Speech By

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MEMBER FOR MACALISTER

Record of Proceedings, 21 August 2019

YOUTH JUSTICE AND OTHER LEGISLATION AMENDMENT BILL

Mrs McMAHON (Macalister—ALP) (4.34 pm): I rise in this House to make my contribution to the Youth Justice and Other Legislation Amendment Bill 2019. The bill was considered by the Legal Affairs and Community Safety Committee over June/July of this year and I would like to thank the committee secretariat, the Department of Youth Justice for its briefing, those who contributed to the 28 submissions and the 14 organisations that were represented at the public hearing.

The fact that we have to have this bill, the fact that we need to have policies and procedures around custodial matters involving children, the mere fact that we have children in custody and that we have children offending in the community is undoubtedly a sad one, but it is the reality. Each of these children should represent an admission of failure, not as a government, not as a department but as a society more broadly. Something went wrong and it went wrong long before the child first came into contact with the police. It went wrong long before the child came to the attention of the department, families, friends, neighbours, schools or communities. Why did the child end up there? It is incumbent upon us to address youth justice and all the ugly issues that come along with it. It is not okay to wipe our hands and say what is done is done, walk away and throw away the key. We cannot give up. Unless we want adult prisons full of career criminals we must tackle this problem from every angle.

I commend the Youth Justice Strategy four pillar approach as reported by Mr Bob Atkinson. It does tackle youth justice issues from four approaches: intervene early, keep children out of court, keep children out of custody and reduce reoffending. This report was released in December 2018. It was only yesterday in this House that I mentioned Project Booyah and the work that the program does in identifying young people who are at risk of entering the youth justice system, intervening and giving them the skills and confidence to take a different path.

I understand those who are desirous of linking this bill to issues of youths in police watch houses, and the opposition members of the committee were at pains to identify this bill as a kneejerk reaction to current media reporting, but as was evidenced during the committee process these issues were identified and were already being examined. The Youth Justice Strategy committed to reviewing the Youth Justice Act and this bill is a result of that review. Work commenced on the review at the end of last year and consultation occurred earlier this year. Further, the amendments in this bill are not restricted to watch house or custody matters but consider a broad range of youth justice issues.

The bill has three broad objectives: to reduce the period in which proceedings in youth justice systems are finalised; to remove barriers to enable young people to be granted bail; and to ensure appropriate bail conditions are imposed. Each of these objectives are addressed by a number of legislative as well as corresponding policy changes within the relevant departments and I will outline just some of them.

The first amendment I would like to highlight is contained in clause 20. Currently a court is required to obtain a pre-sentence report before it may make an intensive supervision or detention order against a child. This pre-sentence report currently must be provided within 15 business days—that is,

up to three weeks. What tends to happen is that reports are provided often to the upper limit of that time frame. This amendment requires a court to determine whether a pre-sentence report may even be required in the current circumstance and, when it is, to require the report to be provided as soon as practicable. This will mean that there need not be a delay in proceedings waiting for a pre-sentence report that does not provide any further guidance for a decision and that time spent in custody will be reduced.

The second amendment I would like to highlight is the changes to the Police Powers and Responsibilities Act in clause 42 requiring police who have arrested or served a notice to appear on a child to notify the parent of the child and record all attempts to do so. It was highlighted in the submission made by Assistant Commissioner Brian Codd that these requirements are already contained within QPS operational procedures manuals and this clause merely strengthens the requirement of police officers by making it a legislative requirement.

I point out that the tenet of removing barriers to young people being granted bail is not a free-for-all and does not represent or pre-empt havoc on the streets with gangs of young offenders roaming the streets. That is the type of fear campaign that those opposite relish, yet it is strangely at odds with the crocodile tears they shed over young people in police watch houses at the moment. I saw that firsthand some 18 months ago in my electorate.

My electorate is home to a supervised bail accommodation house. It is one of the key facilities that houses young people who are waiting for the finalisation of their matters, but who do not have a support network or a home that they can live in whilst waiting for proceedings to be finalised. Prior to the facility opening, the LNP letterboxed my electorate with a fear campaign telling residents that young offenders would be roaming the streets. The facts are that only six young people can be housed at once, that it is not within walking distance of residential areas, that occupants are secured at night and are under 24\7 supervision and that they do not have a history of violence or represent a danger to the community. However, those opposite are not in the habit of letting the facts get in the way of a good scare campaign.

These amendments are not a free-for-all in which watch houses will become revolving doors for juvenile offenders. Clause 10 provides guidance for those who are required to make the decision of whether or not to release a young person on bail. I reassure those opposite and Queenslanders that where there is an unacceptable risk to either the young person or to the community more broadly the young person will not be bailed.

The final component of the bill deals with ensuring that bail conditions are appropriate. During hearings it was detailed that it is not uncommon for there to be 30 to 32 bail conditions imposed on a young person. Further, many bail conditions continue to be enlarged even when the relevant risk no longer exists. The new amendments will require that those who impose bail conditions ensure that the conditions are sustainable, appropriate to the risk and targeted to the young person's requirements.

Young people, particularly those who are marginalised and vulnerable and who make up a large portion of young people in the youth justice system, often have very little control over some of the major factors in their lives, such as where they live, and their ability to travel and make and attend appointments. The committee heard stories such as where bail was granted and the young person was residing with friends or associates but, due to conflict, had to leave or was kicked out. They lacked the ability to apply to court to have their bail conditions modified. Upon their next encounter with police they were found to be in breach of their bail as they were not residing at a specific place in compliance with their bail. Such a breach of bail would find them back in the system, facing further charges. It becomes a never-ending cycle.

Further, the amendments require a person imposing bail conditions to give and record reasons as to how and why each bail condition is imposed on the child and whether it is intended to mitigate a particular risk for that child. Imposing bail conditions should not be a tick-and-flick process. Depriving a person of their liberty, regardless of their age or the charges they face, should not be a fait accompli. It is a position of great responsibility.

I spent some of my uniform time in the Queensland Police Service as a watch-house keeper, the charge sergeant, at Inala. I understand that those on the front line are under pressure when making decisions that greatly impact young lives. I also know that arbitrary conditions without proper justification often have wideranging implications that may not be considered at the time that they are being imposed. I raised these issues during the public briefing and they were acknowledged by Assistant Commissioner Codd, who also identified the need for alternative arrangements to be made when it is undesirable for a young person to remain in a watch house. The department acknowledged that and identified the range of particularly after-hours functions that will be needed to support the decision-makers.

This amendment bill is not a silver bullet. The stroke of a pen will not solve the vexing issue of youth crime. It will require a community effort, with department staff working with affected people, supported and enabled by elected officials here in this House who give legislative guidance where required. It will take all of us attacking this issue from all angles, which is what this bill seeks to do. I commend the bill to the House.