



# **LEGAL AFFAIRS AND SAFETY COMMITTEE**

**Members present:**

Mr PS Russo MP—Chair  
Mr RA Stevens MP  
Ms JM Bush MP  
Mrs LJ Gerber MP  
Mr JE Hunt MP  
Mr AC Powell MP

**Member in attendance:**

Mr ST O'Connor MP

**Staff present:**

Ms R Easten—Committee Secretary

## **PUBLIC HEARING—INQUIRY INTO THE YOUTH JUSTICE AND OTHER LEGISLATION AMENDMENT BILL 2021**

### **TRANSCRIPT OF PROCEEDINGS**

**FRIDAY, 26 MARCH 2021**

**Gold Coast**

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### **The committee met at 11.01 am.**

**CHAIR:** Good morning. I declare open the public hearing for the committee's inquiry into the Youth Justice and Other Legislation Amendment Bill 2021. I would like to respectfully acknowledge the traditional custodians of the land on which we meet today and pay our respects to elders past and present. We are very fortunate to live in a country with two of the oldest continuing cultures in Aboriginal and Torres Strait Islander peoples whose lands, winds and waters we all share.

My name is Peter Russo, member for Toohey and chair of the committee. Other committee members here with me today are Mrs Laura Gerber, deputy chair and member for Currumbin; Mr Jason Hunt, member for Caloundra; Ms Jonty Bush, member for Cooper; Mr Andrew Powell, member for Glass House; and Mr Ray Stevens, member for Mermaid Beach, who is substituting today for Ms Sandy Bolton, member for Noosa. The committee has also granted leave for Mr Sam O'Connor, member for Bonney, to ask questions at its hearing today. I understand that Mr O'Connor will be joining us this afternoon.

On 25 February 2021 the Hon. Mark Ryan MP, Minister for Police and Corrective Services and Minister for Fire and Emergency Services, introduced the Youth Justice and Other Legislation Amendment Bill 2021 to the parliament and referred it to the Legal Affairs and Safety Committee for consideration. The purpose of today's hearing is to hear evidence from stakeholders and community members about their views on the bill. Only the committee and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath, but I remind witnesses that intentionally misleading the committee is a serious offence. You have previously been provided with a guide for witnesses, so we will take those as read.

These proceedings are similar to parliament and are subject to the Legislative Assembly's standing rules and orders. In this regard, I remind members of the public that, under the standing orders, the public may be admitted to or excluded from the hearing at the discretion of the committee. Our proceedings are covered by parliamentary privilege which means that you can give your evidence freely and openly without fear that your evidence could be used against you in legal proceedings. That being said, if you do provide evidence that names an individual or reflects poorly on an individual or organisation, the committee may choose to receive but not publish that evidence or may provide that individual or organisation with an opportunity to respond to your evidence before the committee makes it public in the interests of fairness. If you have any concerns about sharing your story or speaking publicly about these issues, the committee may consider hearing your evidence privately. If that is the case, we just ask that you explain the reason for this to our committee secretariat and we will see what we can do.

Once we begin I ask that you avoid having any commentary from the floor or any other interruptions to the hearing. Signs, placards, banners, posters, conspicuous badges or stickers or clothes such as T-shirts that are printed with slogans associated with a political cause or campaign are not permitted in the hearing. Our Hansard reporters will make a transcript of the hearing for the committee's record of evidence. To ensure the transcript is accurate, only one person can speak at a time. Media may be present and will be subject to my direction at all times. The media rules endorsed by the committee are available from committee staff if required. All those present today should note that it is possible you may be filmed or photographed during the proceedings by media and images may also appear on the parliament's website or social media pages. No other photography or filming is permitted other than that expressly authorised by me. I ask everyone present to turn mobile phones off or to silent mode. The program for today has been published on the committee's webpage and there are hard copies available from committee staff.

### **POTTS, Mr Bill, Director, Potts Lawyers**

### **WARREN, Mr Michael, Solicitor, Potts Lawyers**

**CHAIR:** I now welcome representatives from Potts Lawyers. Good morning. I invite you to make an opening statement, after which committee members may have some questions for you.

**Mr Potts:** Good morning, members of the committee. Could I first welcome you to the fabulous Gold Coast, once described as a sunny place for shady people by someone far more cynical than I. We appreciate that some of the legislation is to be trialled on the Gold Coast and I see in today's Gold Coast family newspaper, the *Gold Coast Bulletin*, there is both an editorial and the cartoon dealing with one of the issues—namely, the use of the metal detecting wands—so this committee and this government and this parliament is clearly interested in not only having debate but making laws which reflect the views of the community and which ensure, as best they can, the safety of the community and the police who have the job of enforcing the law, so many and much of the submissions which I will be making to this committee and the questions which I expect to be asked will be dealing with many of those issues.

Before I get on to something of substance, I will formally introduce myself to those who do or do not know me. My name is Bill Potts. It says 'founding director' of Potts Lawyers and before that I was a director or partner in a firm called Price & Roobottom that has been working on the Gold Coast since 1928. The successor firm is therefore the oldest firm in this area. Again for those who do not know me, I have practised exclusively in the area of criminal law within Queensland since 1981. I am a renegade southerner and after 40 years of practising on the Gold Coast I am almost regarded by some as a local. I still have a little way to go though.

The experience I have is that clearly I have also been the president of the Law Society of Queensland on two separate occasions—much for my sins—and I have a broad experience both in this area of law but also in public commentary and the development of public policy around youth justice. I have also been a director of the Law Council of Australia and have attended numerous matters with them with respect to the same issues of youth justice. I accept that it is an extremely vexed area where the best of all possible minds can disagree about fundamental issues and, like all pieces of legislation, it is mostly a question of striking a balance and finding out where that right balance may lie.

I will introduce to you Mr Michael Warren, who is, as you have heard, a solicitor in my employ. Michael is educated with both a Bachelor of Criminology and Criminal Justice together with a Bachelor of Laws. He was admitted as a lawyer in Queensland some one month ago—so he is not that experienced—but he has a unique experience. One of the reasons why I was pleased that he was able to come before you is that Michael has the unique experience of having been not merely a legal practitioner but also for the last five years he has worked in the Department of Youth Justice on the Gold Coast. He has worked in several roles: between 2015 and 2016 he has worked as a youth worker engaging young people in supports and programs; between 2016 and 2018 as a caseworker facilitating the evidence based psycho educational programs and rehabilitation; and most recently between 2018 and up until last year as a court coordinator assisting in advocating for young people in the Childrens Courts on the Gold Coast. He has experience at the coalface with the kids who will inevitably be the subject of this legislation.

There are a number of matters which are before this committee and I would ask, Mr Russo, if I exceed three minutes that you pull me up, but I really want to just simply say—

**Mr POWELL:** Thirty seconds ago!

**Mr Potts:** Thirty seconds? It takes me 20 minutes to say good morning!

**CHAIR:** No, time is on your side today, Mr Potts.

**Mr Potts:** Okay. I think I have 40 minutes altogether, so maybe you will give me the grace to talk slightly—

**CHAIR:** We would like to hear from Michael at some point.

**Mr Potts:** Absolutely. The issues that generally I have focused on relate to the bail issue, the GPS trackers, the hooning laws and the additions or changes to the laws relating to that as well as more broadly the issue of metal detecting wands and the trial that will happen in the SNPs both in Surfers Paradise, where we sit, and in Broadbeach. I want to absolutely acknowledge these things.

Whilst I have heard suggestions in some quarters that this legislation is racist or might have a racial effect, I wanted to say this about it: it has equality of application but not necessarily equality of effect. Members of this committee would be more than familiar with the significant numbers particularly of young Aboriginal youth who are in custody within this state. They make up three per cent of the population but in the adult male jails they make up 30 per cent of the population. You will recall the 2017 document called the Uluru Statement from the Heart. I have always liked to refer to it as the 'cry from the heart'. I want to quote briefly from this before I open at least myself to questioning. It states—

Proportionally, we are the most incarcerated people on the planet. We are not an innately criminal people. Our children are alienated from their families at unprecedented rates. This cannot be because we have no love for them. And our youth languish in detention in obscene numbers. They should be our hope for the future.

These dimensions of our crisis tell plainly the structural nature of our problem. This is the torment of our powerlessness.

The legislation that you are currently considering was brought about quite quickly as a result of significant outrage in the community—knife crime, deaths in Surfers Paradise, particular events that occurred in Townsville, where of course Aboriginal youth is in the predominant mix—and we have seen this legislation come through. One of the issues is that it is a trial, and that of itself is good because I have always supported evidence based legislation. Some of this legislation, at least according to the second reading speech, has some evidence base but is not in my submission fully formed sufficient to necessarily give this committee confidence that either the laws will be effective or will meet the public need. I commented at the time and was somewhat abraded for it publicly because I indicated that quite often bad cases sometimes make for bad laws. I make it plain that these laws are not necessarily bad but they may have bad effects. They are well intentioned, but the detail, like all pieces of legislation, will be in the detail and the manner in which they are carried out. As the questioning goes through, I would hope to point out some of those major issues. They were the matters I wished to raise. Mr Warren may have something to say.

**Mr Warren:** Thank you, Mr Potts. Thank you for the warm introduction! I would like to firstly start by reading from the Bob Atkinson report of 2018. It states—

The issues underpinning youth offending and the ability of 'the system' to respond are many and complex. There is no quick fix and no single solution. Therefore a long term, holistic suite of solutions is required.

As Mr Potts has touched on, the laws which we are dealing with today at the committee are a community reaction to incidents that have happened with knife crime on the Gold Coast and other regions. I also note that the bail laws arise out of an incident that perhaps occurred in Brisbane with the unfortunate death of a couple and their unborn child. I would like to acknowledge that we wish to raise some concerns, although, as Mr Potts has pointed out, the legislation is well intentioned but there may be some practical concerns moving forward.

**Mr Potts:** We throw ourselves open.

**CHAIR:** One of the things we always hear about is the unforeseen consequences of this legislation. I know it is crystal ball gazing in lots of cases, but from your experience do you see any unintended consequences?

**Mr Potts:** I do. One of the issues around the wand device is that it is designed to be minimally intrusive. It addresses a danger both to the police officers on the ground and to the general public who may find themselves unwittingly as the victims of knife crime. Unfortunately, if people carry knives, even if they say it is for their self-defence or it is their ego at play, the simple reality is that it is illegal and it is illegal for very good reasons without reasonable cause. Invariably, self-defence, as we all know, is not regarded and cannot and should not be regarded as a reason for carrying knives. The effect of it, however, is a balancing of a number of issues. The unintended consequences of those issues I will address momentarily, but the balancing of the issues, so far as the wand is concerned, is effectively the exercise of a power without reasonable cause. We are told, at least according to the first reading speech, from which I quote from paragraph 2 on page 239—

Only an approved senior sergeant, or an officer of at least the rank of inspector, can authorise a wand period of 12 hours within a public place in a safe night precinct for the purposes of the trial.

It sounds good, because we are told that that is to be some kind of guideline that will ensure public safety. When you read that in detail, it simply consists of an inspector handing out jobs at the beginning of the shift. There is no requirement that the inspector be there. There is no guarantee necessarily of privacy issues. Whilst I applaud public safety, I am concerned with the processes that are in place, that there is a lack of real guidelines.

Members of this committee will have gone to airports and have gone through the scanning devices. These are not new. You go into any court, public building and the like and know that they exist. We are not talking about a massive intrusion, but with what we are talking about here, particularly young people being scanned in a public place, I see a complete lacuna of guidelines which set out matters of privacy. For example, I have been made to take my pants down in an airport, the reason being that at age of 63 I have a bung hip and I set off every metal detector. But if I am going through an airport, they at least offer me the privacy of being taken into a room where a male officer will at least give me the pat-down, the scanning or the look at my scar—whatever. There seems to be a lack of any guidelines. I would like to see that, if we have young female children who in fact are going to be patted down after the second wand search shows up some reaction, there is some privacy. I would like there to be some availability of that. I would like some guarantee that it would be same-sex officers dealing with that.

**Mr Warren:** The legislation does allow for, if preferable, same-sex. I acknowledge that. It is applauded, too. I think Mr Potts has raised a good issue in terms of having a young person who is searched by perhaps one or two officers in a public place such as a safe night precinct where there is not much privacy at all and hundreds or thousands of people. You are looking at potentially some issues of privacy with regard to that.

**Mr Potts:** That is one issue. The second issue—sorry to jump from topic—is the hooning legislation. The Transport Operations (Road Use Management) Act already has in it, as members will be aware, a power for the authorities to demand from the owner of the vehicle a document to say who was the driver of the vehicle. There are excuses allowed for in this legislation, including for example if you do not know because your vehicle has been stolen and the like. In Queensland, if you go through a red light, as you may know, companies invariably say, ‘No, we do not know who it was. It could have been any number of people,’ and they get four times the fine. The point of it is that there is already that power within the Transport Operations (Road Use Management) Act.

The powers here are not novel or new but an extension. There is a danger, in my view, of an abrogation of the right to silence because much hooning these days, because of the nature of kids, is filmed by themselves and put up on the internet, and the evidence that is to be relied upon often will not be police officers on the scene but films taken by people who were present at the time. This may show someone with perhaps indistinct identity staggering into a motor vehicle, grossly affected by something, doing what used to be referred in the country as ‘circle work’ before crashing into somebody and killing them. That is a serious matter and there are serious powers around that, including the Crime and Corruption Commission’s powers.

