




Speech By
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YOUTH JUSTICE AND OTHER LEGISLATION AMENDMENT BILL

 **Mr WATTS** (Toowoomba North—LNP) (4.44 pm): I rise to support the Youth Justice and Other Legislation Amendment Bill. I thank all of the people on the committee and the people who made submissions to the committee. We need to step back a little bit and consider what we are trying to achieve here. We are trying to create the safest place to live and raise a family. In the LNP, we want Queensland to be the safest place to live and raise a family. Is this legislation harsh? Yes, this legislation is harsh. It is firm but fair. Why does it need to exist? It needs to exist because 60 per cent of the offenders we are talking about in this legislation have been to court five times or more and 30 per cent of offenders account for 75 per cent of the crime. That is who we are talking about here.

An honourable member: Ask yourself why.

Mr WATTS: I take the interjection and I do ask myself why. I say what is needed is a sensible whole-of-government approach where we might look at, for example, education and literacy. We need to make sure that children in prep to year 3 get a solid education in literacy. We have front loaded the spending into schools to make sure that children in P-3 meet the minimum numeracy and literacy standards. It is a whole-of-government approach, because we want the safest place to live and raise a family.

This bill looks at a small tranche of offenders who consistently find themselves back in court. Sixty per cent of offenders are back in court five times or more and 30 per cent of offenders commit 75 per cent of the crime. That is who we are talking about here. You have to ask yourself how we have arrived here. I heard the submissions of people who suggested that we wait a little bit longer, that we keep doing what we have been doing and that the solutions are somewhere just over the rainbow. I know it was St Patrick's Day this week, but I do not think there is a pot of gold at the end of the rainbow and I do not think there are any solutions at the end of the rainbow either.

We need to ensure that people who consistently offend are treated to the full extent of the law, that they are no longer a danger to other people in the community and that they are no longer committing offences that will affect the lives of other people in the community, again, through the context of a whole-of-government approach. Of course there will be support for people and of course there will be education available to people. Of course all of those things will be happening. Obviously the blueprint that will be coming forward will include early intervention and diversion. There will be opportunity to respond to the causes of crime. We will be improving youth detention services and we will be working with community organisations to get the best outcomes. However, first, you have to deal with the people who keep coming back.

I heard the member for Rockhampton saying that people keep coming back to prison and that there is no evidence that this will solve the problem. Some of that evidence was gathered when bouncy castles and gaming centres were available in the detention centres. Some people have come from the worst, most depraved circumstances and they arrive in a facility that has bouncy castles and gaming consoles. When they have served their time, they are sent back onto the streets and into the

very difficult circumstances that they came from. I am pretty sure I know what I would do given the choice of bouncy castles and gaming consoles, or the circumstances I came from.

Clearly, we need to set up a system that will be able to deal with the pattern of offending. The pattern of offending has been changing. Proportionally, there are fewer young people offending, which is a good thing. That is a great thing. However, those who are offending are doing so more frequently. Again, half of all offences were committed by approximately 10 per cent of young offenders. That 10 per cent is not meeting the expected community standards. Clearly, the revolving door of justice that they have been shown has not worked.

I believe that we need to look at a new approach. I believe that some of the elements of this bill outline that new approach. Let us have a look at some of those elements. The first is publishing identifying information of repeat offenders and the opening of the Children's Court. There are some people who would say that that should not happen. The bill amends part 9 of the Youth Justice Act to limit application of the existing prohibition on publishing identifying information about a child the subject of proceedings to first-time offenders only. Here we are again. We will protect first-time offenders. First-time offenders are defined in the bill. If someone is coming through the revolving door, and the judge sees fit to do so, the court can be open. The bill amends the Youth Justice Act to enable matters relating to repeat offenders to be heard in open court.

The bill provides the court with discretion to hold some or all of a proceeding in relation to a repeat offender in closed court, where the court considers it is in the interests of justice to do so. There we are: firm but fair. The panic merchants and the people who want to keep everything secret and out of view of the public have no need to panic. They have to have some confidence in the judiciary. This bill has confidence in the judiciary to know when it will be in the interest of justice to hold proceedings in closed court.

