




Speech By
Hon. Jarrod Bleijie

MEMBER FOR KAWANA

Record of Proceedings, 11 February 2014

YOUTH JUSTICE AND OTHER LEGISLATION AMENDMENT BILL

Introduction

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (12.08 pm): I present a bill for an act to amend the Childrens Court Act 1992, the Penalties and Sentences Act 1992 and the Youth Justice Act 1992 for particular purposes, and to make minor or consequential amendments of other legislation as stated in schedule 1 for purposes related to those purposes. I table the bill and the explanatory notes. I nominate the Legal Affairs and Community Safety Committee to consider the bill.

Tabled paper: Youth Justice and Other Legislation Amendment Bill 2014 [\[4462\]](#).

Tabled paper: Youth Justice and Other Legislation Amendment Bill 2014, explanatory notes [\[4463\]](#).

I am pleased to introduce the Youth Justice and Other Legislation Amendment Bill 2014. The bill implements the results of a formal review of key elements of the Youth Justice Act 1992 completed as part of the government's comprehensive reform of the youth justice system. This includes amendments to both the Youth Justice Act and the Childrens Court Act 2000. The bill also adjusts the sentencing principles in the Penalties and Sentences Act 1992 to ensure courts sentencing adult offenders have the same flexibility in imposing custodial sentences as is given by the bill to courts sentencing child offenders.

The amendments introduced in this bill are critical to respond to the escalating seriousness and devastation currently being caused by young criminals. We are witnessing a changing pattern of youth offending in Queensland. There might be fewer young people offending, but those young criminals who are offending are doing so more often and are committing more serious offences. It is this government's commitment to protect the community from crime. Crime committed by young people must be stopped, otherwise these young criminals go on to become adult criminals who know how to work the justice system and who continue to threaten the safety of our communities. This bill targets these young recidivist offenders by making them more accountable for their actions and creating real disincentives to engage in further criminal behaviour.

I recognise that young people whose behaviour is putting them at risk of entering the criminal justice system should be given a real chance at rehabilitation and supported to make positive life decisions. That is why we have established the youth boot camp program trial which includes early intervention camps on the Gold Coast, Fraser-Sunshine Coast and Rockhampton and a combined sentenced youth boot camp for the Cairns and Townsville area. Early indications from these boot camps are that they are proving effective in changing young people's behaviour. That is why I am developing a blueprint for the future of youth justice reform in Queensland.

The blueprint will guide major reform into the future on how we respond to youth offending. It will outline the strategies that will be implemented in the coming years to prevent offending, address the causes of youth offending, improve the responsiveness of the justice system and, importantly, hold young offenders and their parents accountable for their actions. The key objective is to improve

the safety in our communities by reducing the number of crimes being committed and the damage these crimes are having on everyday Queenslanders.

To this end, the bill amends the Youth Justice Act to provide for the publication of identifying information about repeat offenders who are the subject of court proceedings. Too often young offenders exploit the fact that their names are not published to avoid facing the full public consequences of their actions. The court will have the discretion to prohibit publication for any period it considers appropriate where this is in the interests of justice. A maximum penalty of 100 penalty units or two years imprisonment for individuals or 1,000 penalty units for corporations will apply for breaching a non-publication order. Publication of identifying information about first-time offenders will continue to be prohibited other than where the court makes an order in relation to offenders convicted of particularly heinous violent offences.

The bill will complement the deterrent effect of this measure by amending the Childrens Court Act to open the Childrens Court for youth justice proceedings involving repeat offenders. To protect victims and innocent third parties, the court will be able to order that part or all of proceedings be conducted in closed court where it considers this in the interests of justice. The court will also continue to be required to be closed when victims of sex offences are giving evidence.

The bill creates a new offence of committing another offence while on bail. If a young offender commits another offence while on bail for an earlier offence and is found guilty of that further offence, they will also be guilty of this offence. The maximum penalty for the new offence will be 20 penalty units or one year's imprisonment. This delivers on the clear community expectation that young offenders who flout the youth justice system by continuing to offend even while in the community on bail should face real consequences for this antisocial and criminal behaviour.

In continuing to ensure offenders can be held accountable for their behaviour, the bill also makes childhood findings of guilt for which no conviction was recorded admissible in court where a person is being sentenced for an offence committed as an adult. This will ensure courts sentencing adult offenders have a more complete picture of the offender's past offending and are able to impose more appropriate sentences accordingly. As evidence of childhood offences will be admissible for the purposes of sentencing only, this amendment does not increase the risk adults face of being convicted of offences merely because of childhood offending.

In Queensland, we recognise that 17-year-olds have sufficient maturity to be held fully accountable for their actions. We also recognise that putting 17-year-olds in detention with younger offenders such as 13- and 14-year-olds is detrimental. Therefore, this bill introduces an automatic transfer from youth detention centres to adult correctional facilities when a young offender turns 17 years of age if they have at least six months left to serve in detention. By requiring that 17-year-olds and above who still have another six months to serve are transferred, we clearly target those repeat offenders and serious violent or sexual offenders whose offending has earned them lengthy custodial sentences. Further, as transfers will occur automatically and will not be discretionary, the merits of a decision to effect the transfer of a young person will not be subject to review or appeal.

Our community expects just outcomes for people who commit crime. Currently all courts must consider detention and imprisonment as a last resort when sentencing a person. This bill expressly excludes this sentencing principle, both at common law and under statute. Effectively, this removes the need for a court to consider that a sentence of imprisonment for adults or detention for young people should only be imposed as a last resort and where no other sentence is appropriate. This will give courts the flexibility to craft sentences which better reflect the severity of the crime being punished, communicate the community's denunciation of offending, deter future offending and appropriately protect the community from offending.

In addition to these amendments that implement the results from the review of the Youth Justice Act, the bill also makes a minor adjustment to the sentenced youth boot camp program to better protect the program's efficacy and integrity. The bill provides for a warrant to be issued for the arrest of a child who has absconded from a boot camp centre and enables an absconder to be brought back before the Childrens Court for resentencing immediately without first being given a warning.

Further, the bill amends the Youth Justice Act to allow an order made by the Childrens Court Magistrate on finding a child has contravened a community based order to be appealed to the Childrens Court judge. This brings the treatment of these orders into line with the treatment of orders made by a magistrate on a finding of guilt and ensures the punishment of children is at times subject to consistent oversight by the High Court. The bill also makes a technical amendment to the Youth Justice Act to clarify that community based orders which have been breached but which expired before the offender is returned to court can only be amended or adjusted by the court.

Finally, in response to the disproportionate rates of vehicle related crime caused by young offenders in Townsville, I foreshadow to the House that it is intended to move amendments during the consideration in detail stage of the bill that will hold these young offenders accountable and redirect them from further offending. This will be achieved through an amendment to the Youth Justice Act that will ensure that recidivist motor vehicle offenders who have been found guilty of two or more motor vehicle offences in the previous 12 months will be sent to the sentenced youth boot camp on a finding of guilt for a further unlawful use of a motor vehicle.

For the next few weeks we want to engage with the Townsville community, recognising they have a serious problem of vehicular thefts, to come up with a proposal during the committee process. We will be writing to the committee about a proposal which essentially is that if there is a recidivist motor vehicle offender in the Townsville area they will have a mandatory sentence imposed and that will be a boot camp order. It is to get these young people to turn their lives around, get them an education and a job and out of a life of crime. I commend the bill to the House.

First Reading

Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (12.16 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to the Legal Affairs and Community Safety Committee

Mr DEPUTY SPEAKER (Dr Robinson): In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.