It is probably important to note that Corrections would primarily treat the younger people as a cohort—so 17- to 25-year-olds for instance, and they would tell you the exact cohort that they deal with—but they would deal with a younger cohort that is broader than just the 17-year-olds just for reasons of practicality. When it comes to within the youth detention centres, the 17-year-olds and the 10-year-olds are separated but they are in the same detention centre—and it is a more campus environment rather than a prison, albeit that it is clearly a detention centre—and there are already 17-year-olds there, so it is not as if this will be the first time it has ever happened that there would be a 17-year-old in the same environment as a 10-year-old.

Miss BARTON: The explanatory notes talk about the cost of government implementation. They talk about the day-to-day cost being \$44 million per annum once 17-year-olds are transitioned fully into the youth justice system, but it also talks about \$400 million. Is that \$400 million what it would cost if this change were not made, or is that part of the transition because new facilities will need to be built because there will be more people in youth detention?

Mr Lynch: If there were no changes made to the way in which the youth justice system works—so if you left everything exactly as it is—but you put in effectively another 55 or so 17-year-olds from the adult prison system, you would be looking at a new infrastructure build sooner rather than later. If you were to build a new facility—and bearing in mind that the lead time for that is around five years—you are looking at something in the order of \$400 million, but that assumes that you do nothing differently. Central to this bill and one of the reasons it is such a transformational initiative really is that it does envisage a change to the way in which youth justice operates, and that is why it needs to be a multiagency approach. The aim is to not have to build, not have to immediately go to a \$400 million build because you are doing things like the remand reduction strategies.

Miss BARTON: With regard to the \$44 million in the explanatory notes, does that take into account what I assume are going to be additional staff required within the facilities, or is that a question again for Corrections?

Mr Lynch: No. That is our initial estimate, but I will take a step back. It is very difficult to put a price on it when the price, in a sense, depends upon what are the initiatives that the multiagency group determines is the approach which we should carry forward in terms of remand reduction strategies. Until you know what you are going to do, it is very difficult to put a price on it. However, there are some things that you absolutely already know the cost of. For instance, we know that we will get in the order of 209 people coming across from the adult system on community corrections orders, so we know that every 10 of those will require a caseworker and there will be administrative support and so on. There are some things that are known knowns that you can put a figure to. For other things it would be pre-empting the work of that multiagency group to say, 'It will cost this,' because we do not know what that will be. That is a best estimate and, really, it was an important point to make so that we did not inadvertently create the impression that somehow this could be achieved in a cost-neutral fashion, because it cannot.

CHAIR: Are those costs then associated with the adult prison?

Mr Lynch: No. For the adult prison it will make negligible difference. Again, check with them but my understanding is that we would be talking about something in the order of \$3 million as the saving, as it were, but it is a completely unrealisable saving because—

Miss BARTON: They still have to have the facility.

Mr Lynch: That is right.

Miss BARTON: Do you have an idea about the increase in personnel that would be in those facilities? Is that something that your agency has considered?

Mr Lynch: We have, obviously, but that is something that will be considered in much more detail over the next few months. If we go down the remand reduction strategy route, which we obviously have to do, it changes the nature of the cohort that will be in detention and that in turn will change the nature of the staff required. Again, it has to be kind of sequenced and we cannot jump ahead and say, 'We're going to change our workforce in this way. We're going to change the skill profile,' because we are not quite sure yet what the cohort is going to look like in detention.

Miss BARTON: Finally, when were you aware that this change was being made?

Mr Lynch: Sorry, but in what sense?

Miss BARTON: In terms of the preparatory work for the bill that the committee is considering. I understand that there has been a lot of talk for a number of years, but we suddenly have a bill before the House and it seems that there is still a lot of work to be done. I am just wondering how long your office had been working on this particular bill.

Mr Lynch: We were asked by the Attorney to produce the policy submission, as you know, and the timing of that. Following that, the decision was made by the Attorney that she was keen to proceed.