One of the concerns I have is that 328A, which is the dangerous driving section, is a criminal offence. I am very concerned that there not be an abrogation of the rights to silence in those circumstances. There is that power within the TO(RUM) Act already. I am concerned that there not be an abrogation of the rights to silence or at least self-incrimination.

A further issue relating to the matters is GPS. The devil is in the detail. Mr Warren would be able to give you brief and somewhat graphic detail about what children think of GPSs.

**Mr Warren:** In relation to the talk of this legislation coming out, I understand that a few of the young people in the community are already discussing this issue in that they almost see tracking devices as trophies of their offending, specifically the young people who have higher levels of antisocial behaviour. The legislation is targeting those young people. It is for 16- to 17-year-olds who are at higher risk of reoffending. There are provisions there for them to be qualified to have committed a relevant indictable offence after already being found guilty of an indictable offence. My concern—I am sure Mr Potts shares this, too—is that young people will be using those as trophies for their offending. I understand then the bail laws will come into effect if, I suppose, that young person’s offending does escalate.

**Mr Potts:** To amplify that briefly, most of the kids who are committing crime are doing so in an unsophisticated way. We are talking about boosting cars and about public violence. There is almost an inevitability about the simplicity of the crime—and I do not mean that in its effect but in that it is often poorly planned and badly executed, and from their point of view there is almost a complete expectation that they will be caught. If you go anywhere in Surfers Paradise, there are cameras everywhere. There is an expectation that they are going to be caught.

The deterrence aspect of this form of electronic management and surveillance is overstated. It is surveillance; it is in fact not crime prevention. Many members of the public see this promoted as something that is going to somehow prevent crime. It does not. It merely tells where a person was at a particular time—and it is monitored, as we all know, from England. Yes, there may be some live-time issues about it, but it just shows where someone was; it does not prevent crime. I quote very briefly from a document that I can tender to the committee called *New Zealand’s extensive electronic monitoring application: “Out on a limb” or “leading the world”?* It is an article by a Dr Martinovic, who is a lecturer in global studies at RMIT University in Melbourne, which will come to a broader point. I will read briefly from the second of 10 pages, paragraph 5. It says—

The increasing trend to use EM sanctions around the world seems to be due to their surveillance abilities ... Unlike in a prison environment, offenders on EM sanctions can continue to positively contribute to society by working, caring for children and family members, attending rehabilitation programs and being connected to their family and wider social support networks. It must, however, be remembered that rehabilitation programs and services must be provided and adequately funded, otherwise these sanctions only impose “mere surveillance” and do not deliver the desired outcomes.

The point of all of this is that the legislation is almost like a camel: it is designed by a committee and reviewed by a committee. That is not to be insulting to any of you, but it is not a solution. In Australia, in Queensland, we have a system which every three to four years now has a law and order Gold Coast

auction aspect to it. What is needed, in fact, is a look at the criminogenic needs and causes of crime rather than just the crimes themselves. We have to deal particularly with Aboriginal youth, with intergenerational poverty, violence, sexual abuse, lack of employment, mental illness. All of these things, if left unaddressed, simply mean that the legislation, with a public demanding protection, will get stronger and stronger. But if we do not deal with the causes of crime we are merely warehousing a problem in jails or, more importantly, we are simply condemning entire generations to the dark satanic mills of the justice system.

**Mrs GERBER:** We have heard from a number of submitters. I do not think a single person has agreed that any aspect of this legislation is going to achieve its purpose. Warren, is there an aspect of this legislation that you think is going to achieve the intended purpose, because from what I have heard today there is not?

**Mr Warren:** The intention behind the legislation obviously is to reduce reoffending and young people coming to the court system in general. It is a positive starting point that we are searching young people for knives, because obviously knife crime is such a prevalent thing on the Gold Coast as well specifically. As Mr Potts said, there needs to be a balance in relation to the young person's privacy and their rights in terms of those aspects.

In relation to the other issues—of bail, electronic monitoring devices and hooning—they also are in a sense some surveillance and ways of increasing the numbers on remand. With respect specifically to bail and electronic monitoring devices, that will likely increase the numbers on remand and young people who are actually incarcerated. Throughout my experience at youth justice, there was I suppose an attempt to reflect a system that was brought up in New York. I know there was some research done by Mr Vincent Schiraldi which came into effect in Queensland as the RADAR project, the Risk and Dynamic Assessment Register. That was looking at finding out what the young person required at that point in time to reduce their risk of reoffending and hopefully reduce numbers on remand. That was a good initiative by the government. It had some teething issues. The committee heard of some issues regarding that. The electronic monitoring devices are an attempt at having that in-community detention, as it were. It tries to achieve the goal, as Mr Potts said, but it needs to be backed up by sufficient funding for programs and services in the community. That is one of the issues that will be faced with this legislation.

**CHAIR:** Before we go on, the article that you referred to that you said you would table, does the committee grant leave for that document to be tabled?

**Mr Potts:** Because I made reference to it, do you also want me to tender the Uluru Statement from the Heart, or do you have that?

**CHAIR:** No, we are happy to receive that.

**Mr Potts:** Thank you. If I may just quickly deal with the question from the deputy chair, the member for Currumbin. It is broadly based, and the reality is that what is needed is 'something', and whether this is the 'something' that is necessary is the issue. The bail matters, in my respectful submission, will make almost no difference at all to the numbers of people who actually get bail because we are dealing, as Minister Ryan said in his speech, with not a very large number of people. The second reading speech says—

The data shows that around 90 per cent of youth offenders do not repeatedly offend, with many not reoffending after their first interaction with police. While this data is encouraging, the data also shows that there is a cohort of serious recidivist youth offenders, outliers, who are causing significant harm to the community. This cohort of recidivist offenders, representing just 10 per cent of all youth offenders, account for 48 per cent of all youth offending.

What we are dealing with is a very small number of people who simply cannot or will not, for their various criminogenic needs, which I have talked about before, deal with the law. They are alienated, which is what the Uluru Statement from the Heart says. The question is: is this going to help engage them? No, it will not. Will it prevent crime? I doubt it. Will it delay people getting bail? Certainly. Although the act is somewhat inconsistent, saying that while the courts must take into account whether a family member or a kin member is supporting them, it must also not take into account the fact that they have no place to go. We have strange conjunctions there which the courts take into account anyway. This is, in fact, to some degree legislating something that is already done every single day by any sensible court. Putting in different principles signals to the courts and to the community that something is being done, but is it effective? My respectful submission is no.

**Mr STEVENS:** Mr Potts, as a noted defender of the criminally innocent until proven guilty, you mentioned the hooning laws and the difficulties you have in that you felt it was over the top, if you like. The police prosecutors tell me quite the opposite: that they have had great difficulty in getting—I am not saying you personally—a conviction recorded against some of your clients because going through Gold Coast

the court system is very difficult in relation to identification. That is why this legislation in particular is here. You mentioned that it is a bit of a 'camel' legislation in its terms. I always thought that a camel was a horse that was designed by an architect. When society finds this repeated, unacceptable behaviour something has to be done about the matter. I notice you did get a family plug in there for the *Gold Coast Bulletin* as well.

**Mr Potts:** It is an excellent newspaper. I recommend it to all of you.

**Mr STEVENS:** Can you explain to me why a government should not legislate even further in this matter to protect the communities we represent with legislation that is enforceable in the courts, even if it may be to the detriment of some of those clients whom the law industry protects?

**Mr Potts:** I think 'profession' is the term I prefer rather than 'industry', but I take your point. The magnificent member for Mermaid Beach, as always, makes a relevant point. The answer is, Mr Stevens, that in your long experience in parliament you have already passed legislation that works, that is effective and that is going through the courts. Yes, you may well have spoken to police prosecutors, and no doubt when pressed by your inquiring mind they would have told you that something like 99 per cent of all matters which come before the courts end up either in a plea of guilty to the original offence or to some negotiated offence that best represents—

**Mr STEVENS:** You are talking about hooning?

**Mr Potts:** Yes, we are talking about all legislation. Where hooning is particularly difficult is that there has been a change in technology because kids, for some reason best known to themselves, film their own criminality, film themselves driving at high speed and hanging out of car doors and doing all of those sorts of things. Where they are detected and able to be identified, they come before the courts. Where we find the difficulties which this legislation in fact deals with is where, for example, a vehicle is identified by way of either make, model or registration number but the driver cannot be identified, so the legislation places the responsibility on the owner of the vehicle to identify, if they can, the person.

I am all for anti-hooning laws. It is a scourge. It is a danger to both the general public, other road users and indeed the people who are perpetrating the offence themselves. I am not pro-crime; do not get me wrong. What I am about, though, is laws which are both effective and do what they say. My only concern around that piece of legislation was the abrogation of the right to silence with respect to serious criminal offending.

**Ms BUSH:** I am interested in your experiences around why young people carry knives in public.

**Mr Potts:** Mr Warren is perhaps best placed to answer that question. I have some views, but could I invite Mr Warren to answer.

**Mr Warren:** I suppose, as Mr Potts referenced before, young people are often carrying knives as self-protection from other people who carry knives.

**Mr POWELL:** It is a cyclical argument.

**Mr Warren:** It is. It begins, I suppose, with a power imbalance. The first young person carries a knife and then it goes around in a cycle. I have seen the commencement and the draft of a program that the Gold Coast Youth Justice Service was starting to try to get off its feet. It was a program looking at young people who are at risk of carrying knives or recidivist risk knife carriers, looking at that kind of cognitive behavioural change and looking to ultimately shift that cyclical change of behaviours. I think, unfortunately, it begins with one young person, which then requires all young people, in their minds, to carry.

**Mr Potts:** If I can address it: kids are kids. Their brains are not fully formed. To borrow a phrase which I hope the committee does not find too crude, they are often full of piss and wind. There is a sense of bravado. They involve themselves in high-risk activity. There is an overwhelming sense of ego and that is often enhanced, be it by way of a knife, by way of a stolen, more powerful car than the last powerful car they stole, or by way of dress and the like. It is a sense of young, fragile egos often promoting themselves in a way to show how tough they are, and to that extent no piece of legislation is going to stop it. It is really a matter of trying to mitigate and minimise the damage and the danger.

Whilst I understand the SNPs is where this trial will work for the safety of the Gold Coast, one of the places that could actually be looked at is railway stations on a Friday and Saturday night as people from other places come to the Gold Coast. The reality of these things is that this will not stop it. Public education does not seem to have stopped it. Fear does not seem to have stopped it. What the legislation is about is trying to have a minimally invasive attempt at mitigating what is a danger. However, Mr Ryan in his second reading speech says that it is designed to enhance community safety. At paragraph 6 on page 238 he says—

In the last two years, police have seen an increase in the number of people charged with unlawful possession of a knife in a public place. This has corresponded with a general increase in knife related crime statewide.

The reality is that even in that speech there is no detail. We do not know what the increase is. This committee may; I do not know what evidence you have heard. What we are not seeing—and I like evidence based law—is evidence that the risk is so high or that it is so high on the Gold Coast. We have heard, as the magnificent member for Mermaid Beach will recall, about some terrible deaths on the Gold Coast—murders with knives. The question is whether there is a sufficient rise or is it just merely anecdotal.

**Mr HUNT:** You spoke about criminogenic needs. If you had to speculate about a priority of those, if you had to triage the criminogenic needs that are going unaddressed, based on both of your experience what would they be?

**Mr Potts:** The first is family breakdown and alienation. The second is poverty, because poverty leads to a disengagement with society. It leads to a lack of often stability and food. The third issue—not unacknowledged, but perhaps not fully accepted or fully realised by our society—is that many of the kids who come before the courts are victims of their own parents' stupidity. Increasingly we see a number of kids who have foetal alcohol syndrome because their mothers consumed alcohol in large quantity whilst they were pregnant.

We have a number of issues: mental health, family stability, poverty and the like. About each of those things, by the way, it is very easy in a broad sense to say, 'Let's cure that. We'll throw money at the issue.' That is not the solution. The criminogenic needs include stability, education, lack of family violence, re-engagement both with their community, their families, their kith and kin, and giving them something to do. The only programs that have worked around the world are ones that actually re-engage kids with their family and engage them in something external from themselves, mostly education. Getting back to school, learning something so they actually have the tools to escape what essentially is the quagmire and chaotic nature of their own lives caused by all of those things.

**Ms BUSH:** Obviously, knife crime is often fatal for the victim and devastating for the offender, who is then looking at a life sentence. Do you accept that the legislation regarding the wands could at least have a dampening effect on that cycle you are talking about of young people carrying knives in public?

**Mr Potts:** Firstly, I have always been a firm believer in good policing. If we thought that higher penalties were going to cure things there would be no drink-driving. The reality is that most people commit offences if they do not believe they are going to be caught, or they will get away with it, or whatever. If we have policing that is present, that is visible and that is directed at an issue, then I think it will have an effect. To that extent, I think a trial—even though I am not sure about the figures, whether it is justified or not—at least will determine whether there is some help there. It will protect the police officers who are doing it and it is minimally invasive to the children who are subject to it. As to whether it will have any effect whatsoever—because it is only limited to two little areas on the Gold Coast—is, I think, entirely debatable. There are other places in other parts of Queensland where this legislation will be better run out and tested.