There are a couple of other areas of the bill that I think are worth commenting on. One is creating a new offence where a child commits a further offence whilst on bail. Again, we have heard that this is going to be a terrible thing. I know that the people in my electorate of Toowoomba North would certainly believe that if someone has allegedly committed a crime and is out on bail they would not be committing another offence and if they did for it to be taken into account.

If someone is out on bail and they commit another offence, I believe that should be regarded as an additional offence. Some people have said that this will punish people twice. In the hearings it was alleged that we were rubber stamping things, but we were taking evidence, asking questions and gathering information to prepare a report. In regard to this issue, the department stated—

An offender will not be punished twice for an offence committed on bail. Rather, the orders made against an offender subject to the new provisions will be expected to reflect both the seriousness of the substantive offence and the circumstances in which it was committed.

Again, I reflect on my community in Toowoomba. They would expect that if someone is out on bail for an offence and they committed another offence that they would have more respect for the law. If we go back to the percentages that I spoke about earlier, we can see that the people we are talking about have no respect for the law. Some 60 per cent of offenders have been in court five times or more. Some 30 per cent of offenders account for 75 per cent of crimes. We have to do something about this. The Youth Justice and Other Legislation Amendment Bill 2014 will do something about this.

Another area of the bill is transferring certain 17-year-olds from detention to adult corrective services facilities in certain circumstances. If someone receives a sentence the judge knows full well how old they were when they committed the offence and how old they are when they are being sentenced. The judge will know that the law provides that if their sentence is for six months or more beyond their 17th birthday the offender will be transferred to an adult corrective services facility.

Clearly again, with a little bit of confidence in the judiciary, we can see that, when sentencing, a judge will be able to take into consideration that they will be transferred to an adult prison. Where should people who are 17 plus be? They certainly should not be in detention centres with 12-year-olds. I support transferring them. I have great confidence in the judiciary to decide whether a sentence that was handed down that would take a person six months or more beyond their 17th birthday was appropriate at the time of sentencing.

What else do we have in this bill? We have a situation where, in certain circumstances, when sentencing offenders we no longer look at detention as the last resort. 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 other words, if someone is going through this revolving door and constantly being let back out to commit another offence, another offence, another offence, another offence and another offence—and I specifically say it five times because 60 per cent of offenders have offended five times or more—they can be detained and appropriately so. They do not have to keep looking for other options. However, there will be other options available and they will be revealed when the blueprint is released.

I acknowledge the concerns expressed by submitters about the number of child offenders in the criminal justice system who are in custody on remand. The committee is pleased the department anticipates removal of the sentencing principle may free up the sentencing process, resulting in children spending less time in custody on remand awaiting sentencing. The committee anticipates the blueprint will include remand reduction measures which will work in concert with the bill's proposed amendments.

We need to remember that the police are hard at work. Certainly, in my electorate of Toowoomba North the police are hard at work. They are frustrated by the fact that repeat offenders get slaps on the wrist and insufficient sentences. They have to deal with the same problems again and again, sometimes whilst the person is out on bail. Whilst the police do a great job, they do it in difficult circumstances.

I would also like to join with my colleague from Gladstone and congratulate the PCYC on the fantastic job they do in trying to stop some of these young people from offending. We must remember that the people we are talking about come out of difficult circumstances. These are people who do not have a good family background necessarily. Something I think is very valuable for society to nurture and grow is strong families. They do not necessarily have a good educational background. Programs such as Flexischool, which is under the auspices of Centenary Heights State High School in my electorate, gives young people the opportunity to get the education they need. We have chaplains in our schools. They are someone whom people can go and talk to. We have the PCYC out there trying to provide. There are lots of people who are trying to help these young people but they need to reach out for help.