Miss BARTON: Was it this year or last year or—

Mr Lynch: No, we are talking about now, this year.

Miss BARTON: Okay, because obviously a few weeks ago there was a lot of media commentary about it and we now have a bill. I am just wondering how reactionary it is.

Mr Lynch: This issue has literally been on the books since 1992, as you know, so it is something that is talked about constantly in youth justice. A constant feature of the work program of Youth Justice is, 'What would happen if we could bring in the 17-year-olds? What would it cost?' Things like the \$400 million are known figures. We had them long ago. Really, it was about the Attorney-General saying, 'Okay, we've been working on it for a very long time. Let's go.'

CHAIR: Mark, if this bill becomes legislation, we have a 12-month lead time. Can you step me through that process? Is that saying that all the 17-year-olds who are currently in adult prisons stay in adult prisons?

Mr Lynch: No. What will happen is that, at the point of proclamation, those 17-year-olds who are in there—and some of them may be in there at the moment and some will be new—will then transition into the youth justice system.

CHAIR: And any new 17-year-olds—

Mr Lynch: Will never go into the adult; they will just go straight.

Mr Hall: We also have the option to stagger the commencement of different provisions of the regulations. The work of the multiagency group gets underway and we start establishing, identifying and preparing for the various strategies that will be implemented. It will not just be one; it will be a number. We might find that we are ready for different cohorts at different times. There might be geographic differences. There are a whole range of options that are on the table. The way that this has been progressed provides for the flexibility for us to move with whatever works at the time. We will not be picking up 50 17-year-olds in a bus on day one and taking them to detention centres; a whole range of different options will be considered.

CHAIR: Phil, thank you for taking me down that road. In those strategies, would you be considering the types of offences these 17-year-olds had committed as part of that process and any other support strategies that have been in place in the detention facility they are in currently, whether it is an adult prison?

Mr Hall: Yes, that is all ahead of us. Some of the work to be done is working out what skill sets detention centres will need to bring in that they do not currently have. If there are 17-year-olds with particular needs around whom Corrective Services currently has some good wraparound services—bringing in outside people, for example—that are not readily able to be replicated or easy to start very quickly in a detention centre, that might take some time to develop. It may be that we bring over other 17-year-olds earlier than those 17-year-olds, for example.

CHAIR: Your transition phase will be needs based, looking at each individual 17-year-old and making sure they have all the services they need to be successful when they transition into a youth detention centre?

Mr Hall: This approach has the flexibility to do that, yes.

CHAIR: Excellent.

Mr Hall: All of that planning is—

CHAIR: All in front of you.

Mr Hall: It is a very exciting time to be in Youth Justice.

CHAIR: I now open the questioning to any other members of the committee.

Mr DICKSON: Thank you so much for your time today. I have three questions. The first one relates to cost per head for people held in youth detention compared to cost per head for adults held in youth detention. I do not know if you have that handy. If not, I am happy for you to come back to it.

Mr Lynch: There are different ways of calculating that. We are happy to provide more detailed information on the costings.

Mr DICKSON: Okay. I am happy for them to come back with that, because I can imagine that they probably do not have that on hand.

CHAIR: One moment, Steve. Mark is just in the process of answering that one question.

Mr Lynch: In general terms—and there are different costings that I am happy to provide, because it depends on whether you include a whole range of things like depreciation and so on—you are looking at a comparison of something like \$1,500 a day in youth detention and, depending on Brisbane

how you count it, it ranges from \$1,200 to \$1,800 versus \$200 to \$300, again depending on how you count it, in Corrections. The rough rule of thumb is that it is roughly five times more expensive to keep people in a youth detention centre than it is in an adult prison environment.

Mr DICKSON: It we can get that in writing, I would greatly appreciate that—and on a per annum basis it would be very handy, too. Thank you.