**Mr POWELL:** Were you consulted in the development of this legislation—yes or no?

**Mr Potts:** No, not personally, but I would not expect it if the QLS was.

**Mr HUNT:** I was not with the committee when it travelled to North Queensland and Central Queensland, but I have heard what was said in those particular forums. While everyone is very supportive of a lot of the criminogenic measures that you were talking about, there seems to be an overarching concern and the question that people are grappling with and do not seem to be able to answer is: what do we do in the immediacy? With the more problematic—and we keep using the term cohort; it has been massively overused—offenders, the community has an expectation that something needs to happen in the immediacy. Do you have any thoughts on that?

**Mr Warren:** There are essentially two schools of cohorts that you are dealing with. You are dealing with the ones who are currently going through the criminal justice system who are aged between 10 and 17 and you are dealing with another cohort, a younger cohort, which will perhaps in future be offenders. You are dealing with two sets of what we see to be criminogenic needs. The research in terms of the first cohort who are between 10 and 17 and currently engaged in the criminal justice system shows that addressing attitudes and orientations in regard to their antisocial behaviours is the most important target in reducing the reoffending.

In terms of the younger cohort who are not yet caught up in that system but perhaps are on that trail, it is addressing the community systems that are in place such as child safety, education, Queensland Health and things like that to build up those supports available to that young person so



that we avoid things like abusive households and homelessness from a young age and disengagement from education. It is addressing both cohorts. It is difficult to try to find legislation that applies to both. It is something that needs to be thought of.

**Mr Potts:** The question is often put more crudely than that. I am not suggesting that what you are saying is not eloquent. The question that is often asked is: 'Mr Potts, if that were your sister, your wife or your family who was the victim or your car or your house that was broken and destroyed, wouldn't you want something done about it?' That is the immediate question. That is something we hear particularly from the good folks of Mount Isa, Townsville, Cairns and the like. It has an immediate visceral reaction: people want something done. Members of parliament listening to their own communities want something done. I understand it.

Your question was directed, as I understood, to what can be done in the immediate. There are two things that have been done in Townsville. One is that we have had a flooding of Townsville at various stages by police who identified a very small number of this cohort that the police minister refers to and concentrated on them in a fairly strenuous policing way. The second thing is that the then Chief Magistrate, Mr Rinaudo, through Leanne O'Shea, the Deputy Chief Magistrate, instituted a high-impact court which again saw the small cohort that was causing, it seems, most of the crime being brought through the courts effectively on a weekly basis to ensure that those criminogenic needs were being dealt with.

It is not just merely restorative justice—and it sounds like a horrible term—but it is a form of justice which actually deals with the issues relating to the person, whether it is because mum or dad are in jail, whether it is because kids are bored and they are wandering around the streets in the middle of the night without supervision, whether there are mental health issues involved. All the sorts of criminogenic needs that we have talked about were addressed and it worked, not entirely well because no system invented by humans ever does. The simple reality is that this is something where there has to be proper engagement with all of the rehabilitation measures. If we simply use a punitive approach, it is like cracking an egg with a sledgehammer.

**Ms BUSH:** I am interested in the criteria and safeguards you would want to see wrapped around the wands.

**Mr Potts:** I would like to have a senior officer present at the site. I mean no disrespect but our junior police officers are often working in high-risk, high-impact environments often with people who are grossly affected by alcohol, particularly in the SNPs on the Gold Coast. Such police officers, without being critical of them personally, need supervision by senior, more experienced officers. I do not want to see what the police minister says, and that is an inspector back at the police station simply saying, 'For the next 12 hours you do that.' I would like to see someone senior supervising to prevent the sorts of excesses which may occur.

**Mr Warren:** I think that is specifically applicable to the trial that will be coming out. If it is going to be a trial for the next 12 months, it would be beneficial to have a senior officer present.

**Mr Potts:** The second issue is privacy. I would like to see that not necessarily in the legislation but enshrined in the guidelines and/or regulations around it to ensure that at least some form of privacy and decency is maintained. I appreciate that this is legislation that is designed not be as a result of probable cause, but because there is no probable cause there is a significant risk that there will be some form of profiling. As a middle-aged, middle-class, fat, white man walking down the road, I am get ignored. The somewhat strange-looking person with coloured hair and bad tattoos gets looked at. There is no probable cause. I am concerned that there not be some form of profiling.

**Mr Warren:** As a last safeguard, I think the relationship between young people and police also needs to be addressed. If you are trying to buy in their cooperation for a wandering or a search, the young people in my experience are not particularly going to listen and will not cooperate. I think the relationship between police officers and the young people in our society needs to be addressed as well.

**Mr Potts:** That could be best addressed by public education and again by police officers exercising discretion—a high degree of discretion, if I can put it that way.

**CHAIR:** Thank you for your evidence today. Thank you for attending. That brings this session to an end. I now call Ms Angela Driscoll. While Angela is coming forward, I indicate that we did have a session booked for later. Unfortunately, we have been informed that there has been a tragedy in the family and those people are no longer able to attend.

**DRISCOLL, Ms Angela, Private capacity**

**CHAIR:** Angela, would you like to address the committee before we ask some questions?

**Ms Driscoll:** Yes, I have put together a few things. Firstly, I would like to acknowledge the Kombumerri people of the Yugambah nation where we are meeting today. I also acknowledge that the over-representation of First Nations people in the criminal justice system is a source of ongoing pain.

My name is Angela Driscoll. I am employed by the Gold Coast Youth Service, so you will hear from my CEO later today. I have been employed as the Chill Out Zone coordinator in the safe night precincts. We offer the rest and recovery here in Surfers Paradise and in Broadbeach. I have also been involved for the past 12 years with the schoolies response as the welfare coordinator, addressing what we call high-risk presentations of young people across that period. My background is in education and youth work. In post-graduate studies I completed a thesis on working with families of juvenile offenders in very high-risk areas in Sydney and New South Wales.

In all the time I have been working with young people and/or their families I am yet to meet a parent who does not care about their young people, their children. I have certainly met many parents who do not have the capacity or the skills to have outcomes that they want from their parenting, but I have never met anybody who genuinely does not care about what happens to their children.

In reading some of the previous transcripts from hearings that this committee has had, I would like to acknowledge the incredible scope of the work right across Queensland and the real diversity of communities and their needs. It is quite remarkable to think how different Mount Isa is to the Gold Coast, or to Cairns or to Townsville. I think that is really important because particularly when it comes to juvenile offending it really is a community issue.

In saying that, I would like to acknowledge the victims of crime. I understand that to not feel safe in your home—and you have evidence of many Queenslanders who do not—and to not feel safe in your town is a really serious issue. In addressing that, I would like to read a quote from Mr Atkinson's paper because I think it is really important. This is obviously from a victim of crime. They state—

As someone who's been the victim of crime on more than one occasion, my natural instinct was to want the young people responsible to be locked up. But the more I think about it, what I really want is for them not to commit the same crime against me or anyone else again. If locking them up doesn't work, then we need to do whatever does work.

I think for most reasonable people, even the victims of crime, that would ultimately be the perfect outcome—that offenders cease to offend against any other people.

In reading testimony from hearings in the different communities, there is certainly the will to change this, but there seems to be argument about the ways to do it. I would like to address just two aspects of the legislation today: the electronic monitoring of offenders and the wandering powers for police in safe night precincts. I think it is quite remarkable that we can say that 43 per cent of offences are committed by 10 per cent of this cohort. Even though it sounds like an enormous problem, we are talking about 350 individual young people. Surely as a state we can address a number like that.

I think with the electronic monitoring, as Mr Potts eloquently pointed out, there may be unintended consequences that come with that, particularly in relation to a value being placed on having an electronic monitoring bracelet. As other witnesses have identified, there can be positives to that in that a young person then has an excuse to say, 'I cannot come with you. I cannot commit offences. I am wearing this and I will be caught.'

If it adds to the prevention of entering detention then it is a positive thing. As you have heard from a lot of witnesses, while we understand why in some cases detention needs to happen, it removes that young person from their family supports and from their communities. Any chances of rehabilitation are really difficult then. For communities that are particularly hard hit by juvenile offending, that then compounds the problem because the community itself is rejecting of those young people. We know that the only way for them to be rehabilitated or to look at different ways of behaving is to be fully integrated both into their family systems and into their community systems which becomes very hard when the community is so deeply affected by juvenile crime.

I know that you have heard evidence of different programs that are funded by the Queensland state government, but bail support services in particular are a terrific idea where young people can be supported to meet their bail conditions. I know that that is part of these amendments, that someone is able to take responsibility for that young person. It may be outside of the scope of this legislation, but I think if we can arrange for electronic monitoring of young people surely we could arrange for intensive support for those young people at the same time. I am sure I am talking to the converted when I say that every dollar that we spend on prevention saves a massive amount in expenses within the criminal justice system.

It seems to me that many areas already have a great number of funded services that are designed to address these issues for both the families and the young people, but certainly the feedback that I was reading indicated that perhaps those services were not working together. Where we can identify that there are communities where a significant cohort of those 350 offenders live, maybe we can look at some way of having coordination of those particular regions so that those services are not only doing a good job, which I am sure they are now, but also cooperating with each other so that there is maximum benefit for the social investment that the Queensland government is making.

Bill Potts also touched on the need for evidence based planning. I think that is so important when it comes not only to the services we provide but also to the way that they are provided. If communities and even victims of crime understood that these are the factors that need to be addressed before we can genuinely break the cycle not only for the offender but also for children they may go on to have and for people in their peer groups who may be in a younger cohort than them who will continue to offend if that cycle is not broken.

In New South Wales, as you know, they have a dedicated children's court and have had for a long time. One of the criticisms of juveniles going to the adult court system is that the system works the same way it does for adults. If there is little chance for participation, there is not the focus on restorative justice. A dedicated children's court does mean that at least there can be processes that are more suited to juveniles, where they are able to participate in the sentencing and listen to the impacts that their crimes have had. It also means that personnel obviously try to facilitate that with the outcome that offending may cease if that is managed properly.

When it comes to this problem, obviously there are no short-term fixes, so it cannot be a politicised problem because, by nature, that is going to make it short term or limited to a number of years. Even with the recidivist offenders that we are talking about, to break that cycle means that we will probably save recidivist offenders in 15 or 20 years time in those communities and in those families, so I think it is certainly a very worthwhile investment. If we are able to say we can electronically monitor those young people and we can give them bail support, why cannot we also give them intensive support based on what we know works and that works for the community where they are embedded? That was really all I wanted to say in relation to electronic monitoring.

When it comes to wandering, I have worked in the Surfers Paradise precinct for nearly 20 years. I fitted in very well in the precinct when I started. I can say from working very extensively with stakeholders that nobody in these safe night precincts wants anybody to carry knives. I would say that that would include a very large cohort of the young people who are carrying those knives. There is very eloquent evidence that young people will say, 'I carry a knife because everyone else carries a knife. I am protecting myself from other people who are carrying knives.'

I spoke to a young man yesterday because his parent was concerned that he had pulled out a knife. He is not from a broken family. He is not from a poor family. I asked him why he was carrying the knife. That is exactly what he said: 'Everyone else carries one. It is for me to protect myself. I would never pull it out to attack someone.' We know from instances that have happened that that is simply not true of all of those offenders. The fact that they are carrying one means that when they are cornered they are likely to use it. I asked him where he got the knife from. I did not see the knife. He said that he took it off a 13-year-old who had threatened him with it and that is why he carried it. He did not purchase it. He had not found it. He was only 15 but he had taken it off a 13-year-old who had threatened him with it.

In Surfers Paradise particularly, and in Broadbeach, we have a really wonderful track record in terms of stakeholder relations and working on strategies together. The Chill Out Zone for rest and recovery was born from a collaborative effort at identifying how we should manage intoxicated persons there. We have a wonderful radio network that allows all of the stakeholders to communicate. We have a mandated association, mandated under the Liquor Act, for the safe night precincts in both of those areas. It is really important that we try to involve all of those stakeholders, none of whom want knives in the precinct.

When it comes to the interface of police and people, they may choose to wand. That is going to be a really critical area in terms of making sure that this as a strategy is workable. If we were able to involve other agencies like the venues themselves, which sometimes do randomly wand and have access to wands, and if we were to make that very much a public strategy where everybody was very united in saying that we do not want knives in these precincts, that may alleviate some of that pressure.

Having worked in Surfers Paradise for a long time, I can say that police officers are exceptionally skilled in dealing with intoxicated persons who are not known for their impulse control. As long as there is training that reflects that and there is a way to approach that, the incidents where wandering actually occurs can cause less trouble than it might otherwise.

The biggest danger for anyone in the precinct is that someone will arc up when they interact with the police. I have seen many instances where police are able to approach in such a way that that does not occur. It is really important also to recognise that—not including last year, because we do not include that for a lot of things—assaults in the Surfers Paradise precinct are actually at their lowest level since 2005. That is not just knife related assaults; they are people who present to us to help manage their injuries after they have been assaulted. We are down to around 150 per year now. In 2009-12 we were at well over 400. That is a really remarkable achievement and shows what can happen when we work together. Through those mandated safe night boards in both of those precincts it would be wonderful to actually work together and have some input into how that wandering occurs and when it should occur.