The 60 per cent of offenders who have been in court five times or more need to learn that if they do reach out for help and do not take what is on offer to try to mend their ways and choose a different direction then they will be punished. When they get there they will not see a bouncy castle or gaming consoles. There will be consequences for their actions that they have inflicted on the community. We should support these children who come out of difficult circumstances, but there comes a point where they need to take responsibility for their actions. They need to understand that there are consequences for their actions.

The bill amends key components of the Youth Justice Act 1992 to specifically target repeat offenders. Again, I reiterate that we are talking about repeat offenders. The bill will allow repeat young offenders to be publicly named throughout proceedings. This will not apply to first-time offenders, as I have discussed. The bill will open the Children's Court to the public to create some transparency in the youth justice system. Maybe some of those people have only been to court once. They might want to go along and have a look at what happens to someone who has been to court a few more times under the LNP government and its changes and they might then make a decision to go down to the PCYC or talk to their school chaplain or enrol themselves in Flexischool and choose a different direction rather than reoffend. I think transparency in the youth justice system will be good. I note that judges have the ability to not open the court to the public if they do not feel it will serve justice in the best way.

The bill will create a new offence for committing a further offence while on bail. This proposal will target repeat offenders and seeks to hold them accountable in relation to their legal undertaking not to reoffend while on bail. We as a community do not expect people to get bail on the principle of innocent until proven guilty to allow them to go out and commit a similar offence again and for them to turn up back at court having committed a similar offence while on bail. I think that having this as an offence and making sure they know it is an offence and that it will be an additional offence to whatever else they have done is very important.

Further, the bill will make juvenile criminal histories admissible during sentencing of adult offenders. I think this is very important. This will allow childhood findings of guilt for which no conviction was recorded to be admissible to courts upon sentencing adults and will allow courts to have a complete understanding of a defendant's offending history. I think the community expects this. In the light of recent events, I would say the community demands this. I think it is very important that

when sentencing, after guilt has been established, people's criminal histories are able to be referred to. I think the idea of being able to do that going forward and looking back at someone's past, back to their childhood, is very important. And remember that the judiciary still can make a determination as to whether they wish to include some of those details or not, but the fact that they can I think is a good thing.

I have spoken about the transfer of 17-year-olds from youth detention to adult prison if they have six months or more remaining to serve. I think that is a good thing. The bill also removes the principle of detention as a last resort which, again, I think in certain circumstances, if we are talking about high level repeat offenders, is a good thing.

For me, I think the bill looks at many things that are missing in the current regime. If the current regime is so wonderful, as attested by members here today, then why do we have 60 per cent of the offenders being back in court five times or more and why do 30 per cent of juvenile offenders account for 75 per cent of the crime? These children clearly need to be removed from the circumstances they are in. I think some good diversionary tactics will become available through the blueprint, but in the meantime we cannot as a society allow everybody else to suffer while these people just go on reoffending, reoffending, reoffending, reoffending and, yes, for a fifth time, reoffending. There needs to be consequences for people's actions. This bill makes sure that they are held accountable for their actions.

This bill also needs to be read in light of other things that the government is doing. As I said, we are doing a great deal of work around education, to make sure that people's numeracy and literacy is improved. We are fixing up schools so that students can be proud of the schools that they are in and they can have an opportunity to learn in a nice environment. That was a \$300 million backlog left to us by Labor, along with their \$80 billion of debt. I am sure that if we did not have to pay the \$450,000 of Labor's interest bill every hour we would be able to have some other diversionary tactics and some other programs in place. But, unfortunately, you cannot do things if you do not have money.

I support the Youth Justice and Other Legislation Amendment Bill. I would like to make sure that the police in my area know that they will be well supported and that we, as a government, will not tolerate reoffending. I certainly support the PCYC and the Flexischool and other organisations in my community who try to help these people break the cycle of repeat offending. I think that the bill is firm—definitely firm—but fair and does consider our community from many perspectives including making sure they feel safe in their own homes.

(Time expired)