Mr Lynch: I would be very happy to provide that.

CHAIR: If you can take that question on notice?

Mr Lynch: Yes.

Mr DICKSON: How do we determine a 17-year-old? In a leap year it is 17 plus 365 days and 17 plus 364 in a normal year. Is that how we determine it?

CHAIR: No, there are 365 days in a regular year.

Mr DICKSON: Yes. That is it? A 17-year-old is considered a 17-year-old from the day that he becomes 17 until just before he is 18?

Mr Hall: That is right.

Miss BARTON: On their 18th birthday.

Mr Lynch: I confess, we had not thought that one through.

Miss BARTON: For your sake, I hope there are not many people born on 29 February!

Mr DICKSON: Yes. Bad luck for them! The third question I have is relating to spitting hoods. Are they utilised in youth detention centres as well as in adult prisons?

Mr Lynch: No, they are not.

Mr DICKSON: They are used in adult detention centres but not in youth detention centres?

Mr Lynch: It would be a matter for Corrections. I would hesitate to make a comment on whether they do or not.

CHAIR: Yes. It does not relate to the bill, Steve.

Mr DICKSON: I think that could be why we are doing the bill. That was my understanding—because of newspaper articles that demonstrated that. I just wanted to find out if that was the fact. I think the committee may ask that question when they are travelling around the prison system anyway.

CHAIR: Thank you. Any further questions from the members on teleconference?

Mr SAUNDERS: With that costing of \$1,200 to \$1,800, I presume in youth justice there is training and classes for juvenile offenders. Does that include the cost of the training or the classes that they do?

Mr Lynch: Yes, it does. By way of example, to give a sense of why it is so much more expensive, when you look at the education programs in a youth detention centre you find that you have a teacher for every six young people. In addition to the teacher you will usually have a teacher aide and often a youth worker as well and sometimes somebody else as well, like a specialist art teacher or so on. You are getting staff-to-young-person ratios that are very close to one to one. It is just very expensive responding to the very complex needs of these young people.

Mr SAUNDERS: I am glad you clarified that, because I have a lot to do with Corrections. With the \$300-plus a day in Corrections, a lot of these youth offenders are only in for three or four months and some of them are for longer. They are only going in and doing woodworking classes or working down in the workshops. That is why the cost in the adult correction centre is a lot more.

I would like to ask about the recidivism rate. When the under-17s go to the correctional centre, have we been tracking how many reoffend, compared to being in youth detention? As a person who has had a lot to do with the correctional centre here and with the youth there hanging around some of the more senior and experienced criminals, no doubt they would pick up a few bad habits. Are there any records to show how many reoffend?

Mr Lynch: We will not know about that particular group until they are back in. Obviously we are very mindful of recidivism rates. Reducing recidivism is one of the key aims of the reform agenda that is afoot. Our view is that, in terms of reducing the likelihood of reoffending, those young people are much better served by the intensive support and wraparound services they are able to access in a youth detention centre than they have access to in the adult system.

Mr SAUNDERS: I understand that, but I wanted to know if there are any records kept now of how many of those youth who have been incarcerated into corrections have reoffended? Do we have any hard evidence or data now?

Mr Lynch: I may be misunderstanding your question. Obviously we track reoffending among young people in the youth justice system. We do not have access to them as they move into the adult system. We can look at the reoffending rate of people who are in our system, and we monitor that over time. I am sorry, I think I am missing where it is that your question is going.

CHAIR: Can you clarify that a bit more, please?

Mr SAUNDERS: My question is: since these youth have been put into the correctional centres with the hardened criminals, has there been any data kept to show that the reoffending rate has gone up, or that when they get out of the correctional centre they are cohorting with some of these unsavoury types on the outside, for want of a better word? Has there been any data on that since they have been locked up in mainstream prisons?

Mr Lynch: Sorry, I do understand your question now. No, I am not aware of any, but we are certainly happy to explore that and find out whether in fact there is anything.