In Surfers Paradise we have one of the first liquor accords in Australia and the first one in Queensland. It is quite active in terms of the venues wanting to participate, because obviously venues do not want knives either. I think it is important to recognise that, when it does come to knives, we have young people who access those precincts under the age of 18. Hopefully they do not access the venues also, but certainly they are around the precincts. When we think about the carriage of knives, really we are talking about quite a young cohort that are still of school age and maybe are not attending safe night precincts. We have the capacity to look at education around that, particularly if the carriage of knives is based on a false belief that everybody has a knife. There is scope there to be able to work with those young people to look at why that might be. Like everywhere else right across Australia, the Gold Coast does suffer from a lack of pro-social activities that young people can do before they reach the age of 18. We are very well catered for past the age of 18, but not so much under.

**Mrs GERBER:** This is a yes or no question and maybe it is better put to your CEO: was the youth centre that you worked for consulted as part of the drafting of this bill?

**Ms Driscoll:** My project certainly was not, but Maria could answer whether the youth service was.

**Mr STEVENS:** Angela and I go back a long way, to schoolies and handing out red frogs.

**Mr KRAUSE:** When you first attended?

**Ms Driscoll:** No, when I first attended!

**Mr STEVENS:** Going back to what Bill Potts said about this cohort, the police tell me it is about 50 or 60 repeat offenders who are in the court system weekly. You have talked about monitoring and wandering being of assistance. We all understand that we need to rehabilitate those 50 or 60 people. In many cases, as Bill Potts alluded to earlier, the family situation does not assist whatsoever. In fact, it can exacerbate matters. Do you believe this legislation will assist in bringing down the recidivism of that cohort of 50 or 60 that is causing enormous concern—enormous concern—to our Gold Coast community?

**Ms Driscoll:** I think it will assist in reducing community concern. Certainly in terms of the electronic monitoring, we have had very vocal people in the community saying we want something done about these offenders. That is what I was alluding to before, I suppose: there is a difference between addressing the offending behaviour and punishing people for it and preventing it from occurring again. If we are looking at the electronic monitoring or bailing to an adult or caregiver, even if that is the department, who is willing to provide care then we do have the scope to actually have interventions in place. I do not think they are covered necessarily in these amendments, but certainly we have services that are able to do that. When we talk about parents who are not able to, we still have to recognise that these young people have an attachment, as we all do, to their families. Even in the most dysfunctional families there is a wish to be with that family. If we are able to concentrate on equipping not only that young person with skills but also their families, that would go a very long way to addressing the offending behaviour.

I know that there are submissions before the committee on things like multisystemic therapy, which has significant outcomes in terms of working with young people and their families. We have to recognise that these offences do not happen in a vacuum. Whether it is around foetal alcohol spectrum disorder, dysfunction in the home, custodial sentences for parents, we need to really try to address those things while we have the opportunity. If there is going to be electronic monitoring, if we are going to crack down on movement and curfews, let us use that time as well, as a society, to ask what else can we do that will actually address offending.

**Ms BUSH:** Angela, you were here when I asked the question of Mr Potts around criteria for wandering. Would you like to add anything to that criteria?

**Ms Driscoll:** From my understanding of reading, there is no specific criteria. There does not even need to be a suspicion, although I imagine there would be a suspicion or they would not want them. If the training is very good from senior officers, that can really assist. We have a cohort of officers who are based in the safe night precincts who often are in the best position to understand how it is best to police those safe night precincts, because it is not the same dealing with the general public compared to intoxicated people. Some of the criticisms of that is that it will target groups that are already marginalised. Because there does not have to be a suspicion, do we look at saying we are deliberately going to target a really wide cohort of people because it is not invasive and we do not want to be seen to be targeting minority groups, particularly those who are already over targeted? We would certainly have the scope, if these powers are granted under these amendments, to talk about how that could best be done so that it not only achieves its objectives but also contributes to safety in the safe night precincts.

**Ms BUSH:** Obviously this bill proposes to increase parental willingness to take on more responsibility so it could be a parent or any other support person, including services. I am interested in your views on what types of intensive supports would help to scaffold that arrangement.

**Ms Driscoll:** I think time is a big one and the investment of resources that can afford to have time. For example, with the multisystemic therapy that you have a submission around, the work that I did many years ago in Woolloomooloo looked at family values. When it comes to the communication of such simple things that so many of us practice in our families without thinking, a lot of families do not function like that. This includes communication skills addressing substance use issues or health related issues for the parents, addressing their parenting skills—really opening up that communication.

Part of the issue for the young offenders is that obviously, in most families, the families are very rejecting of those behaviours, at least obviously, so the young people are rejected by their families and very overtly rejected by their communities. They do not feel a sense of belonging and they do not feel that the community values that we share are relevant to them because nobody likes them. It is about trying to address those things. There are programs certainly that have had success in engaging the most vocal members of the community who are most opposed to going easy on juvenile offenders in that process so not only do they understand it but also they get to know those young people, not just as young offenders but as children essentially who have not been given many things that many of us take for granted.

**Mr STEVENS:** Angela, one other area that we have not covered with you—and I am not sure whether or not you have an opinion—is the hooning laws and the youth having to identify who was actually hooning at the time. That is covered in this legislation. Do you have any opinion or concerns?

**Ms Driscoll:** I think that has always been a loophole around hooning. We certainly have hooning issues quite regularly on the Gold Coast, including just in this little strip here between Surfers and Broadbeach. That has always given owners of the vehicle the capacity to say, 'I don't know who it was.' I think closing that loophole will go a long way. These cars are very valuable to their owners and very valued. If we can remove that loophole where people are able to retain their vehicles and the use of their vehicles because they say, 'I loaned it to someone else and I don't remember who,' which is quite disingenuous obviously, we may actually make a dent in some of those behaviours.

**Ms BUSH:** From a safe night precinct perspective, would you agree that this legislation around the wandering could put a dampening effect on people wanting to bring knives in that sometimes areas can get reputations for certain behaviour?

**Ms Driscoll:** I think it comes down to publicising it as well, making sure that people understand that that is a possibility. When I was talking before about getting other stakeholders on board, it could be as simple as signage on the outside of the Chill Out Zone, signage at the entrance to venues saying, 'We support Queensland Police in the detection of knives in this precinct,' so it is not just the police that care about knives; it is all of us that care about knives in public.

**CHAIR:** Before you go, Angela, you were reading from a document. Is that something you could email to the secretariat?

**Ms Driscoll:** I could, but it is speaking notes and I do not even understand them.

**CHAIR:** That is alright. It was just a question.

**AUFAI, Mr Will, Team Leader, Gold Coast Youth Service**

**LEEBECK, Ms Maria, Chief Executive Officer, Gold Coast Youth Service**

**PARATA, Mr Ricardo, Youth Support and Advocacy Worker, Gold Coast Youth Service**

**CHAIR:** I welcome the representatives from the Gold Coast Youth Service. I invite you to make a brief opening statement. We are running a little bit ahead of time. This session is due to finish about 12.55 pm, but we are flexible.

**Ms Leebeck:** Thanks for the opportunity to talk today about the bill. For people who do not know, we are a not-for-profit service focused predominantly on young people who are at risk of homelessness or experiencing homelessness. Obviously we support the Chill Out Zone as well where Angela works. We attempt to provide assistance to young people and their families in a range of programs. We want to also acknowledge the need to address the serious recidivist offender as well as community safety.

We do acknowledge the other submissions that talk about the need to balance that against the current human right legislation and also the Convention on the Rights of the Child. I think other submissions will address that and we will not go further down that path. We will talk about what we are seeing, what our experiences are and give you a bit of a taste of what we think will work and what will not. Just to reaffirm, we are talking about young people within that context who we are working with. We probably will not talk on the anti-hooping provisions. We will leave it to others to make comment on that.

Ricardo is here because we have a program called the Street CRED program. He can talk more specifically after I have finished if you want to have an understanding of that. It is a collaborative approach. It is a Queensland Police Service initiative where we go around at night engaging with young people on the street. It is a Youth Justice initiative. There is a welfare component of that. The beauty of that program is, whilst it was initially about engaging young people who were engaging in antisocial behaviour, it has this broader approach about thinking about what is going on for young people out there who may be engaging in antisocial behaviour. It has Youth Justice with us as a government agency; obviously ourselves; Child Safety; Kalwun, which is an Indigenous service; and a whole range of others. It is a partnership approach—so high impact, assertive outreach, going out into the Gold Coast. It is funded for only one night a week to do that after hours, but Ricardo works every other time during the day. We just do not have the resources to do more than one night a week. If we need to, we go out.

We found that that community based engagement working with the police alongside us has been really quite successful in engaging with young people. I think there was a comment earlier about how do we work together. I think we work really well with QPS at the moment with regard to looking at who are the young people who are most vulnerable who may be offending and how do we want to look at working with them in terms of dealing with whatever is going on for them. We do find that some of these recidivist offenders are some of the most marginalised people. We have experienced that.

The other thing we want to say is that we do find a bit of a lack of consistency in regard to the system where there is breaching of bail or their orders and when it goes to the magistrate. There is a little bit of an issue. Yes, you go to court and detention is a last resort and, as a result, the magistrate may then put another order on. The issue is that you tend to be coming into court time and time again. What does that mean? Then you have some young people with a large number of offences and breaches of orders, but we have not really done anything. At one end you have going to court and at the other end basically being incarcerated, but what are you doing in between? There are these other things going on, but what is it? We are saying there is a massive gap in terms of the support you can provide to young people and their families when you start to see some sort of consistent offending happening.

We also find that going into detention does not help. They are going into detention and coming out. What is happening when they come out? Where are the supports for young people when they come out after a stint inside? How can we support them to make some other decisions and work around their housing—and housing is an issue for everybody, but it is particularly an issue for young people as well—housing for their families? How can we support them if they want to do something else in education or training or have any access to rehab? That is not around either. It would be great if we could look at greater access to rehab and some improved mental health, and I think people have talked about that before as well. The housing has to also be suitable.

Our strong belief is that bail conditions need to be more directive, saying that young people must engage as well. That could really help young people to engage with us as well as giving clearer messages about the seriousness that is going on. That is trying to stop that revolving door. We have a police liaison officer with Street CRED. We have found it has been really useful in having that position there with QPS and us working together and going out, seeing families, doing work with families and young people about, 'What is going on here? This is the bail order.' We probably would not want to be the person who has to enforce that. We would feel that would undermine the work that we do now. Ricardo goes out at night, and we are seeing heaps of young people and we are reminding them about their court and that sort of thing. If it became a bit more of an enforcement issue I think we would find they would not necessarily want to engage with us. I think that would impact on our relationship with young people.

The other thing is that we are a little bit concerned about the presumption against bail overflowing what is an already overstretched youth detention and watch house system. We had the problem of young people in watch houses. It feels like we have gone from being concerned about that, trying to address that and potentially going back to watch houses. I feel like we are going around in circles. Maybe I have been around too long; I do not know. We are willing to support them—do not get me wrong—so long as it is not enforced on us. Street CRED has been quite a good program in showing how we can do things like that, keep investing in things like that. Any bail support programs, flexible learning, family support and intervention would be great. We are supportive of Angela's conversation with you about that.

What we think will not work is the tracking devices. I am not quite sure what you are going to get with tracking devices if there is nothing else that goes with the tracking device. I am not sure what tracking devices are going to cost you, but we do not think the bracelets will work. It is stigmatising. We think your investment would be better spent in supporting families in other programs. I understand why you might want it, but it is really more of a policing issue than anything else.

I talked about what we think will not work with regard to the watching brief. In terms of the scanning devices, Angela has touched on that. We are worried about the arbitrary use of police powers. There has to be some wording around suspicion of wrongdoing. There has to be some reasonable reason for having a scan. We do have some young people who get a little bit targeted as well. We do work with the Westfields at Helensvale and Coomera and that is a great arrangement. However, there are times when young people go there and they are just going to shop and you ask, 'Why are you here?' They are shopping. There is a little bit of concern about what that means for young people if we are not really having some sort of suspicion of wrongdoing.

**Mrs GERBER:** I have a question for Ricardo. You work with these kids; is that correct?

**Mr Parata:** Yes.

**Mrs GERBER:** When we are talking about the trial of the electronic monitoring devices, that is only legislated to apply to 16- and 17-year-olds who have committed a prescribed indictable offence and are on bail for a prescribed indictable offence. Of the children you deal with, how do you think they are going to react to that, bearing in mind we are talking about that category of kids that it applies to? Do you need me to identify what a prescribed indictable offence is?

**Mr Parata:** No. Truthfully, my first experience was two weeks ago with a young person who was 16 and on bail, released from detention. Prosecutions actually recommended an ankle monitor. The first thing he said to me was, 'Cool. I can show everyone.' He was not fussed at all. My experience in the program that I do with Street CRED in dealing with youth justice mainly is that way back when they start in the court system, I think there is not enough emphasis, like Maria was saying, on mandatory engagement. On Wednesday I sat with a young girl who had her first appearance in court. The Legal Aid solicitor drew her a nice little road map of their first presentation in court and basically the level of their offences and where they would go to in terms of a warning, a restorative justice order, a reprimand and so on and finally detention.

The issue that I have is that we are dealing with these young people and trying to encourage them to then engage with youth justice but, if they do a restorative justice order, the restorative justice order cannot implement anything more than what the court could and there is no mandate around actually engaging in that. If we sit there in a room and we bring a bunch of victims in, we bring a bunch of stakeholders in and we try to support this young person around what they can do to address that offence and work towards paying back to the victim, there is nothing after that. It is a piece of paper that is signed, but nothing is enforced. We then go back to court because they did not comply with that and then back through the loophole again. They might get caught up on some other offences in the meantime and put in detention. It just goes around and around, and eventually they are 18.

