Mr J.C.Williams
[redacted]

11 January 2016

Submission Youth Justice and Other Legislation Amendment Bill 2015

I hereby make a submission in relation to the subject Bill.

Jeffrey C. Williams

- **Remove boot camp (vehicle offences) orders and boot camp orders from the range of sentencing options for children;**

This will only remove the mandatory clause and revert to courts being permitted discretion for further leniency. However, there is little to be said because the boot camps have already been abolished. This was a shame because even the State Member for Thuringowa admitted the success rate in dealing with recidivist offenders was 36.48%. There are now 27 less young offenders in the community. This is a quite remarkable achievement because the children only attended the camps for a period of one month. An extended duration and expanded rehabilitation programs would undoubtedly have seen more offenders being restored as valued community members. I agree with the amendment.

- **Prohibit the publication of identifying information about a child dealt with under the Youth Justice Act 1992 (the YJ Act);**

Offenders repeatedly committing crimes should be named in order that the community is afforded the opportunity to protect itself. What is the justification for repealing this Section of the Act? Is there concern the offender may be traumatized by having their name released to the public? I don't think so. A youth who plans to break into a dwelling while armed with a weapon and uses that weapon upon the owner should be named. Once again, the public has a right to know. While Childrens' Court may be an open court for recidivistic offenders, to my knowledge it has only occurred in the most exceptional cases, and then only by the most courageous Magistrate. I disagree with the amendment.

- **Remove breach of bail as an offence for children**;

What is the point of a court making a decision to release a young offender on bail if there are no consequences when they breach the order? This only serves to teach them they can do what they like with impunity and further erodes any respect they have for the court system. Why should an offender who commits a crime while on bail, not also receive a penalty for breaching that bail? If breaching bail is considered an injustice for a sixteen year old, it is then an injustice for a seventeen or eighteen year old offender. I disagree with the amendment.

- **Make childhood findings of guilt for which no conviction was recorded inadmissible in court when sentencing a person for an adult offence;**

I concede there may be a case for some amendment here. A young person whose relatively minor conviction was not recorded at a very young age and does not reoffend for another ten to fifteen years, perhaps should not have to suffer for the previous indiscretion. However, those with juvenile criminal histories of five to six pages and continually reoffend up until they are seventeen, should not be afforded the unfair advantage of being given a clean sheet just because of a birthday.

I had the case of a young man presenting himself after being given an immediate Court Ordered Parole Order for serious offences committed on the day of his seventeenth birthday. He told me he would be unable to attend the next appointment date I had set because he was to appear in the Childrens' Court for an offence he had committed the day before his birthday. He was expecting to receive a custodial order because he was still undergoing Probation with Youth Justice for earlier convictions. He did receive such an order.

If the Magistrate had been able to take earlier convictions into account on sentencing, I am confident his criminal behaviour could have been earlier curtailed. As it was, when he was not undergoing detention at Cleveland Youth Detention Centre he continually reoffended until subsequently receiving custodial sentences in adult prison. Many innocent victims could have been saved distress and financial loss. I disagree with the amendment as written.

- **Reinstate the principle that a detention order should be imposed only as a last resort and for the shortest appropriate period when sentencing a child;**

This will only make life more difficult for everyone. At this time, our Magistrates already will only impose a detention order on a child as a last resort. If a child stubbornly refuses to comply with any court order while awaiting trial, there is no alternative than to incarcerate them to protect the community. The reinstatement of this principle is very similar to a negative mandatory sentencing. I disagree with the amendment.

- **Reinstate the Children's Court of Queensland's (the CCQ's) sentence review jurisdiction and expand the jurisdiction to include Magistrates' decisions in relation to breaches of community based orders;**

I cannot disagree with this, however, it should not be used as a rubber stamp by a Childrens' Court Judge to arbitrarily quash the determinations of lower courts and as such needs clarification.
The amendment needs to be rewritten.

- **Reinstate into the Penalties and Sentences Act 1992 (the PS Act) the principle that imprisonment is a sentence of last resort and a sentence that allows the offender to stay in the community is preferable.**

I agree, however, this should not be used as a convenient excuse to keep recidivistic children out in the community at all costs. Once again, the child is being taught there are no consequences for criminal behaviour. The alternative is they be sentenced to Community Service Orders and those Orders must, repeat must, be enforced. This will, of course, require the services of many more Youth Justice Officers to oversee the administration of the Orders and, in the present economic climate such additional appointments are unlikely to occur. The amendment should be set aside until realistic sentencing principles can be legislated.

Additional Comment

Revoking the legislation of the LNP government without first having viable alternatives is a recipe for disaster. The previous system of Youth Justice under the ALP did not work so why is it now considered that reverting to their old flawed principles will work? Going through the motions and performing them in exactly the same way, expecting a different outcome is insanity.

On the occasion of the abolition of the boot camps, the Attorney General announced feasible substitutions would be emplaced. This did not occur and the community has had to endure the subsequent escalation in youth crime because of the perception in the young minds that there will be few adverse consequences for their unlawful behaviour.

At this time, in the absence of any explanation to the contrary, it appears these amendments are being pursued purely on an ideological basis and the ideology being that if the previous government passed the legislation, it must be revoked.

I have not read anywhere in the Youth Justice and Other Legislation Amendment Bill 2015, where it is to be enacted in the interest of the rehabilitation of juvenile offenders, or in the interest of the community in general. There is certainly no consideration for the victims of youth crime.

If the current Queensland State Government has a new, realistic methodology which will stem the rapidly rising youth crime rate and the amendments were needed in order to facilitate that methodology, I would support the abovementioned amendments. However, in the absence of such a proclamation, I submit the amendments, as written be set aside for rewriting and then only be considered in the future when new, practicable procedures have been devised.