Mr SAUNDERS: Thanks very much.

CHAIR: Thank you. Any there further questions?

Mr BOOTHMAN: Mark, you mentioned that 17-year-olds are separated from the adult population. Would the same thing be done for the 17-year-olds in the youth detention centres to separate them from the younger populations?

Mr Lynch: A degree of separation already takes place, obviously, in youth detention centres. Ten-year-olds are not routinely mixing with 17-year-olds in a way that presents risks. One of the strategies that we need to look at is whether in fact there are ways in which we can manage the numbers of 10- to 13-year-olds. Are there options for them outside of being in detention? One of the first priorities of the remand reduction strategy is to look at 10- to 13-year-olds who are remanded in custody. Are there alternatives? Are there community based, supervised residential centres, for example, that would be better placed to look after those 10- to 13-year-olds? Those are all the sorts of options that are on the table, because we are very mindful of the risks that I think you are alluding to in terms of mixing 17-year-olds with 10-year-olds.

We are saying that, within the detention centre itself, there are clear strategies in place to minimise any risk and minimise degrees of contact that might be unhelpful. In addition, we are looking at options for alternative placements rather than in a detention centre. If a 10-year-old is going to be remanded over the weekend, is a detention centre the best place to remand them?

Mr BOOTHMAN: For me, it is these older individuals teaching the younger kids the tricks of the trade. Again, that is my main concern.

Mr Lynch: It is a very reasonable concern and it is one that is at the centre of the management of young people in detention centres.

Mr WILLIAMS: I did not catch how many youth we will have transitioning from the adult system back to the youth detention. Was that 35?

Mr Lynch: No. If we were to do it today—and obviously it fluctuates a little bit on a day-to-day basis—we would be looking at around 55 people coming from the adult prisons. Around 10 of those would be sentenced and the rest of them would just be remanded and not yet sentenced. In addition, we would have in the order of 210 people on community based orders who would transfer over to youth justice community based management and supervision.

Mr WILLIAMS: Thank you. That is a minor relief for our prison system, given that the media says they are overloaded all the time. We are going to have a little bit of relief there. We are going to have them moving to the youth detention centre. I know that it is only early days, but has any modelling been done with respect to how soon we are going to have to face that \$400 million infrastructure bill?

Mr Lynch: We look at that on an ongoing basis. Obviously on a daily basis we track the numbers. We do projections forward as to what that would mean. If nothing were to change then it would be inevitable that in five to 10 years you would need a new facility. Population growth alone would underpin that. It is complicated because great scope exists for changing what the profile of the youth justice cohort looks like. Frequently 80 per cent of people in our system are on remand. If we could tackle that and better manage those young people who are often only in detention for very short spells—the median stay in a detention centre is about 14 days. If 80 per cent of your detention centre

population is on remand with a median stay of around 14 days, you have lots of churn. You have large numbers of people cycling through very quickly for very short spells. If you could manage that better you could substantially reduce the numbers overall, and that is exactly what we will be looking to do over the next year before proclamation.

Mr WILLIAMS: That would be looking at community based detention?

Mr Lynch: That is absolutely one of the options. There are ways in which the court system itself could operate more efficiently—if a young child has a range of matters to be dealt with, making sure they are all dealt with at the same time rather than half one week and half the next week and the young person is held in detention in the interim and then perhaps they get a community based order anyway. We need to be working on a range of fronts. We need to be looking at the way in which the courts work. We need to be looking at the effectiveness of the restorative justice options that kicked in on 1 July this year. We need to be looking at new options such as the one that you have mentioned in terms of home detention. We really need to be working on a range of fronts if we are going to make this work.

Miss BARTON: I want to pick up on a couple of things you said in your introductory comments around who will be working on this transition and how we get there. You talked about both a cabinet subcommittee but also a whole-of-government panel. Are you able to detail whether or not membership of those groups had been worked out and who was going to be doing that work and what the anticipated timeline was?