Nothing is actually addressed at the restorative justice phase when we could sit down and put some family planning in place. I do not think the parents have enough of a say. Families know their kids best. Families know each other best. We are not talking to parents. We are implementing programs that we have already put in place that were already funded. Obviously we understand that government funds programs, so we want to use them, but if we sit back and deal with the families by asking, 'What do you think your child is going to engage with and can we actually mandate this in their order?' that takes them out of a youth justice order. A restorative justice order is a lot smaller. They have then sorted out the offence and the sentence and it is done. We are not saying that that is going to fix everything, because there is not a one-size-fits-all, but it is going to stop a lot of young people going back through the loophole into court. That is what I think anyway.

**Mr POWELL:** What you have both just shared is consistent with a lot of the evidence we have heard. In particular, there was a senior sergeant in Cairns who lamented that we wait until the kid is appearing for the seventh or eighth time in a watch house before we intervene rather than the first time. We should be wrapping all of those things you have just listed around that kid and that family the first time they appear in the watch house, not down the track.

I think we also all agree that we need to be doing a lot more prevention and early intervention. We also all agree we do not want these kids to end up back in watch houses for extended periods of time like they were. I think I am hearing some support, albeit reluctant or with concern, for some of this. My other question is: for that small cohort of kids that you would have heard Ray talking about before, if not this then what? What do we need to do? If we start now on early intervention and prevention we are going to keep kids out of the system, but there is a group that it is too late for. They are in the system. How are we going to stop them terrorising communities such as Townsville, parts of the Gold Coast and so on?

**Ms Leebeek:** For us really, first and fundamentally, for the young people that we would engage with and support, appropriate housing and support is critical. Where do you go? It is pretty hard when they are bouncing around all over the place. I think that is one of the issues for us. Combined with that is a background of trauma for most of those young folk. There are issues around can we have some sort of drug and alcohol and mental health support, but you need to be a bit more intense and supportive around that and give them somewhere to go. That would be the biggest thing I would say we would need to have.

**Mr Aufai:** My other question really was what is happening while they have been incarcerated? Is there something that they are working towards there to be released or are they just in there serving their time? What sort of education programs can we put in place while they are incarcerated to come back into the community and society?

One of the issues that we are facing is homelessness as well. They are usually so complex that our homelessness vacancy systems that we have in Queensland will not take them on. They are running around the streets so there is a high chance of them reoffending. I do believe that they need some solid accommodation. In our teams we also talked about a sense of belonging. This is what young people need—some sort of program around that. They need to belong to something, otherwise they will gravitate towards bikie gangs or whatever else is going to accept them. That is just some of our experience that we are seeing.

**Mr Parata:** We talk about the 16- and 17-year-olds who obviously have severe offending histories, but when they get to that age, as Will touched on, we cannot place them anywhere because they are too severe. They are at an age where Child Safety will not pick them up because they are past that 16-year-old age bracket, and that is what it is. We understand that too. It all goes hand in hand: homelessness, carrying knives. What are they going to do when they have nowhere to go?

We take them to court and we sit there and someone from the education system or Youth Justice says, 'Do you want to look at getting back into school?' or 'Do you want to go to a job employment agency?' They are not worried about that. They do not care about that. They want to know: 'Where am I sleeping tonight? Do I need to carry a knife? Do I need to sort something out? Do I need to go and steal a car so I can sleep somewhere safe for the night?' We are sitting there with them saying, 'We are trying to work with everyone but we have nowhere to put you. Please be patient with us. Please engage with us until we can sort that out.' We end up losing 50 per cent of them because we have nowhere for them and, unfortunately, we end up with another couple of charges in the meantime and then they are back in the system all over again. It always comes back to housing for us—crisis accommodation. We need less conditions around accommodation so we can actually get them in, get them safe and then work on everything from there. That is what I think anyway.



**Mr STEVENS:** My question is to the guys who are out on the street at night with all of these young people. What do you believe will be the reaction of these young people when the police start to wand them and look for knives and things like that?

**Mr Parata:** They will run straight away. There will be more resistance and less trust. The beauty of our program, Street CRED, is that it works because we do not enforce. We understand that not everything can be hugs and rainbows. When we are out there the police officers who are there are there to keep us safe and we aim to keep them safe as well, but we are not enforcement. The concept of that is to try a different angle—try to talk to the young people and say, 'Hey, you have a warrant. You are wanted for questioning. I can support you to do that under this program. Do you want to volunteer to do that? I can pick you up in the morning. We can do that,' or, 'Do you want to come and talk to these guys? They are not going to arrest you.' Common sense always plays a massive part. If there is a violent offence or something happening, police have to intervene. For example, when we are in the late night precincts, we will call Surfers police and we will remove ourselves so we do not lose that trust. I believe that if the police are walking around wandng them there will be no engagement at all.

**Mr STEVENS:** You think it will be quite inflammatory. Is that what you are saying?

**Mr Parata:** Yes. It is hard because we do not openly profile but human nature is that we profile. When you see teenagers out, the rich kids from Hope Island can be the same as the homeless kids in Southport. They all look exactly the same in 2021, so what are we looking for? Who are we trying to target? We do not know and we do not know what we are going to get until that happens.

**Ms BUSH:** I do not want to sound accusatory in what I am about to say, so please bear with me. We are hearing that there are no services available, but there are services available like yours. I am trying to understand the barriers are for you guys in fixing some of those gaps that you are identifying. What is stopping you pivoting your service to go after hours or to look at bail support programs? Just help me understand some of those barriers.

**Ms Leebeek:** The funding barrier is just that. It is a funding barrier in terms of capacity in how many nights that you can go out and do the work. That is for us as well as the other agencies that go out after hours. That is the first thing. That is a barrier. We have talked about the court barrier around how we can have some of those orders more of a 'this must happen' rather than anything else.

In terms of investment—and this is my point—why do you want to invest in a bracelet? Wouldn't we rather look at investing in something else? For example, there is the BEROS program in Brisbane that is not down here for young people in care whose placements are not working for them. There is a process in Brisbane that young people can be temporarily housed somewhere. There is nowhere down here.

The Gold Coast has had eight emergency beds since 1983 when the SAP program started—eight emergency crisis beds for young people. It has never changed. We are in 2021 and it has not changed. When the supported accommodation system program started in 1983, we got eight beds with the Gold Coast Project for Homeless Youths. We still have eight crisis beds there.

**Mrs GERBER:** For young people?

**Ms Leebeek:** Yes, for young people. There are a range of other programs happening. We are going to have the youth foyer with 40 beds in Southport and things like that, but at the crisis centre, where Ricardo was saying, 'I have a young person. I need somewhere to put them tonight', there is very little. There is very little within that YJ frame as well. Bail houses historically have not worked. Certainly something that looks like a place to stay that is suitable for this cohort of young people would be fantastic until we can find a more longer term housing solution. If we can do some investment at that end, it would be fantastic. That would be a really good starting point for us.

If we can have an ADAWS on the Gold Coast rather than just in Brisbane, that would be great. That is the alcohol and drug service for young people. It started with the Mater, I think, initially and is going in Brisbane. It would be great to have a rehab service for young people under 18 on the coast. Those sorts of initiatives I think would probably be really useful. I had a young fellow with me the other day and I made a thing with him: 'Mate, how about rehab and I might look at giving you some work?' That is incentivisation. The point is that there is nothing to go to, so I said, 'We will wait for you, mate.' There is nothing there that has immediacy. The problem is then you are back in. You are having to live your life the best you can and sometimes the choices are not the greatest. They would be some of the solutions we have talked about.

**Mr HUNT:** Will, you spoke about the delivery of programs and services that are available within youth detention facilities. I think one of the frustrations within those facilities is that no-one can be compelled to attend courses, vocational training and that sort of thing. If the person does not want to Gold Coast

attend, no matter how beneficial it may be, they simply do not go. I am just asking really for an opinion. Do you think the facilities are the best places to deliver those programs? Clearly people get to a point where they can and should do a stint in a youth detention centre based on their offences, but is the youth detention centre the best option or do you have some other ideas in that space?

**Mr Aufai:** Initially that was my question: what is happening in youth detention centres and whether or not there could be a program for them? When they are released they are on all these mandatory reporting conditions they have to comply with, so why not comply while they are in the system itself—programs around life skills and things like that. It is something for them to work towards or they can tick boxes and, 'This is what you have got to do to get out of jail.' Maybe only 10 or 20 per cent of that might sink in. That is great. It is better than waiting and doing your time. That is just my opinion.

**CHAIR:** You spoke about other agencies. One of the things that became apparent when we were in the regions is that there seems to be a lot of agencies competing for the same small pool of money. Is that happening on the Gold Coast too?

**Ms Leebeek:** We try to work collaboratively. Street CRED has quite a number of partners. I am the chair of the Gold Coast Homeless Network. We do have a homelessness network. We are trying to look at how we do investment in the region based on needs so that if you are going to have competition the competition is healthy as opposed to being competitive.

**CHAIR:** Maria, is the homeless program that you are part of separately funded to what you do?

**Ms Leebeek:** Yes. We have seven different funding programs and I manage those to make all of the programs work as effectively as possible.

**CHAIR:** Ricardo, Will and Maria, you said that you basically have funding for one night a week. Is that correct?

**Ms Leebeek:** For Street CRED, yes.

**CHAIR:** Your program Street CRED is funded for one night a week. I understand it is a complex problem because you have your homelessness and you have people who need rehabilitation, but if you pigeonhole those for a moment, how many nights a week do you think you need to be more effective than you already are? Is it every night?

**Mr Parata:** That is a very good question because this is something we spoke to Maria and the local CPIU about last week. What we aim to do is get the details of every young person we engage so we can form a street check for the police. They use that for their data around whether they are volatile substance misusing or under the influence or it is just a normal street check, which is a check-in. What they then do with that data is they collate that to see the spike in crime through the street checks on those nights. The three nights they always come back with are Thursday, Friday and Saturday. Sunday through to Wednesday is quite quiet, but on Thursday, Friday and Saturday there is a spike. Thursday is always a general spike because we are out engaging so we get that data for them, and it is no coincidence that it is Friday and Saturday.

I think the issue is that there are no community services or engagement non-enforcement services; it is just police out there and it is taking up useful resources that could be helping with domestic violence, helping with traffic or helping Angela with the late-night precinct and those things. If there are more of us out throughout those evenings on the ground doing that or similar, it is going to free up everyone else. Thursday, Friday and Saturday are busy.

**CHAIR:** Is there anything else you want to tell us in the short time we have available that you feel we need to know?

**Ms Leebeek:** There was a question about what happens when you are inside and coming out. Young people do programs and things. One young fellow came out and would have loved to have continued that program, but he had nowhere to stay so that did not happen. If there is an opportunity when they are incarcerated or in detention to do something and then if they want to continue that when they are going out, let us take that opportunity while it is there. Again, I think at one stage we had no exits into homelessness from a detention. I think that is a good principle to retain and then that young fellow who came out could have been housed, he could have continued on with that bit of work he had done and it would have given him some hope. What else are we giving them?

**CHAIR:** It is that, full stop. They come out of detention, they have nowhere to live, and the program that was helping them get back on track is finished. You are back in the cycle.

**Ms Leebeek:** It is just that continuation. In some ways, going inside can be a bit of a recheck and a reset. For some young people, that can work so let us take that opportunity—rather than them going inside and they are back cycling through.

**Mr STEVENS:** Maria has moved onto a subject about when they come out of jail, which is not in this legislation obviously. When they come out of jail, would it be of assistance if there was a program to automatically put them into some form of job to keep them active, if you like? Whether it was fruit picking or something else, would that assist some of these people when they come out of jail?

**Ms Leebeek:** Yes. My recollection is that a Western Australian study on women coming out of prison into work was very successful. I would have to look for that for you but that turned out to be an incredibly successful thing for those women in Western Australia as an exit.

**CHAIR:** Thank you for the work that you do in the community. Keep up the good work. That brings this part of the session to a conclusion. We will resume after lunch.

**Proceedings suspended from 12.49 pm to 1.33 pm.**

**BEASLEY, Ms Belinda, Founder, Jack Beasley Foundation**

**WATT, Ms Leanne, Treasurer, Jack Beasley Foundation**

**CHAIR:** I firstly welcome Sam O'Connor, member for Bonney, who is joining us for this afternoon's session. I now welcome Belinda Beasley, founder of the Jack Beasley Foundation, and Leanne Watt, the treasurer. Good afternoon. I invite you to make an opening statement, after which committee members may have some questions for you. Whilst it may appear to be very formal, we are a very friendly bunch.

**Ms Beasley:** Good afternoon and thank you for the invitation to speak at the public hearing for the Youth Justice and Other Legislation Amendment Bill. Brett sends his apologies. Unfortunately he had work commitments. On Friday, 13 December 2019 at 8.27 pm we received a call that changed our lives forever and that call should never happen to any parent. Jack headed out, as many young people do, with a group of friends. They hopped on the G:link and headed into Surfers Paradise. Just after 8 pm, Jack and his friends stopped at the IGA before they were heading to a friend's apartment.

Outside the IGA Jack and his mates were set upon and attacked by five youths for no reason. These five youths had travelled down by train from the Logan area. They were aged 15, two 16-year-olds, a 17-year-old and an 18-year-old. As it was two weeks before Christmas, it was very busy with lots of families around who witnessed all of this unfold, along with Jack's friends. These people witnessed the stabbings and the aftermath of the paramedics and police trying to save Jack and Ariki. This is something that should never have happened and has affected so many people and will continue to affect them.

