




Speech By
Jonty Bush

MEMBER FOR COOPER

Record of Proceedings, 12 October 2021

YOUTH JUSTICE (MONITORING DEVICE CONDITIONS) AMENDMENT REGULATION

Disallowance of Statutory Instrument

 **Ms BUSH** (Cooper—ALP) (6.17 pm): I rise to oppose the member for Maiwar's disallowance motion. This government is committed to protecting our community and holding repeat youth offenders accountable for their actions. That is why the government amended the Youth Justice Act earlier this year to give courts the ability to require the fitting of electronic monitoring devices as a condition of bail for recidivist, high-risk offenders aged 16 years and over.

This 12-month trial of electronic monitoring devices as a bail condition is a key measure to target young and repeat offenders. We know that there is a small number of young offenders who are responsible for the majority of crime, and that is who we are aiming to target in this trial—a particular cohort of youth offenders.

Under the requirements outlined in the act, to be considered suitable, a young person is required to be at least 16 years of age, have committed a serious offence or a prescribed offence, have previously been found guilty of at least one indictable offence, live in a geographical area prescribed by regulation and appear in a court prescribed by regulation. A young person is required to have the capacity to understand the requirements of being subject to electronic monitoring. They also must have been assessed as being able to comply with the requirements of being subject to electronic monitoring to be deemed suitable for the trial. These requirements are subject to the young person agreeing to comply with the bail conditions and a willingness to follow the lawful instructions of a youth justice officer.

Youth justice officers are responsible for providing advice to the courts about the suitability of fitting an electronic monitoring device and providing support to the young person. Determining the suitability of a young person to be fitted with a device as part of their bail conditions can, and does, take some time. The youth justice officer works with the young person to understand what is involved in the process and goes through the relevant assessment criteria. Youth justice officers also spend a considerable amount of time working with the parents or carers of the young person to ensure they are also aware of any requirements.

I will just come back to this disallowance motion and the purpose of these devices. I am a little bit confused, because the member for Maiwar attended some of the public hearings that I attended as part of the committee process. During the briefings we heard from police that the purpose of these devices is to give courts additional assurances for young people who ordinarily would not receive bail. This is about getting young people who ordinarily would not receive bail out into the community, supervised in a safe way where they can be protected, so that the rights and interests of the community can also be protected.

Mr Berkman interjected.

Ms BUSH: Thank you, member for Maiwar; I do not need your mansplaining about how the criminal justice system works. I have worked long enough in it myself. The Department of Children, Youth Justice and Multicultural Affairs has developed tools for speech and language specialists to ensure that each young person and their parents or carers has a clear understanding of the requirements and supports available to them. Further support is also provided by youth justice officers to ensure that a young person is fitted with a device on their mobile phone to enable them to receive phone support and field questions from Queensland Corrective Services officers relating to their monitoring device.

The Youth Justice (Monitoring Device Conditions) Amendment Regulation prescribes the geographical locations of a young person and the geographical locations of the courts that are included in the trial of electronic trialling devices. Beenleigh, Brisbane city, Caboolture, Coolangatta, Pine Rivers, Redcliffe, Southport and Townsville are the geographical locations included in this trial. Having a diverse range of locations is necessary to ensure the effectiveness of these measures can be tested in different parts of Queensland. The trial allows us to build the evidence base around the use of electronic monitoring technology for young people on bail and make informed decisions about whether these measures should be continued. It is critical that the regulation remains in force for this reason.

This government is confident that these strong measures and our approach to youth justice strike an appropriate balance between keeping communities safe and recognising the youth justice principle of custody as a last resort. The number of children committing crime has gone down. Around 90 per cent of youth offenders do not repeatedly offend. As we know, and as we have heard throughout the hearing, the majority of young people have an initial interaction with the criminal justice system and, with the appropriate supports, move out of that. The majority of young people are supported to resume a pro-social life without further intervention from police. But that is not what we are talking about with this: we are talking about repeat offenders who need some additional structures.

The number of young people who commit offences has gone down 30 per cent in the past 10 years. While this is encouraging, the data also shows there is a small number of serious recidivist youth offenders who are causing harm to the community. We heard directly from people, and again the member for Maiwar was present. How we can selectively pick and choose the people that we spoke to in all of those hearings is beyond me. Throughout the committee's inquiry we heard from victims of crime that their lives have been forever impacted. A lot of people are now afraid to leave their homes because of what they have been through, so we know that anything we can do to stop serious recidivist youth offending ought to be done.

I know that many here know my history, but I have worked for a long time with victims of crime, particularly victims of violent crime. While we do not like to believe it is true, regrettably some murders and manslaughters are committed by young people. I have sat in those courtrooms with the families of those people, whose pain is very real and is not lessened any by the age of that young offender. I can guarantee you one thing: upon sentencing, all of those youth offenders accused and found guilty of murder, manslaughter or grievous bodily harm have a record. They have a record, and we need to do everything and anything we can to make sure that we respond to young people so that they are protected from that future and that future victims are protected.

The recent youth justice reforms do more to target the top 10 per cent of serious repeat young offenders by making sure they do feel the consequences of these actions. The trial of electronic monitoring devices is a key component of the government's commitment to targeting serious repeat offenders and keeping the community safe. It provides the court with another option when determining applications for bail, and for these reasons I oppose this motion.