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Robbie Katter MP Member for Traeger



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Committee Secretary
Legal Affairs and Safety Committee
Via email: lasc@parliament.qld.gov.au

To whom it may concern,

Re: Submission on the Youth Justice and Other Legislation Amendment Bill 2021 from Katter's Australian Party (KAP)

At the outset of this submission I would like to make it clear that Katter's Australian Party supports this Bill, and welcome any proactive efforts by Government to address the scourge of youth crime on our communities.

For too long these issues have been left to fester, and the personal suffering caused by ongoing inaction – and political partisanship - on this issue is a blight on all Members who have sat in the Queensland Parliament in recent years.

While the KAP will be supporting this Bill, we remain deeply concerned that the Palaszczuk Government have not fully grasped the gravity and pervasive effects of the youth crime crisis in Queensland.

Undoubtedly these problems are most acute in North and North West Queensland, including the communities of Mount Isa, the Gulf, Townsville and Cairns – regions which myself and my KAP colleagues Nick Dametto MP (Hinchinbrook) and Shane Knuth MP (Hill) currently represent.

In particular we were deeply alarmed by public statements made by Members of the Government when announcing the legislative changes that are the subject of this submission.

For example, we draw your attention to claims made by the Youth Justice Minister Leanne Linard in a Ministerial Statement dated 9th February, 2021, that previous youth crime reforms by the Palaszczuk Government have “led to a 23 per cent decrease in the numbers of youth offenders”.

Upon further inquiry, we learned that in this public statement the Minister compared like-for-like distinct youth offender data from 2018-19 to 2019-20 to draw her conclusion. This is despite the entire of Queensland being in a legally-enforced lockdown for a number of months during the second period.

In our view this statement – and similar rhetoric shared by other Members designed to minimise community concerns about youth crime – is dangerously misleading.

The deliberate “cherry-picking” of data serves no purpose other than those that are political.

According to official Offence Data (related to 10-17 year old child offenders), as published by the Queensland Police Service in their annual *Statistical Reviews* (2014-15, 2015-16 and 2016-17) and by the Queensland Government Statistician's Office in their *Crime Report, Queensland* (2017-18 and 2018-19), the realities of the youth crime crisis in Queensland is as follows:

- **2014-15: 43,621** total charges were laid against child offenders (10-17 years old)
- **2015-16: 45,311** total charges were laid against child offenders (10-17 years old)
- **2016-17: 49,741** total charges were laid against child offenders (10-17 years old)
- **2017-18: 51,050** total charges were laid against child offenders (10-17 years old)
- **2018-19: 48,786** total charges were laid against child offenders (10-17 years old).
- **No data has been made publicly available for 2019-20.**

Further concerning figures, from the same data sources I have previously referred, show there have been the following youth-related offence increases:

1. ***Unlawful use of a motor vehicle offences have risen by about 59.9%***, when comparing the 2,133 offences reported in 2014-15 to the 3,411 reported in 2018-19
2. ***Unlawful entry offences have risen by about 27%***, when comparing the 5,056 offences reported in 2014-15 to the 6,264 reported in 2018-19
3. ***Other theft offences have risen by about 23.4%***, when comparing the 8,581 offences reported in 2014-15 to the 10,588 reported in 2018-19.

While the above commentary may be outside the scope of this submission, we at the KAP believe it to be pertinent to implore all Members to leave politics aside and, at the outset of any decisions taken, acknowledge the genuine and significant impacts this crime scourge is having on our state.

On the matters of the Youth Justice and Other Legislation Amendment Bill 2021, and its key elements, the KAP supports the following:

1. 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)
 - 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
 - Creating a limited presumption against bail, requiring certain young offenders charged with 'prescribed indictable offences' to 'show cause' why bail should be granted
 - 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
2. 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
3. Amend the Charter of Youth Justice Principles to include a reference to the community being protected from recidivist youth offenders

4. 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
5. Enhance the enforcement regime against dangerous hooning behaviour by strengthening existing owner onus deeming provisions for hooning offences.