Jack and Ariki had been stabbed and had been taken by ambulance to Gold Coast University Hospital. We raced up to the hospital as soon as we got the call. Sitting in that hospital room that night was just the beginning of our nightmare—not knowing if Jack was going to make it or not, constantly being updated on his condition by the great staff at Gold Coast University Hospital and then the cardiac surgeon walks in the door and says one word: 'Sorry.' Our world shattered with that one word, and seeing our son Mitch fall to the floor at being told Jack, his little brother, did not make it through surgery was heartbreaking. There are so many traumatic images that we have imprinted on our minds forever. Ariki was so very lucky to survive, but he has to live with those images and what happened to him losing his mate. He is still trying to come to terms with it.

Jack was 17. He was three months off turning 18. He was a character, always the life of the party. He was the energy in the room and he was loved by everyone. He had got his first car, his licence and completed his first year of his flooring apprenticeship and had such a bright future ahead of him. We will never get to see him finish his apprenticeship, travel, get married, have kids and so much more. Jack had so many plans. He loved life and he loved his family and friends.

Our lives will never be the same and many others have also been affected by this senseless act of violence. The five youths involved have all been charged with murder and causing grievous bodily harm. Currently, four of the five are on bail and one is still in a youth detention centre. As the family of a murder victim, we do not have a lot of rights and it is heartbreaking for us that Jack, as a victim, has none either. Each time bail is granted, it is devastating for us as a family.

In honour of Jack's memory, Brett and I and a close group of friends decided that we do not want another family to experience the pain and the grief that we are currently living through and want to dedicate our efforts towards making necessary changes to the current youth laws, youth safety and, more importantly, putting together an education platform to teach the country's youth about the dangers, repercussions and the snowball effects a single act of violence like what happened to Jack has on so many lives.

The objective of the Jack Beasley Fund Inc. is threefold: firstly, to educate children and youths as to the long-term effect on what violence can have on them, to educate them to use positive choices to avoid harmful and abusive behaviour to others, and to focus on knife violence, thus assisting in the assurance of safety to the general public; secondly, to advocate changes as to the youth justice laws; and, thirdly, to bring about change to detection and scanning laws around public transport and police powers to use detection instruments in public areas—simply, the prevention of harm. Thank you.

**CHAIR:** Thanks, Belinda.

**Mr O'CONNOR:** Thank you, Belinda and Leanne, for coming in today and sharing your story. I know how difficult it is for you, particularly in Surfers Paradise, and we are all very appreciative. It adds a lot to the reasoning for these laws. Could we go a little more into the knife culture? I know with the foundation you have involved Jack's friends as much as you can. What has that told you about knife crime culture on the Gold Coast in particular?

**Ms Beasley:** Just from the themes and the people that we have spoken to, it is rife. We have done a few sittings with restorative justice and we have gone and sat with a few kids who have been caught with knives on the Gold Coast. Most of them say that they carry for protection. As we say to them, 'Put your parents in our shoes. It's just not a nice thing. It really isn't.' I personally do not understand why they carry them and I really do not think they do either, and that is why I think the education program that we are putting together is so important so we can explain to kids. They do not understand the ongoing effects because it does not happen to them. They go out with that outlook that, 'It's not going to happen to me,' and it very well can. Jack was walking with his friends—minding his own business walking to a friend's apartment at eight o'clock at night. It would have just taken one of those children to turn around and say, 'Oh, come on. We don't need to take that,' et cetera for them to understand.

I just think the education is the main thing. From all the police we have spoken to and from speaking to Gold Coast Youth Justice down here on the Gold Coast, it is just about education. We really need to educate them from a very young age—we really do. They do not understand because they do not hear of it. They do not watch the news. They hear of things on social media, but they are not sitting there watching the news. I think they need to see the hard effects of it with the videos and everything that we have done to show them through this education program. We have Mitch and his friends—they are all 22 or 23—and how it has affected them. We have Jack's friends who were there that night and how it has affected them. We also have friends of Jack's who were not there that night but were very close friends of Jack's and how it has affected them with their everyday lives. At 18 they should not have to be going through any of that.

**Mr O'CONNOR:** Has it shocked you how prevalent it is?

**Ms Beasley:** Yes. Every time there is a stabbing, it puts us right back in that exact same spot of where we were on 13 December.

**Mr O'CONNOR:** In terms of the bill before us and knife detection, I remember that when the foundation started it was all about Helensvale station.

**Ms Beasley:** 'Detect knives, save lives'.

**Mr O'CONNOR:** We were talking about the public transport aspect of it because that was how it happened in Jacko's case. The initial trial sites is just the two a few blocks within those areas.

**Ms Beasley:** I think that is a fabulous start. It is a really good start, but I really think it needs to be rolled out into other hotspots, especially on the tram and train systems. I do not know whether something could be done at Helensvale, because that is when it connects them. I do not know the answers, but I really do think it needs to be not just in these two spots. That is a great start because I really think that they will find it and it will deter people, too, but it is more widespread than just the Gold Coast.

**Mr O'CONNOR:** The other aspect of it is the bail that you mentioned. Was it four of the five accused have been granted bail?

**Ms Beasley:** Yes, and one has skipped bail—not skipped bail but broken his bail conditions on numerous occasions, but he is allowed back out.

**Mr O'CONNOR:** How has that made you feel?

**Ms Beasley:** It makes us as a family and our friends feel that Jack's life was not valued. He does not have a voice. He is not able to speak. We can speak on behalf of him, but there is not a lot that we can do because people do not want to listen. We are not the only family, Sam. We really are not. There are lots of families out there. I speak to another three mums who lost their 17-year-old boys within a matter of six months of Jack, so we are not the only family and it really is not a nice feeling to be made to feel that your child is not worth anything.

**Mr O'CONNOR:** Can you go into a bit more detail on some of those bail decisions? One I think was about 14 or 15 breaches.

**Ms Beasley:** Yes.

**Ms Watt:** He even skipped the border and then tried to get illegally back over the border and then he still was allowed out on bail again, so not just small breaches. That is quite a major breach, but again it was of no consequence. The message that is being sent is that even though you might have done a crime you can continue to do all of these things but we will keep giving you lots of chances. I understand people have to give chances, but in terms of the snowball effect of constantly allowing somebody out with the attitude of, 'I can keep doing things and nobody's going to stop me,' we have to try and look at that and do something to fix it.

**Ms Beasley:** I think that everything that has been done is great but it needs to go further. Kids know they are going to get away with it, and they do. They laugh at the courts and they laugh at the police. If there were some harsher consequences, maybe that would be enough to deter a few. I know it is only that small 10 or 15 per cent who are constant, but allowing them to get away with it means the other 85 per cent are thinking, 'We can continue to do it,' so that 10 or 15 per cent is going to get bigger.

**Mr O'CONNOR:** Can you run us through a bit more of the journey of how we got to this point with the knife detection law changes with Mark Wheeler's fantastic work?

**Ms Beasley:** We had a lot of meetings with the police in the beginning and obviously with you too, Sam, to try to find out what we could do as a foundation to move forward with trying to make some changes. We know it is not going to happen overnight. I think it is great what is happening—I really do—and I think it will deter a lot of people, but it has taken a good 14 months to get to this point. I think it is great but I think more can be done.

**CHAIR:** Belinda, thank you very much for coming and telling us your story. You mentioned the videos that you have made.

**Ms Beasley:** We have made some videos that we are going to be taking out to do with the education program. It is not formalised yet but it is being edited. We have sat down and spoken to Jack's friends and Brett and I have spoken, as have Mitch and his friends, just on what sort of a kid Jack was and what they all had planned in the future because I really think it is important that kids see that you can have all of these things ahead of you but in one moment that can be gone.

**CHAIR:** It can be taken away.

**Ms Beasley:** Yes, and to make them realise that, even if they know people, they educate their friends, their parents, anyone.

**CHAIR:** Do you know a time line for when these videos would be available?

**Ms Beasley:** We are hopefully going to be rolling it out into some sporting clubs to start with at the end of April. We are going to do some trials with some sporting clubs to see how we go. We have spoken with the police about a few things, and we are hoping to get some grants and everything else to make it that bit bigger. We are obviously funding all of this ourselves. That is why we started the foundation.

**CHAIR:** I am sure Sam will help you get some grants.

**Ms Beasley:** Sam has been fabulous. He really has. He has been absolutely amazing.

**Ms BUSH:** I want to start by thanking you both so much for coming today. My question is around the wands. We have heard from some services and submissions that the use of wands, particularly without safeguards, might be a bit intrusive on young people in public spaces.

**Ms Beasley:** I saw that in the papers today.

**Ms BUSH:** I am interested in your views on that.

**Ms Beasley:** I personally think—and I am sure the majority of people think this as well—if you are not carrying a knife, you have no worries. You should not be worried about getting wanded. It is not going to actually physically touch you. It is on the outside of you. It is not going to touch you, so if you are not carrying anything or doing anything illegal, you should not have a worry. If you are not being suspicious, people are not going to be wanting to search you.

**CHAIR:** That just brought up another question for me. There are two safe night precincts where they are going to be rolling it out, and you did mention that it is a wider issue than just the two safe night precincts. You mentioned the Helensvale train station.

**Ms Beasley:** I work in Brisbane so I catch the train from Helensvale train station every morning and I come home every afternoon. On a Thursday and Friday afternoon especially, the children who get on those trains from Logan and that area who come to any of the train stations—

**CHAIR:** Anywhere north of here.

**Ms Watt:** It is a G:link connection.

**Ms Beasley:** Helensvale is that G:link connection.

**CHAIR:** What do you mean?

**Ms Beasley:** It is the tram. That is where it sort of gets on. You have a lot of people who are getting off the train. They just jump on the train and then they come in, so it is that access to get there. Maybe if there was a deterrent even there, it would stop a lot of these things—especially, for example, the Westfields. On Thursday nights, the Westfields—

**CHAIR:** But Westfield is a different spot.

**Ms Beasley:** Westfield is at Helensvale as well, and it is at Coomera.

**Mr O'CONNOR:** It is right next to the station.

**CHAIR:** For logistics, if there was a police beat or something similar at Helensvale station or at the tram stop which was doing the same—

**Ms Beasley:** Yes. The police are there, do not get me wrong—

**CHAIR:** But the ability to use the wands to prevent the people from coming further.

**Ms Beasley:** Yes, because there are a lot of kids too. You do not necessarily have to have paid for your train ticket to come down here. Often they are left open. For the G:link, you just get straight on, there are no gates or anything like that. The tram people who check all the tickets are on there but they are not on there all the time. I think it is a bit of an invitation to kids to come down.

**CHAIR:** On the one hand, you can understand why kids come here but you do not want them hurting each other or worse.

**Mr O'CONNOR:** Further to that, would you say that there would be some merit including some of those transit hubs within the wandering trial?

**Ms Beasley:** I really think so, yes. I think those areas are troublesome. There was a boy who was stabbed at the Coomera train station maybe three or four weeks ago and that was on a Thursday afternoon.

**CHAIR:** But Coomera is further north?

**Mr O'CONNOR:** It is the next one up from Helensvale.

**Ms Beasley:** You have Coomera then Helensvale. Coomera has a Westfield so they simply just walk out.

**Mr O'CONNOR:** They both have Westfield shopping centres.

**Ms Beasley:** On Thursday nights, there are kids. I personally never let my kids go there. They were not allowed late night shopping. Unless you need to shop, you do not need to be there.

**CHAIR:** I understand your recommendation. Are there any further questions from the committee? Is there anything else you would like to tell us before you go?

**Ms Beasley:** As I said, I think what is happening is a great start but it does need to go further.

**CHAIR:** Go one step further. Thank you. I look forward to keeping in touch with Sam to see these videos because I know they would be welcomed in my community in the higher education system.

**Ms Beasley:** On our Facebook page, we do have one video. It is 'Coppas on the Couch', where Tracey Clouston interviewed Brett and me and they did a whole series of its effect. That is on our Facebook page. You can see that.

**CHAIR:** I am not an expert on Facebook.

**Ms Beasley:** **Neither AM I. If you do need it,** let us know and I will get the link sent to Sam and he can send it through to you.

**CHAIR:** Thank you very much for coming.

**Ms Beasley:** Thank you for the invitation. We appreciate it.

**CHAIR:** Thank you for the evidence you have given to the committee today.

**BROOKER, Mr Stewart, Private capacity**

**CHAIR:** Welcome. I invite you to make an opening statement. We are being a bit flexible today. It has normally been three minutes but if you go over it is not the end of the world. We do have a bit of a buffer today which we do not normally have.

**Mr Brooker:** I am a stay-at-home dad at the moment with two boys who are aged four and six. I used to be a corporate troubleshooter. Since looking after the boys, I have been getting involved in the community. I only moved up to the Gold Coast about four years ago. I did some work managing a PCYC in Canberra, driving OzHarvest vans and also doing community radio with some of the local youth. Youth is quite a passion for me. I do not know if you know but the northern Gold Coast is one of the fastest growing areas in Queensland, if not Australia, and we have the fastest growing youth population up there. I had not actually heard the full story about Jack before, and we do not want to see this happening over and over again.

