

Submission from Nikki Nunnari
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Daytime Mobile: [REDACTED]

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Response to: Youth Justice and Other Legislation Amendment Bill 2021

Committee Secretary
Legal Affairs and Safety Committee
Parliament House
George Street
Brisbane Qld 4000

March 11th, 2021

By email: lasc@parliament.qld.gov.au

“The Queensland Government remains committed to community safety, reducing youth offending and reducing crime victimisation.”

In response:

Juvenile delinquency is not a 21st century phenomenon. Delinquency implies conduct that does not conform to the legal or moral standards of a society; it usually applies only to acts that, if performed by an adult, would be termed ‘criminal’.

‘Criminal’ acts committed by juvenile delinquents in Queensland, and particularly in Townsville, include, drug possession, substance abuse, vandalism, theft and property damage, theft of vehicles, burglary, violent behaviour and carrying weapons.

Despite the Queensland Government’s commitment to ‘keep the community safe’ from ‘juvenile delinquents’, the Urban, Suburban and Regional communities of Queensland continue to remain a target for assault, destruction of property, vandalism and theft. The cost of juvenile crime to society, which include victim costs, criminal justice system costs and intangible costs - pain, suffering, decreased quality of life and psychological distress – is in the millions.

I live in Townsville and the number of vehicles being stolen from premises, in some cases while the residents are still inside the home, is a daily occurrence.

Last week our friends who live in Kirwan watched inside their living room on the security TV as two juvenile delinquents tried to break into their home. They had a crow bar and tried to break into the front door, and when they couldn’t get it open, they moved to the back door and tried there, while my friends watched in panic. My friends called the Police for assistance and the juvenile delinquents fled when they arrived. Most homes in Townsville have CCTV installed for protection against these young criminals.

The reason for their criminality is a subject for another debate and another submission.

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The current situation requires that more stringent law enforcement measures be undertaken to ensure the safety of citizens.

The Bill aims to achieve its policy objectives by amending the YJA and PPRA to, strengthen the youth justice bail framework through:

- ***Providing the legislative framework required to trial the use of electronic monitoring devices as a condition of bail for some offenders aged 16 and 17 years old who have committed a prescribed indictable offence and have been previously found guilty of one or more indictable offences (with a review after 12 months);***

I do not think the proposed Amendment Bill goes far enough in this respect, as many of the perpetrators are under the age of 16. I note the New Zealand model, for electronic monitoring, as mentioned in the *Statement of Compatibility*, accompanying the Amendment Bill, is an established option for monitoring and tracking. The research relating to the NZ model shows it is an effective tool to reduce reoffending. The Queensland government should adopt this model rather than try and 're-invent the wheel'.

The seriousness of Breach of Bail must be acknowledged and reinstated as a criminal offence. Breaching Bail must have serious consequences. If introduced, electronic monitoring devices should be considered for all juvenile delinquents, irrespective of their age. The average age of the young perpetrators of crime in Townsville is 10.

- ***Explicitly permitting the court or a police officer to take into consideration, when determining whether to grant bail, whether a parent, guardian or other person has indicated a willingness to do one or more of the following: support the young person to comply with their bail conditions, advise of any changes in circumstances that may impact the offender's ability to comply with the bail conditions, or advise of any breaches of bail***

Repeat offenders should not be granted bail. If a parent, a guardian, or other person had been willing to provide the juvenile with the care and support needed when growing up in the first place, they would not be a juvenile delinquent.

The risk factors of sending juveniles back to a dysfunctional environment while on bail will result in recidivist behaviour. Repeat offenders should not be returned to dysfunctional environments. Police should be the arbiters when considering bail. Also neglecting to attach one's statement of capacity to the indication of "willingness" almost negates the intent of the "consideration". Why should a willing support agent of the offender not have to demonstrate **their** capacity? Especially considering the child may be returning to an environment that is

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dysfunctional and or where the willing person, albeit well intentioned, lacks the capacity to deal with the offender's challenging behaviours.

- ***Creating a limited presumption against bail, requiring certain young offenders charged with 'prescribed indictable offences' to 'show cause' why bail should be granted***

Allowing a juvenile delinquent to dictate the terms of bail is not in the best interest of the community.

- ***Clarifying that, although a lack of accommodation and/or family support is a consideration that bail decision makers can take into account when determining whether to grant bail, it cannot be the sole reason for keeping a child in custody***

In the case of juvenile delinquents, they are not 'a children' that would be kept in custody. We're talking about juvenile delinquents. Young criminals, once caught, should be sent to Court and either punished for their crime or redirected to an institution that can support them with a safe haven, education, and a chance to reform, before releasing them back into the wider community. In cases where the home environment is unsafe, adoption should not be a last resort, but a preferred option.

- ***Codify the sentencing principle, currently found in common law, that the fact that an offence was committed while a person was subject to bail is an aggravating factor when determining the appropriate sentence***

This proposal should be further explored with full external community consultation and not just the go-to consultation group as listed in the YJAOLA Bill Explanatory Notes 2021.

- ***Amend the Charter of Youth Justice Principles to include a reference to the community being protected from recidivist youth offenders***

It goes without saying that it is the community that must be protected from criminals, be they juvenile or adult.

Whilst the Human Rights Issue takes up a rather lot of discussion in the Amendment Bill 2021, very little, if any, discussion is made of Human Responsibilities. With rights come responsibilities, full stop. The argument for 'interfering' with these rights demonstrates a complete bias toward the offender and away from the victims of crime.

I believe the interference of indigenous kinship ties is overstated, and this bias toward the development of ones "indigenous kin" in these discussions obliterates one's other kinship

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ties. For example, the discussion of indigenous heritage does not mention the nature of other kinship ties and values such as their possible European heritage, or Chinese, Indonesia, African or any other heritage and kinship ties.

- **Provide for a trial of powers for police to stop a person and use a hand held scanner to scan for knives in SNPs on the Gold Coast**

I agree with this proposal, however why limit it to the Gold Coast? Make the power available to Queensland Police throughout the State.

- ***Enhance the enforcement regime against dangerous hooning behaviour by strengthening existing owner onus deeming provisions for hooning offences.***

I agree with this proposal, these powers must be available to Queensland Police throughout the State.

Yours sincerely
Nikki Nunnari (JP (Qual))

References:

e.g D Cassidy, G Harper and S Brown, Understanding electronic monitoring of juveniles on bail or remand to local authority accommodation: Report for the Home Office (2005); Melvyn Raider, 'Juvenile Electronic Monitoring: A Community Based Program to Augment Residential Treatment' (1994) 12(2) Residential Treatment of Children and Youth 37, 42; Office of Program Policy Analysis & Government Accountability (an office of the Florida Legislature), Electronic monitoring should be better targeted to the most dangerous offenders (Report No 05-19, April 2005) .

Martinovic, Dr, New Zealand's extensive electronic monitoring application: "Out on a limb" or "leading the world?" (2017) Practice: The New Zealand Corrections Journal.

Mayhew P 2003. Counting the costs of crime in Australia. *Trends & issues in crime and criminal justice* no. 247. Canberra: Australian Institute of Criminology. <https://www.aic.gov.au/publications/tandi/tandi247>

Richards K & Renshaw L 2013. *Bail and remand for young people in Australia: A national research project*. Research and public policy series no. 125. Canberra: Australian Institute of Criminology. <https://www.aic.gov.au/publications/rpp/rpp125>

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