

11 March 2021

To Legal Affairs and Safety Committee

lasc@parliament.qld.gov.au

RE: Youth Justice and Other Legislation Amendment Bill 2021.

Mitchell Daveson



To whom it may concern,

I have seen the current rampant; out of control juvenile crime sweeping Queensland since 2015 that it is only a matter of time before deaths of innocent civilians occur on our Queensland streets as a result of the inability of the system to deal with persistent career criminals.

They are now deliberately driving not only dangerously but with intent to harm others and damage property. IE: Ramming Police vehicles and other vehicles.

There is a very real danger of further deaths and or serious injury to members of the public, and the offenders themselves as well at countless thousands of dollars of property damage as well as the mental and emotional damage done by members of the public literally living in fear of crime.

The current proposed reforms contained in the Youth Justice and Other Legislation Amendment Bill 2021 do not go anywhere near far enough to address nor prevent further deaths from occurring.

Who are the offenders?

We are continually told by our Politicians through the media that much of this crime is being committed by a small minority of recidivist offenders. What is this 10% figure?

Without base line figures to show the number of crimes and the breakdown of the offenders it is difficult for the public to even gauge the scope of the problem.

I recommend the Government be forced to disclose the exact numbers monthly including: the number of each various criminal offence committed by juveniles, the number of arrests, and the number of arrests by recidivist offenders including the number of times they have offended before.

Breach of Bail as a Criminal offence needs to be inserted in ANY change to youth justice laws:

Many of these offenders are juveniles committing offences whilst on bail.

Breach of Bail conditions MUST be reinstated as a serious criminal offence.

These juveniles are serial offenders even by the time they get to have a conviction recorded. Many have been cautioned by Police several times before being arrested and charged.

Offenders committing offences whilst on bail are a huge problem. Currently there is NO power for Police to arrest juveniles found breaching their bail conditions. Police know who the repeat offenders are. They catch them out on the streets in breach of bail and the police know full well they are out to commit further crime and yet they are powerless to intervene. Presumption against bail does not go anywhere near far enough: I don't see any difference in legal arguments that are presented to the courts under the current system.

A fundamental principle of law is that bail is a privilege NOT a right.

In relation to the “show cause why bail be granted” – what’s the difference to the already legislated 48AAA subsection 2.

