

From: Sam Costanzo [REDACTED]
Sent: Thursday, 11 March 2021 10:33 PM
To: Legal Affairs and Safety Committee
Subject: Re: Youth Justice and Other Legislation Amendment Bill 2021

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Salvatore Costanzo
[REDACTED]
[REDACTED]
[REDACTED]
Email: [REDACTED]

Re: Youth Justice and Other Legislation Amendment Bill 2021
Committee Secretary
Legal Affairs and Safety Committee
Parliament House
George Street
Brisbane Qld 4000
March 10th, 2021
By email: lasc@parliament.qld.gov.au

Regarding: the Youth Justice and Other Legislation Amendment Bill 2021:

I note: "The Queensland Government remains committed to community safety, reducing youth offending and reducing crime victimisation."

In response I would like to add;

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

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 to the private and business sector is excessive. In Townsville today (Thursday 11th) yet another stolen vehicle had a serious head on in broad daylight.

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 and the situation is thoroughly disgusting.

Most homes in Townsville have CCTV installed for protection against these young criminals, myself included.

The current situation requires that 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 reinstated regardless of age, it must be made a criminal offence. A Breach of 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 perpetrators of crime in Townsville is very young and mostly made up by teens under 16yrs of age. Teens who appear as young as 12 are regularly seen driving stolen vehicles at high speed dangerously across the city.

- 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 ones 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 dysfunctional and or where the willing person, albeit well intentioned, lacks the capacity to deal with the offenders 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, it is not 'a child' 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.

- 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.

Whilst the Human Rights Issue takes up a rather lot of discussion in the Amendment Bill 2021, very little, if no 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 victim's 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 ones other kinship 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 police Queensland wide.

- Provide police with more intensive pursuit training and better equipped vehicles to deal with stolen vehicle being driven without any interference from QPS. Allow QPS police to block in vehicles and forcibly stop them, as opposed to allowing them to drive for days on end non-stop, thereby allowing them (the criminals) more confidence to commit more crime because they are simply ignore by QPS who routinely turn a blind eye to stolen vehicles rampaging across the city.

Sincerely,
S. Costanzo

References:

Eg 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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