We make the following specific commentaries:

1. On the issue of enabling a trial of electronic monitoring devices as a condition of bail for some offenders aged 16 and 17, we believe this trial should be extended to all relevant offenders regardless of their age. We believe that, given the young age and significant vulnerability of juvenile offenders aged 10-15, there should be more onus on keeping tabs on their whereabouts while on bail than those who are older. I further question why the Mount Isa and Cairns communities, where youth crime rates are extremely high, are excluded from this trial.
2. On the presumption against bail for 'certain offenders' charged with 'prescribed indictable offences', we are concerned the limited application to offences of breaking and entering, serious sexual assault and armed robbery will return high-risk offenders, particularly those with a history of stealing motor vehicles and hooning, to the streets so they can re-offend and pose further risk to the community. We have seen only recently the significant personal and public harm, including loss of life, that can be caused by such offences.
3. We note that in this legislation, breach of bail has not been returned as an offence to which juvenile offenders are subject. The KAP supports the return of breach of bail, however we do not believe it is key to addressing the issue of youth crime.

As outlined above, the KAP will support this legislation despite its deficiencies. In addition to those issues we have outlined about, we further propose the following:

- Introducing Relocation Sentencing as a third sentencing option for Magistrates and Judges when dealing with recidivist, juvenile offenders. We note there has been significant public and media commentary on this proposal, however to date no Member from either the Government or the Opposition has expressed an interest in giving it consideration. The Relocation Sentencing option is distinct from the Government's On Country Program trials and the Opposition's often-cited "boot camps" solution, in that it is a punitive measure enforced by the courts that provides to appropriate offenders an opportunity to engage in work, learning or other skills-based training in a remote location. The aim of Relocation Sentencing is to provide troubled youths, who in the past have been unable to successfully engage with the Youth Justice system, with life skills, education, structure and a sense of purpose not available to them on the streets or in juvenile detention facilities. It would be available to both Indigenous and non-Indigenous children and programs would draw heavily on the involvement and teachings of First Australian Elders.
- Mandatory minimum sentencing of 12 months in a corrective services facility (juvenile detention centre or a relocation sentencing facility) for recidivist offenders who commit particular serious crimes including unlawful use of a motor vehicle, burglary and break and enter.
- The omission of Clause 50 of the Youth Justice Act which determines detention as a "last resort", to empower Magistrates and Judges to make genuinely objective decisions around preventing juvenile re-offending and subsequently further harm to the community.

The KAP believes our proposed youth crime solutions, as outlined above, strike a measured yet effective balance between protecting crime-riddled communities of further harm whilst providing to vulnerable youth offenders a genuine opportunity to attain life skills, develop a sense of self-purpose and re-define their lives and futures.

We understand there is work to be done in the space of defining what a sentencing period would be like for those who participate in Relocation Sentencing, however we implore Members of the Government, Opposition and Crossbench to give genuine consideration to this third option and assist us by taking steps to make it a reality.

We envision a trial, on a small-scale at an approved remote property, would be the most logical first step and are always willing to engage to progress this option forward.

The KAP believes the core purpose of the juvenile justice system should be to re-direct and rehabilitate vulnerable young people who, for a variety of reasons, have not enjoyed a normal childhood and have thus been led to a life of crime.

In many cases the social circumstances that have led to repeat offending by young people are tragic, but so too is our Government's continued refusal to take measures that give these young people a genuine chance at a positive and productive future.

The Youth Justice system in Queensland is broken, and while the minor amendments included within the Youth Justice and Other Legislation Amendment Bill 2021 are welcome, they simply do not go far enough.

We fear the community, and the young people at the heart of these problems, will only continue to suffer without further action.

Yours sincerely,



Robbie Katter
Member for Traeger



Shane Knuth
Member for Hill



Nick Dametto
Member for Hinchinbrook