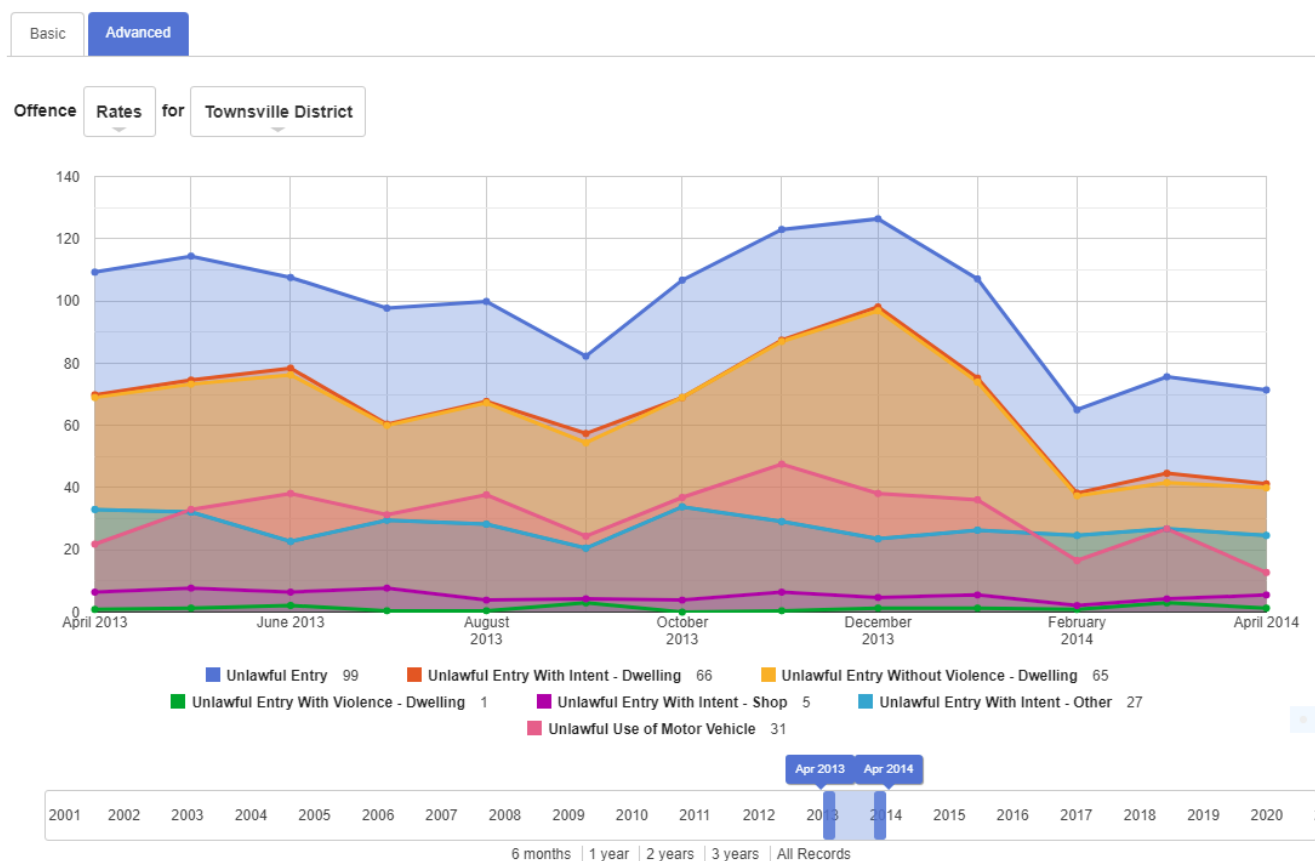
Any first year lawyer would be able to mount a case to show cause why a juvenile should be given bail again. Currently there is a mandatory requirement that detention is a last resort. This needs to be immediately repealed.

The Courts need to be instructed to take a 3 strikes policy.