I live near Coomera and I go to the Coomera train station and Westfield, so I echo that Helensvale and Coomera is a big place that should be added to the trial. I have been over there myself catching the train and the bus breaking up fights. The youth just congregate there after school and some of the language and some of the attitudes have been interesting to say the least. Luckily, because I have had experience with dealing with youth in the past, none of that has turned nasty, but there was the potential for quite nasty fights to occur if someone did not step in.

There have been frustrations that we have had on the north—even looking at how this bill has been developed and getting the media attention. I was surprised that it has taken 14 months just to get to this because, quite honestly, when I looked at it I went, ‘Der! This just needs to be done.’ It is a source of frustration that we have in the community that this takes too long to get through parliament. This should be just done.

The other frustration we have had is that we have been asking up there in the north for more police resources, for funding for a PCYC. We have a really strong community up there of community groups, volunteer groups. We have Rotary up there who have been pushing and they will even help fund a PCYC up there to stop a lot of this happening, and we just cannot get the state government on board with it. That is frustrating because we have this community who wants to help, who wants to be part of the solution, and we are kind of being blocked out.

Then we see this bill get a lot of fanfare. It was an election promise. This was advertised in October around the election campaign, especially around the hooning law. That is a bit frustrating seeing this get a lot of publicity and the community wanting to do something and us not being able to make any headway to actually be part of the solution. That is why I am here. There are good things in this bill, but I think we have a huge gap of putting things in place to actually stop these things happening in the first place.

**CHAIR:** Thank you.

**Mrs GERBER:** What other measures would you like to see?

**Mr Brooker:** Working and managing a PCYC, I know it is a really good core for any community to support the youth. Being involved in a PCYC allowed me to mentor some of the youth in one of the local schools who were seen as the naughty ones and the ones who were on the wrong path. I mentored them into a community radio program. We got them to choose what they wanted to put in the program and we helped them put it together. That got them notoriety in a good way in their school and they were able to influence. These were kids who were doing graffiti, doing break-ins, doing all sorts of stuff. They went from the ones being the influences in negative activities to the ones who were positively influencing their peers.

I have seen where a little bit of care and guidance to the youth can really change their path. With this bill, we are getting at the end of the process. We really need to be getting in front of it. Quite honestly, if we do not something on the north Gold Coast soon, it is going to get bad. We are only seeing the tip of the iceberg of the youth starting to get bored and coming down here to Surfers Paradise and causing trouble. We need to get those things in place.

**CHAIR:** You mentioned the program you run with the PCYC. Was that in Canberra?

**Mr Brooker:** That was in Canberra. At the moment, there is a PCYC up in Beenleigh. They have just announced a new one in Logan for another site, and then the next one is down at Nerang. Pimpama and Ormeau are in this black spot at the moment. This is also to do with police resourcing. Coomera Police Station is where the police are supposedly based out of, or there is Logan. Pimpama and Ormeau sit right in the middle. The kids know that if they catch the train down to Ormeau station they can go and break into about half a dozen houses, steal a car and be back to Logan before the police even get there. The response time is just not adequate.



I have done the figures as well. At the moment we have only 91 police to cover from Coomera right up to Logan. If you have ever been in the cane fields, you know that is a huge geographical distance. Looking at Australian statistics, for that population we should be at somewhere near 200 to service that area. I asked the Minister for Police for stats. I was given the stats for severity 1s, which have stayed even. Talking to some of the local police and the area commander, the response times for severity 1s have stayed even, but that is because all they are pretty much doing is severity 1s—these are life-threatening callouts, so very reactive—and they do not really have time for any of the proactive work such as youth engagement. There is a program down here where they walk the street and talk to the youth. They do not get time to go to the schools and build that bond with the kids as they are growing up. To be under 50 per cent resourced in that area is blatantly ridiculous. It is no wonder things get out of control.

**Ms BUSH:** Katarina Carroll has announced that she is doing some workplace capability and realignment work. That might be of interest to you. We have heard from people about this particular cohort of young people who are the repeat recidivist offenders and about how their hours of offending are traditionally 10 pm to 4 am. What services are available through PCYC at that time?

**Mr Brooker:** In Canberra they have houses where some of these youth could go into. If the situation at their home was too dangerous, they would stay in houses where they were actually supervised by qualified youth. I met some of the parents of these youth and, yes, they were struggling. Some of them were very young when they first had kids. This gave them that support so that they could see the kids during the time and some of them would go into this house.

There was a young twin couple that I met down there. They were only 10 or 11. The first time they met me in the PCYC they tried to pick a fight with me and actually tried to goad me to hit them, because they wanted to prove that they were untouchable in terms of the law. Instead, I took them down for a milkshake and we had a chat about it. It was an interesting insight in that they actually knew the law better than most adults and knew where that line was. They knew it better than their parents. They had some bad influences in their life, getting them to push drugs and all sorts of stuff. There was this bad element educating them on what they could do and not do so they would not end up in jail and could get away with stuff. I was lucky. They were really intelligent and I got them involved in the PCYC canteen. They became my best salespeople for chocolates, but it was only because it was a different influence. I did not react to them, because I am a bit of a smart Alec myself. We could bond over a milkshake and then move past that. It really highlighted to me that we are missing that community engagement with our youth to stop them going down the wrong path in the first place.

**Ms BUSH:** Was that an after-hours program through the early hours of the morning?

**Mr Brooker:** It was a house that they actually went to.

**Ms BUSH:** Through the PCYC?

**Mr Brooker:** Through the PCYC. The PCYC had a connection to it so that they could direct people to it back and forth. If some of these kids did not want to go to school, they would come down to the PCYC and do activities such as gym with me. Another aspect you have to understand is that some of these kids do not fit into the regular public school system. We provided something that was still productive without forcing them into situations that would make it worse, because they would get into fights.

**CHAIR:** Is there anything you want to add before we move to the next witness?

**Mr Brooker:** No. Thank you for your time. I hope that this committee does not just look at legal aspects. Please make some recommendations to your other counterparts and colleagues to stop this at the beginning.

**CHAIR:** There are some constraints on us as a committee in terms of dealing with the bill, but we have not limited people to talking about the bill. We have gathered quite a large body of facts that will hopefully inform the policymakers going forward.

**Mr Brooker:** I hope so. As I said, the community knows what needs to be done. The politicians sometimes just need to get out of the way and give us the resources we need so we can fix it ourselves. To me, that is what democracy really is. It does upset me that we have to have these huge, expensive committees when I can see what this money could have done for people out there. Thank you.

**CHAIR:** Thank you, Stewart.

**ROBINSON, Mr Bill, Private capacity**

**CHAIR:** You have obviously seen the way the committee proceedings are run. If you want to address the committee before we go into questions, there is a little bit of flexibility at the moment with time. We try to keep it to three minutes.

**Mr Robinson:** I live on the northern Gold Coast. I am not here representing any industry associations; I am more here as an individual citizen. I feel like I am representing the private security industry. I have worked for close on nine years across various capacities—cash in transit, VIP protection and asset protection and recently as a dog handler—and now I own my own business. I have had my fair share of run-ins with youth. In preparation for this meeting, I interviewed a couple of my colleagues and friends who work in the industry. A lot of their comments align pretty much with my experiences as well.

I do not call them children or youth; I refer to them as offenders, because that is what they are. They are committing adult crimes such as breaking into houses, armed robberies, petrol drive-offs and theft of motor vehicles. If I did that as an adult, I would be in jail. In regard to this legislation, one big thing that I have seen is that without consequences there is no deterrence.

I have a lot to be thankful for. Back in 2019, when the government at the time introduced the amendments to the bill, it was fantastic for my business. The security industry is really booming at the moment and picking up the slack of the public sector. I have my experiences as a dog handler. I have also provided community patrols. I know that on the Gold Coast probably seven or eight individual suburbs have signed up. As a last resort, a step before vigilantism, they have hired private security to patrol their suburbs throughout the night. Most often these services are provided by a dog handler, because it is just too dangerous to send in a static guard by themselves. If they do, they work two-up. During that time I have had a lot of interactions with people at two o'clock or three o'clock in the morning—groups of kids walking the streets in the suburbs. They are not from the area and have no reason to be there.

I echo a lot of what Stewart and Belinda said. It is quite common knowledge throughout the security industry and law enforcement that these offenders' modus operandi is to catch the train down from Logan and from South Brisbane. They will get off at Ormeau station, at Coomera station or at Helensvale and will catch the train out into town or out into the suburbs. From my experience, the youth do not like to loiter around this area here as they are too young. Even with a fake ID, at 15 or 16 they will not get into any clubs. They tend to congregate out in the suburbs, go shopping, pick up a new car—a nice new Audi, BMW or something like that—head back up north up the highway at 100 kilometres an hour or 200 kilometres an hour, film it all and put it on YouTube or on Facebook. I have watched a lot of their videos. I have watched a lot of their Instagram material. There is no fear. There is no respect. Again, that comes back to the legislation that you are working on. Without consequences, there is no deterrence.

From my interactions with these youth, I always tread carefully because I know that a lot of them are armed. They carry knives. I carry personal protective equipment on my person and I also have a dog with me, a 50-kilogram German shepherd. The common feedback that I get from the offenders is that they do not care. I can threaten to call the police and have them arrested, but they just do not care. It is of no consequence to them. They go back to the station, have a conversation, get a meal, stay in the watch house in a special little compartment and get let out the next morning. That cycle is just rinsed and repeated. For them, this whole experience and lifestyle really is like a virtual reality game of *Grand Theft Auto*. There are no consequences apart from spending the night in a cell and getting released the following day.

There are a few issues I wanted to address, but I thought they would fall outside the scope of today's meeting. One noticeable measure missing from this draft legislation is breach of bail. Nothing in this bill speaks about breach of bail in terms of immediate recall to custody. If you are caught breaching your bail, there must be consequences. That is a no-brainer. Unfortunately, that is missing from the legislation. I can tell you that from the get-go it is not going to work. The Townsville community are really calling for night-time curfews for youth, anyone under 17. As I say, there is really no reason for children to be walking the streets at two o'clock or three o'clock in the morning. The only thing they will do is get up to mischief. They will climb into people's backyards and just get themselves into trouble. Senior police should be able to implement these measures, if required, in certain communities. Perhaps they should look at targeting particular suburbs or areas really suffering from crime.

I notice today that there is a lot of community anger about this. There is a lot of chat on social media. A lot of people are very upset by youth crime, although it is not really represented by how many people have turned up today. I suggest that more consultation is probably required to reach out to the community and to talk to the people a bit more.

**CHAIR:** Perhaps things will come to you as questions are asked.

**Mr Robinson:** Absolutely. Stewart has a lot of involvement with the PCYC. I am not a youth worker, although I feel like I am sometimes. The PCYC in Queensland is 90 per cent sponsored by donations and general memberships and only a small percentage of the remaining 10 per cent is sponsored by the state government. The PCYC is your conduit between authority and the police and the community and the youth. I think that is a really good vessel to channel some positive efforts into for the social work, youth work and encouraging those youth to move away from their current lifestyle. At the moment the only role models they really have are LA gangbangers on YouTube. That is who they aspire to be. That is why they are always out there. It is like a challenge. There is a competition running at the moment to see who can get the flashiest car: some of the Mercedes, Audis, BMWs et cetera.

**Ms BUSH:** That is a really interesting insight. You have talked about breach of bail and your desire to have that built into the bill. This bill does seek to strengthen the bail framework. It may not be through that mechanism, but there are a range of mechanisms in this bill that seek to do that: reversing the presumption of bail, GPS trackers, having parents and other parties support them and any offences on bail will be considered in sentencing as an aggravating factor. Do you accept that that will strengthen the bail framework for young offenders?

**Mr Robinson:** I feel like it will have some effect. What has been suggested to date is what I call, 'you get your first strike free'. That bail measure only comes in when you have committed your second offence. Basically, it is an encouragement for children to go out tonight, get some gardening gloves and go on a shopping spree because there are no real consequences for their first offence. You are only targeting the repeat offenders, the guys who have committed two, three, four and five times. They get their first hit free. I feel like breach of bail must be included in the legislation. There have to be consequences for that.

**Mr HUNT:** You mentioned that you believe the police should be perhaps targeting certain communities or certain suburbs. Would you like to elaborate on that a little bit more?

**Mr Robinson:** You just focus on the crime stats. I am with Stewart—I live up the northern end of the Gold Coast as well. I know through my own research and interactions that of a night there are only really six patrol cars that cover the whole area from Coomera, Pimpama, all the way through Ormeau and out through Jacobs Well. If two of those cars are tied up at a domestic, that only leaves four other vehicles (crews) available for emergency response. My experience in dealing with QPS is that sometimes they can take hours to turn up. Quite often on a Friday night they do and a Saturday night they will not turn up at all and I will need to handle that situation by myself. I cannot rely on the police and neither can the community. It is getting to that point. That is why the community have engaged private security services to provide those patrols. They have been highly effective in reducing property crime in the suburbs they have been contracted to. There has been a marked reduction.

**Mr HUNT:** Can you suggest what communities you think the police should be targeting?

**Mr Robinson:** The crime stats would probably explain it. I live on the northern Gold Coast and I think that is a real target. Unfortunately, we are surrounded by a circle of rubbish to the north and to the south, which is where the offenders come from. They basically congregate at Ormeau. The same thing is happening down near Sorrento, Bundall and Mermaid Waters. Member for Currumbin, is Mermaid Waters part of your electorate?

**Mrs GERBER:** No.

**Mr Robinson:** Last night two vehicles were stolen from there, a Hummer and a BMW. It happens throughout the Gold Coast.