Mr Lynch: In terms of the multiagency group, the Attorney has already identified a number of agencies that we would seek to have on that. It would include these but not be limited to them. The expectation is the Department of the Premier and Cabinet, Queensland Treasury, Youth Justice in JAG, Corrective Services, Queensland Police Service, Queensland Health, Department of Housing and Public Works, Education and Training, Communities, Child Safety and Disability Services, and Aboriginal and Torres Strait Islander Partnerships. Those are just departments that have been nominated already that the Attorney would like to see involved in that exercise. Certainly that is not an exclusive list. We would like other agencies who have something to contribute to be part of that as well. Those have been flagged already.

Miss BARTON: Do you have an expectation of when that panel might be finalised?

Mr Lynch: We would be hoping to send out letters of invitation to departments early to mid next week with an expectation that—DGs are busy people and we realistically have to offer them a week to get a slot in their diary—that panel will come to life very early in October.

Miss BARTON: In terms of the cabinet subcommittee, are you aware of which ministers will be members of that?

Mr Lynch: Again, the current understanding is that that would be the Premier and Minister for the Arts, the Treasurer and Minister for Aboriginal and Torres Strait Islander Partnerships and Minister for Sport, the Attorney-General, the Minister for Police, Fire and Emergency Services and Minister for Corrective Services, the Minister for Health and Minister for Ambulance Services, the Minister for Housing and Public Works, the Minister for Education and Minister for Tourism and Major Events, and the Minister for Communities, Women and Youth, Minister for Child Safety and Minister for the Prevention of Domestic and Family Violence. Those are the ones that have already been suggested as appropriate and the Attorney is keen to have involved but, again, it is not exclusive.

Miss BARTON: In terms of the process, once everything has been done—we make the assumption that the bill passes the House, the transition work begins and we reach a point where 17-year-olds are treated as children for the purposes of the justice system—what happens then, assuming that someone who is, say, 17 and six months commits a serious indictable offence for which there is, say, a 14-year maximum sentence available or it is an aggravated offence, for example. What is the process then in terms of how that person is treated and a transition for them through both the youth justice system and potentially the adult system?

Mr Hall: Do you mean someone who has not yet been charged at the time of commencement?

Miss BARTON: I am talking about once it has all happened and we are treating 17-year-olds as children and the transition has been fully completed and what we are seeing in this bill and what the government is talking about have been realised. Say in three years time we have a 17-year-old who is 17 years and six months who has been charged with a serious indictable offence and, for example, the maximum sentence provided in the Criminal Code is 14 years and it is an aggravated offence and, for example, the sentence is, say, 12 years. What is the process then in terms of at what age someone within the youth justice system then transfers over to adult system, because you cannot keep someone who is 17 and six months in a youth detention facility for 14 years?

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Mr Hall: They start their sentence in a youth detention centre if they are sentenced through the Childrens Court process, or even in the Supreme Court if the proceedings are under the Youth Justice Act, and then at a certain age, which is—

Mr Lynch: Eighteen and a half. They can stay in the youth justice system up to 18½. Actually, no, they would not, would they?

Ms Gudzinski: They would be transferred at 18.

Miss BARTON: Is that for everyone within the youth justice system? Upon reaching maturity you transfer fully to the adult system?

Ms Gudzinski: With the option of a delay, so 18 and six months. There are some transitional arrangements within the YJ Act.

Mr Lynch: For somebody who is facing the longer sentence that you are talking about, they would go over at 18.

CHAIR: If there are no further questions, I thank Mr Lynch, Mr Hall and Ms Gudzinski, who have briefed us today. I believe there are two questions taken on notice. Could you please have those questions on notice to the secretariat by midday on Monday, 26 September. I declare this public briefing of the Education, Tourism, Innovation and Small Business Committee closed.

Committee adjourned at 11.53 am