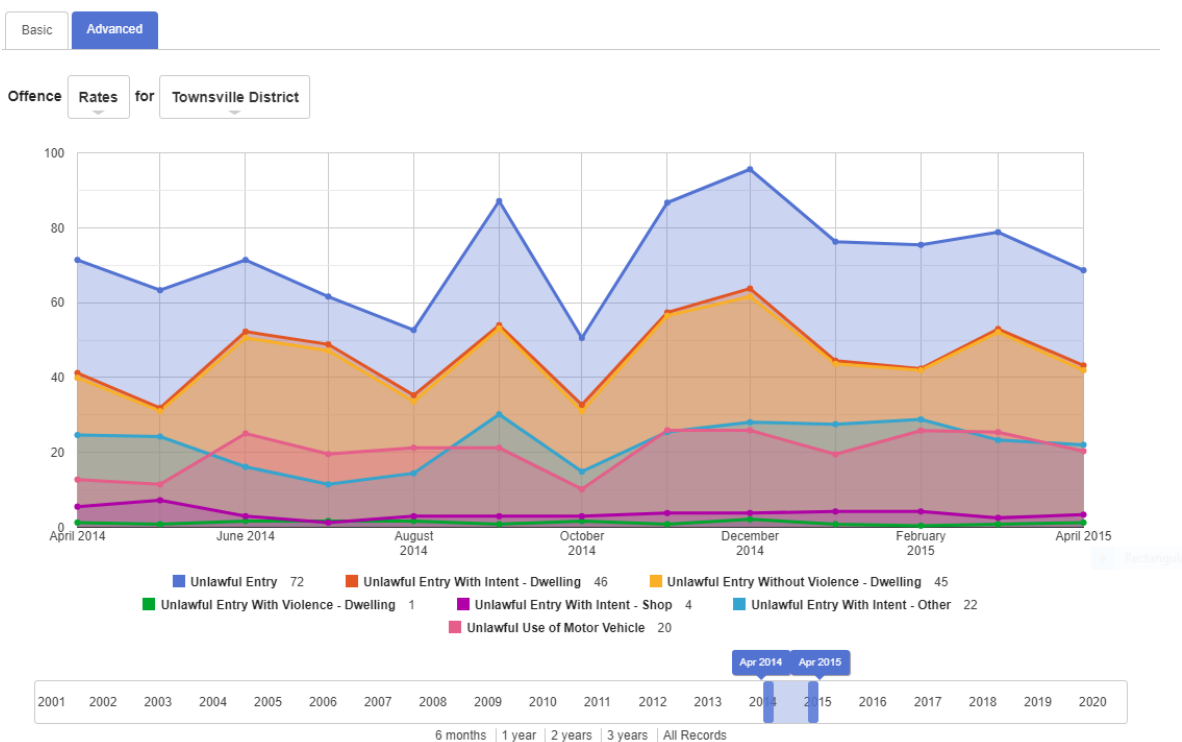
1<sup>st</sup> offence counselling for both offender and carer/guardian with follow up services. 2<sup>nd</sup> offence long term boot camp, diversion program. What ever you want to call it. Some of these kids are high on whatever they can get their hands on, it would take at least a month to get them sober. They can then be taught the life skills needed to be a valuable community member. Carer/guardian to be put into a court ordered parenting course that must be completed with follow up. 3<sup>rd</sup> offence minimum 12 months incarceration with educational programs to be completed before release, I know classroom setting are not for all kids, so a program to suit would be required. Carer/guardian 12month intensive parenting program.

The government have given the QLD public an indication that nothing is off the table in addressing this problem. If the evidence supports it. I am providing a number of stats found on the QPS web site. Also a copy of the amendments made in 2015 by the current government. The previous government implemented a lot of these changers in 2014, resulting in a reduction in the offences of unlawful use of motor vehicle and unlawful entry of a dwelling. The main type of offences committed by juveniles.

Crime stats before the legislation changes by the previous government.



Crime stats after the implementation of legislation under the previous government. Showing a clear drop in the above mentioned offences.



Changes to legislation in 2015 as put forward by the current government.

# Youth Justice and Other Legislation Amendment Bill 2015

## Explanatory Notes

### Short title

The short title of the Bill is the Youth Justice and Other Legislation Amendment Bill 2015.

### Policy objectives and the reasons for them

The objectives of the Bill are to:

