Speech By
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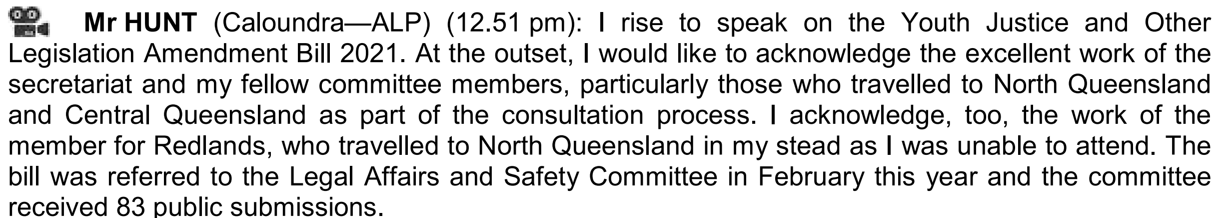
MEMBER FOR CALOUNDRA

Record of Proceedings, 21 April 2021

YOUTH JUSTICE AND OTHER LEGISLATION AMENDMENT BILL



Mr HUNT (Caloundra—ALP) (12.51 pm): I rise to speak on the Youth Justice and Other Legislation Amendment Bill 2021. At the outset, I would like to acknowledge the excellent work of the secretariat and my fellow committee members, particularly those who travelled to North Queensland and Central Queensland as part of the consultation process. I acknowledge, too, the work of the member for Redlands, who travelled to North Queensland in my stead as I was unable to attend. The bill was referred to the Legal Affairs and Safety Committee in February this year and the committee received 83 public submissions.

While the number of youth offenders is at its lowest level in a decade, there is irrefutably a small number of hardcore repeat offenders who are responsible for a disproportionate number of offences—the 10 per cent that are often referred to in discussions around youth justice. From the explanatory notes we can ascertain that the amendments seek to work in conjunction with the 2018 *Report on youth justice*, compiled by Bob Atkinson. The overarching objective now, just as it was at the time of the 2018 report, must be early intervention and to avoid incarceration wherever possible. That still leaves all of us here with the obligation to address measures that take into account the more problematic elements, the much referred to 10 per cent.

From the huge amount of community feedback, there appears to be elements of commonality and I would like to unpack and expand upon those elements from the feedback. Insofar as the expectations of the broader community are concerned, they seem to be asking for both more support services and a more definitive solution for offenders who are resistant to traditional service delivery models. Herein seems to lie the central issue.

Very few submissions from either the punitive preferencing submitters or the program based preferencing submitters were able to outline a wideranging solution as to what to do with problematic youth offenders in the immediacy. This is not a reason to not proceed, as we should be swayed by evidence and not gut feelings. We can assist this dichotomy of approach if we work towards the provision of early intervention and the wraparound services that should start immediately an offender comes into contact with the legal system. This not only helps make the reforms more effective but also ensures they have achieved a genuine outcome when reviewed.

Further elements common throughout the community feedback include a unanimous call for specific youth drug and alcohol rehabilitation centres located outside the south-east corner but inclusive of the Gold Coast. This was a strong theme in Cairns, Mount Isa, Townsville and the Gold Coast and at the public hearing here in Brisbane. Interestingly, a member from the Queensland Police Service who was present at the hearings made mention of a co-responder model which they felt might accelerate the provision of, or at least go some way towards facilitating access to, 24/7 services for youth.

Community feedback also included interest in restorative justice. It was mentioned on more than one occasion but with caveats attached, from my understanding—specifically that it be at the behest of the victim and not the offender but that, once the decision was made, the offender would be bound by it. This would, the community felt, be helpful and certainly not cost prohibitive.

Interestingly, there seemed to be a feeling from some submitters that parental rights were being undermined by the youth offenders themselves, threatening a child safety complaint. Whether real or imagined, it seems to have come through strongly in the feedback so that perhaps in the future an information package could be developed to reassure the parents of the role of Child Safety and the limits and constraints they operate under. This was also apparent in calls for more parental education courses. Therefore, the two goals could potentially be met in one package inasmuch as the community felt that the role of Child Safety might be included in any package that deals with parentcraft and parental education. Whatever these packages might look like, it was very clear from the feedback that a strong emphasis must also be placed on fetal alcohol spectrum disorder as part of any package relating to parentcraft or education.

Ideas around on-country placement were the only community based submissions that approached what were considered to be possible solutions around the 10 per cent of youthful offenders in the here and now—that is to say, in the immediacy while waiting for support services and programs to take effect. It is telling that the communities that raised the on-country placements were Cairns, Mount Isa and Townsville, with a modest measure of support within some quarters of the Indigenous population. They asked that this concept be considered, particularly if it encompassed the early intervention services and provided access to family and vocational training as well. The training, however, would need to entail either junior matriculation or a range of vocational skills other than those provided by traditional ideas of on-country programs. We must accept and encourage the fact that not all youth offenders will want to work on the land as adults.

Of all the measures, GPS monitoring seems to have attracted the most attention from either end of the community submitters consultation spectrum. This is not surprising, but it is also clear that there is some misunderstanding about the application of the bracelets, who can apply them, how they will work and how they will be utilised for community safety. GPS monitoring devices allow Queensland Corrective Services to monitor every movement of a young person on bail to ensure they comply with bail conditions, curfew and restrictions. Queensland Corrective Services will monitor youths who are required to wear GPS monitoring devices 24 hours a day, seven days a week. The GPS monitoring device is considerably less restrictive than remand, which is the alternative. When potential bail breaches may occur, Queensland Corrective Services will contact the youth directly and attempt to resolve it. We will not be sending police cars with lights and sirens activated because a young person forgot to charge their device. However, where a teen cannot resolve an issue, Queensland Corrective Services will be able to alert the police.

Bail considerations will be changed for this same more problematic group. Rather than requiring police to convince the courts that an offender is a risk to the community if they are granted bail, young offenders charged with serious indictable offences while on bail will need to convince the courts that they are not a risk. Further, courts will be able to seek assurances from parents and guardians that they will assist youth offenders to comply with bail obligations. The bill also makes it clear that offending while on bail is an aggravating factor and if a young offender commits an offence while on bail the court will take that into consideration and sentence them accordingly.

The metal-detecting initiatives in the safe night precincts are much better understood so far as the broader community is concerned. They are very well received, particularly on the Gold Coast. The community submitted that there remains some scope for the expansion and improvement of the trial. The provision of privacy screens would be beneficial for further searching after metal-detecting wands indicated grounds for further action. Submitters from the Gold Coast suggested expansion of the searching sites to targeted train stations as well as safe night precincts if it was viable, but if there was an expansion of the trial for such an activity then a random sample of testing on stations would be useful for data collection and also its ongoing deterrence factor.

Clearly, we all need to acknowledge that diversion away from the criminal justice system is still our primary aim and objective. However, we naturally and rightly have a responsibility to put in place measures that address community concerns as soon as possible. While simultaneously moving the more problematic offenders through the early intervention strategies, there is certainly an acknowledgement that continued offending will bring consequences and that those consequences may entail removal from the community in some shape or form. In conjunction with that aim, part of our efforts must include the provision of services—call them wraparound or intervention—at the first point of contact with the criminal justice system. It must not be delayed until multiple encounters within the judiciary have accrued.

Our own consultative processes made very clear that early intervention that is targeted, systemic, meaningful and culturally appropriate is vital if we wish to address the 10 per cent of youth offenders who are over-represented in the overall youth crime data. On the basis that this it is a positive step towards community safety, I commend the bill to the House.