Another thing I would like to add is that there is no publicly accessible database for stolen vehicles in Queensland. I do not know if a car is stolen unless I run a PPSR check on it. I think that is something that should be worked on as well. Again, that falls outside the scope of this legislation, but that is definitely something that needs to be out there as well. Maybe that could be integrated into the Queensland Transport rego check so that when you check the rego on a vehicle it will come up and display whether it is stolen. At the moment I just do not know.

In terms of private security, that is important for me. If I find a vehicle sitting on one of my clients' properties in the early hours of the morning, if I knew that vehicle was stolen, I would treat that situation completely differently. At the moment that information is withheld by the police. It is all secret squirrel. They will not share that information.

There also needs to be greater collaboration between the private sector and Queensland Rail, all of the authorised officers—senior network officers—on the rail network and the private sector as well. Throughout Queensland there are tens of thousands of boots on the ground in the private industry Gold Coast

with varying levels of training and ability, but they are eyes and ears that can be utilised by police to help locate stolen vehicles. I can appreciate that, with a lot of this youth crime, the vehicles are stolen in the early hours of the morning and they are not reported until the following day. However, there are a few repeat customers who tend to use the same car. They will get around for two or three nights in that same vehicle before they dump it. That information would be helpful for the private sector.

**CHAIR:** That brings to an end this part of the session. I thank you for coming along and for your evidence.

**Mr Robinson:** Is it alright if I share my comments on the metal detectors? Do I have time to do that?

**CHAIR:** Okay.

**Mr Robinson:** I do not think they are going to be effective in Surfers Paradise and Broadbeach. You are trying to stop the problem at the end of the line. You need to stop the problem further up. It is common knowledge in security and law enforcement that the youths carry knives for personal protection. It is kind of like, 'He's doing it, so I am going to do it too.' I am guessing that is their mentality.

As has been said by previous witnesses, I believe those metal detectors should be rolled out across the rail network. I have spoken to boys who have worked on the rail and they have told me out of all of the stations—Goodna, Ipswich, Brisbane, Fortitude Valley—the worst one at the moment is Coomera. Some of the guys refuse to work at Coomera station because of the levels of violence and crime there. A lot of that is caused by youths congregating in that area. If you are going to do a trial, as has been previously suggested, Ormeau, Coomera and Helensvale is where they get off. While they are on that carriage, they are stuck there, so that would be an opportune time to go through that train carriage and just wand as required and conduct random searches.

With regard to wandering people in Surfers Paradise, this is an entertainment precinct. People come here to have a good time. They do not want to be hassled by the police. I do not think there are enough police resources to do it effectively anyway. The Surfers cops are way too busy to do it. It is the same in Broadbeach. They have too much alcohol fuelled violence and things to attend to. They will not have time to go around to wand random people. I think that certain people will be targeted by it. I think it will be used against bikies predominantly. To be honest, the youth do not really come here. They go into the suburbs, particularly the ones who are here to cause trouble.

I think the trial should be relocated to the rail network, and I think that the stations from Logan all the way down through the Gold Coast should be targeted initially as a trial process.

**CHAIR:** That brings to an end this part of the session. I ask the next witness to come forward.

**MALONE, Mr Michael, Private capacity**

**CHAIR:** You have probably been here a little while and have seen the format. If you wish, would you start by addressing the committee and then the committee may have some questions for you.

**Mr Malone:** Would you be surprised to hear that I am from Coomera, from the northern Gold Coast? I have come to hopefully make a compelling case for why you should support the PCYC in Pimpama. I know that you are not going to make a decision and say, 'Okay, we'll do that. We'll put a PCYC in there.' If I can take the opportunity to encourage your support, that is a big win for me.

I found it very interesting, Jonty, when you said, 'What about in the middle of the night and what would a PCYC do for the issue?' I think the problem is that hooning is a gang culture and being up in the middle of the night is part of that gang culture. Your membership of that culture is why you are there. If we had a culture that is represented and supported by a PCYC, that would be a competing culture. That would be a force for good. We have a lot of people coming in to race cars in cane fields because it is a great spot to do it and to do the same thing in Yatala. I know that you are dealing with issues that go well beyond hooning. You have the member for Currumbin, a former prosecutor. You have the Queensland government and all the resources to deal with bail. I am confident that you will come up with the right solution. You will not be edified by my opinions on bail.

However, I can speak authoritatively about the northern Gold Coast. We have a problem. We are not on the short-list for a PCYC, and I think that is a terrible shame. I can say that 27 per cent of everybody in the northern Gold Coast electorate is under 15 years old. There are 18,000 kids at school right now and we are growing at six per cent per annum. The problem is not going to go away. It is going to get much worse over time if we do not fix it, and the time to fix it really is now.

A big element of that recent growth in the electorate is low-cost rental, which I am not speaking against. I think there is a place for that, but it does bring a low socioeconomic group—people with less money—into an area where there are a lot of new families with new homes who are also financially under pressure. You then have an electorate full of people who are finding it hard to make ends meet. If you want to take your kids to soccer or some kind of team event, it costs \$400 or \$500 a year, and that is for one child. We need some access to affordable help.

The great thing about a PCYC is that the police officers who run them are absolutely remarkable. I have met several and spoken to them. I think they are amazing. They are role models and kids will respond to a positive role model. In fact, I think it is easier for a child to respond to a positive role model than to a negative role model. That is where we can build a culture, a nurturing culture, one that has proper values, to compete with a gang culture that has very toxic values and we are suffering the repercussions of that culture right now.

I do not want to labour the point. I hope I have gone some way towards encouraging you in parliament to support a PCYC, to get us on the list. It will work. As you can see, I am not alone here. I did not know they were coming, but isn't wonderful that the northern Gold Coast is reaching out for help?

**Mrs GERBER:** Thanks for your appearance. I think I understand what you are saying. We have heard across-the-board from Mount Isa to Cairns to Townsville and now on the Gold Coast that we need to do something about this much earlier than what we are doing. This bill seeks to address the issue of repeat offenders and recidivists, a small cohort of young offenders in particular. What we heard consistently throughout the regions was that more needs to be done to help them when they first come in contact with the justice system so they do not end up being in that cohort of recidivist youth offenders. What I am hearing from you is that you think PCYC is one of the solutions that should be looked at in terms of bridging that gap on the Gold Coast.

**Mr Malone:** Absolutely. It costs \$6.5 million to incarcerate. If you change the bail laws and we incarcerate more youth, it will be from that cohort that offend once. Also, the cohort that reoffends and are currently getting away with it would be incarcerated. The cost of building the infrastructure for incarceration is going to be a lot more than \$6.5 million, and the end result is not going to be a positive benefit. Of course, we are more protected but the community would decline further. We must stop the decline of values in the community.

I think also that team sports should be accessible. I think spending \$500 to send your kid to play soccer is too much. It is males that we are worried about but females also end up at these hooning events—and, of course, girls play soccer now too. I do not think that cost is sustainable. I do not think that our families can send their kids to play sport. A lot of teams do not even have enough players to front up. That is bad for the culture. When I grew up, I played soccer. I learnt a lot from team sports. If

you do not have that, if your dad is away or your dad has run off or whatever often goes on in a family when there is financial stress, you need someone to learn from, someone to model yourself after. You could probably not do better than having a PCYC police officer as well as your soccer coach, mates and friends.

Also, when these families come into our community they do not have an extended family to support them. Long-term residents generally have extended families, but new people moving into the area do not have that, so they are without support. If they are not getting into a community activity like football or they do not have a PCYC, they do not have the opportunity to make friends and become part of the community. They continue to be isolated and they continue to live with the stress that often destroys marriages, and that is financial pressure and isolation. It is just so critical. The northern Gold Coast needs to be on the list.

**CHAIR:** That brings to an end this part of the session. Thank you very much, Michael, for coming along and giving your evidence.

**CUBBIN, Ms Sue, Private capacity**

**MALONE, Mr Michael, Private capacity**

**CHAIR:** Sue, you may not have been here as long as some of the other people, but did you get the gist of how we are running this?

**Ms Cubbin:** Not really. I am here by default because I am a victim of crime. If I get emotional it is because I am coming from another angle. I had sent an email to Michael Crandon. He phoned me yesterday and asked me if I would like to come along just to put forward my story.

**CHAIR:** Sue, would you be more comfortable if you gave your evidence to the committee without anyone here?

**Ms Cubbin:** No, I am happy. If you are happy, I am happy. Mike knows me and he knows my story.

**CHAIR:** Would you be more comfortable if Mike sat with you at the table?

**Ms Cubbin:** Yes, he can come and sit here. On the northern end of the Gold Coast, the crime has become rampant. On 15 December, in the early hours of the morning, our daughter woke up. She walked down the stairs. She came back upstairs and said, 'Mum, we've been broken into and your cars are gone.' It is not about the cars. They had broken through four doors, come into our house, took the keys from the key rack, opened the garage and drove off. The cars were found but that is not the point. I have photos of the children bragging with our cars on their Instagram page, which I took to the Queensland police. You can evidently see it is the vehicles because the number plate is very clear.

**Mr Malone:** You called the police about it?

**Ms Cubbin:** Yes, we called the police and they came. They have other things. Cars can be found. I then had the photos given to me by somebody who is obviously stalking these kids on their Instagram page. I took them to the Southport Police Station and I must be honest: I was horrified. I walked in there and it was like I was on the dock. I was interrogated for bringing forward these photos. I said, 'These are photos of our motor vehicles.' The officer said to me, 'So how do you know it is yours?' I said, 'It's not really hard to see when the number plate is there and then you take that photo and you have a guy with an emoji and a wallet with all the money.' He just continued to interrogate me. To me, the police are there to support us, but I do not have any faith in the police system to be quite honest.

I went to Coomera Police Station and they were really helpful. Obviously you can see I am traumatised, coming from South Africa. I came here 20 years ago to get away from this. They then gave me the phone number of somebody to get counselling. They phoned me and they said, 'Did you see them? Were you injured?' I said, 'No, I didn't see them and I wasn't injured.' They said, 'Sorry, we can't help you.'

**CHAIR:** Sue, was that the counselling service?

**Ms Cubbin:** That was Coomera Police Station. I phoned them and they referred me to, it must be, people of crime or something that gives counselling services to people. I have not slept since December. I am on Valium. My son came out last night to Surfers Paradise. I will pick him up and bring him home. The fear to drive at night now when there is a car behind me, it is like: are they following me? Are they tailing me? It is actually hard from a victim's perspective and there is not a lot of support for the victim. This is just another side of the story.

Mike, I do not know if you know but last Friday there was another two cars taken from Coomera Waters. Since ours were taken on 15 December there have been four or five home invasions. It is the same kids and the same cars. My question is: I know they are 13 and 14 but something has to be done to stop this. I am happy to take questions.

**Mrs GERBER:** Thank you, Sue. It is really important that we hear from all spectrums and all experiences so that we can inform ourselves as to whether or not this legislation is going to achieve the purpose that it set out to achieve. It is not going to reach those children. It is targeted at 16- and 17-year-olds. Those repeat kids that you are talking about are 13 and 14. Therefore, I want to give you an opportunity to say whether or not you think the legislation is going to work?

**Ms Cubbin:** Like Mike said, we need to be doing a lot more before they get to that stage. Obviously they are there because their home is not safe. They get dragged into something where they feel like they are probably important. They can come in and steal a car and brag about it and that is their gratification. Will the tagging help? I think they are so brazen, to be quite honest. We need to start from the ground roots up and try to change the culture from where they come from.

**Mrs GERBER:** Thank you, Sue, for sharing your story.

**Ms BUSH:** Sue, I am really sorry that this has happened to you. If you do not want to answer this question, that is okay. Some people have spoken in these sessions about restorative justice and being able to sit down with the offenders and talk to them about the impact of the crime and what that has done to you. It is okay if you do not feel like you can answer, but I would be interested in your views on whether that would be helpful for you?

**Ms Cubbin:** I think not and I will tell you why. Coming from an environment like South Africa where we locked ourselves in—I am getting to the point now that we are going to put a security gate at the top of our stairs so that no-one can get upstairs—I would be fearful that they would come back and try to do something to me for speaking up. I would rather stay quiet and not do anything about it. I think there are a lot of people who might feel that way as well. If I can just say, it goes beyond the car. During that time I had to take my father for an emergency to the hospital. I had no vehicle. Fortunately I called an ambulance and we had that, but I could not get in a car and make that emergency call. It is not just about the car; it is what goes with that.

**Mr Malone:** It is the violation. To have your home violated in that way, you never can really look at it in quite the same way.

**Ms Cubbin:** No, because every night now it is lock, lock, lock. We have dowel sticks in; we have keys; we have bolts. It is a rigmarole at night time to go to sleep. We have put in cameras. Every morning I wake up and I check them to see if there has been any activity—have they come back during the night or whatever. It is a lot of mental trauma. Some people can cope with it and they go, 'Phfft'; other people cannot.

**CHAIR:** Thank you, Sue, for coming along and sharing your story. Thanks for your support, Michael. That concludes the public hearing. Before I close, I thank all the witnesses who have participated today. Thank you to our Hansard reporter and the secretariat staff. A transcript of these proceedings will be available on the committee's parliamentary web page in due course. I declare the public hearing for the committee's inquiry into the Youth Justice and Other Legislation Amendment Bill 2021 closed.

**The committee adjourned at 2.40 pm.**