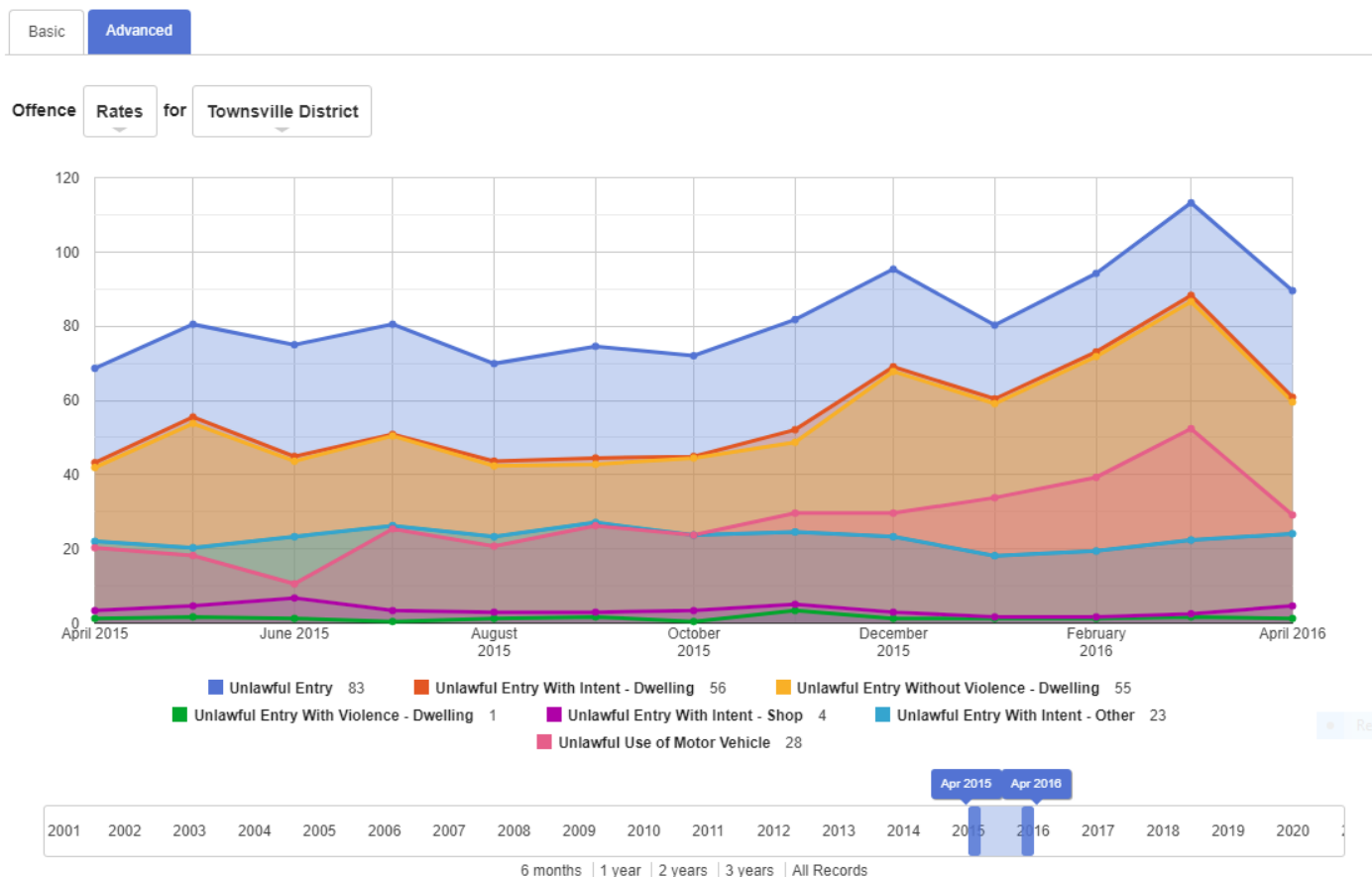
1. Remove boot camp (vehicle offences) orders and boot camp orders from the range of sentencing options for children;
2. Prohibit the publication of identifying information about a child dealt with under the *Youth Justice Act 1992* (the YJ Act);
3. Remove breach of bail as an offence for children;
4. Make childhood findings of guilt for which no conviction was recorded inadmissible in court when sentencing a person for an adult offence;
5. 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;
6. Reinstate the Childrens 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; and
7. 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.

### *Youth Justice Act 1992*

During the 2015 general election, the Government committed to repealing reforms made to the YJ Act in 2014 (the 2014 reforms) as introduced by the former Government and effected by the *Youth Justice and Other Legislation Amendment Act 2014* (the 2014 Amendment Act).

The Government's commitment to repeal the 2014 reforms reflects international evidence that increasing the severity of punishment is ineffective in reducing recidivism, particularly by children and young people.

Crime stats after the implementation of the legislation by the current government. Clearly showing a rise in the offences stated above.



Crime stats showing an even more clearer rise in Unlawful use and unlawful entry under the current government.

