Speech By

Hon. Leanne Linard

MEMBER FOR NUDGEE

Record of Proceedings, 12 October 2021

YOUTH JUSTICE (MONITORING DEVICE CONDITIONS) AMENDMENT REGULATION

Disallowance of Statutory Instrument

Hon. LM LINARD (Nudgee—ALP) (Minister for Children and Youth Justice and Minister for Multicultural Affairs) (6.35 pm): I rise to respond to and oppose the member for Maiwar's disallowance motion in relation to the Youth Justice (Monitoring Device Conditions) Amendment Regulation 2021. The Palaszczuk government is committed to protecting our community and has acted decisively to crack down on repeat youth offenders. We have listened to the community and introduced additional measures that target youth offenders who repeatedly offend and put the community at risk.

As members in this House know, on 30 April 2021 the Youth Justice and Other Legislation Amendment Act 2021 commenced. The act amended the Youth Justice Act 1992 to: provide for a presumption against bail for children charged with serious indictable offences while on bail for an indictable offence—this targets the top 10 per cent of serious repeat offenders who commit nearly half of all juvenile offences; introduce new measures to empower courts or police officers to consider whether a parent or guardian has a willingness to support the young offender on bail; and give courts the ability to require the fitting of electronic monitoring devices as a condition of bail for recidivist high-risk offenders aged over 16 years. These measures will be reviewed after six months, with a further review after 12 months.

Our government's Working Together Changing the Story: Youth Justice Strategy 2019-2023 provides a framework that is focused on strengthening prevention, intervention, restoration and rehabilitation and engaging families and communities in that vital work. I acknowledge the stewardship of Bob Atkinson, the former long-serving Queensland Police Commissioner, in the development of the strategy. The focus areas identified in the strategy which guide us today are: intervene early, keep children out of court, keep children out of custody and reduce reoffending. Let us not forget that the trial of electronic monitoring devices has come about because Bob Atkinson made a recommendation in his report on youth justice that the government consider the use of electronic monitoring devices as an alternative to detention. Although the member for Maiwar may claim otherwise, that recommendation is the genesis of this trial.

Disallowing this regulation will mean the courts have fewer options available to them when deciding an application for bail concerning a young person. It will also mean that relevant young people will have fewer options open to them other than to be remanded into custody. The trial and the regulation deliberately cover a broad and diverse range of geographical areas across Queensland, from Coolangatta to Townsville. This is necessary to ensure that the electronic monitoring measures can be tested in different parts of Queensland. The trial is crucial to building the evidence base around the use of electronic monitoring technology for young people on bail and an assessment of whether these measures should be continued post that trial time. It is critical for these reasons that the regulation remains in force.

Whether an electronic monitoring device is ordered as a condition of bail is entirely a matter for the independent judicial officer hearing the bail application. It is important to remember that electronic monitoring is only one part of the broader consideration about whether the young person should be released on bail. Contrary to the comments of the member for Maiwar, before deciding to impose an electronic monitoring device as a bail condition, a court must consider a suitability assessment report. The report must contain information to inform the court about matters such as technological requirements, the need for stable accommodation and the availability of support from a parent or caregiver or elsewhere to maintain the device. This suitability assessment assists the court to fully understand the young person's individual circumstances and the impact of fitting of an electronic monitoring device. This is to ensure that a condition will not be imposed on a young person who, through no fault of their own, may not be able to comply.

The Palaszczuk government is confident—we are confident—that these strong measures and our approach to youth justice is working to reduce offending, and this is the feedback we are hearing on the ground from police. Statistically, the number of young people who are committing offences has decreased significantly—by 30 per cent in the past 10 years. I appreciate this is not what we hear from those opposite, particularly the member for Burdekin, who twists and misrepresents statistics for his own purposes, and that is to create fear in our community and it is disgusting.

We know that most young people do not offend; only a very small percentage do—approximately two per cent. The data shows that around 90 per cent of youth offenders do not repeatedly offend, with many not reoffending after their first interaction with police. While this is encouraging, the data also shows that there is a small number of recidivist youth offenders who are causing harm to the community, and the government must respond. Community safety is paramount and community confidence essential.

Recent youth justice reforms do more to target this top 10 per cent of serious repeat young offenders by making sure they are held accountable for their actions. However, our investment equally focuses on meaningful interventions to support young people to change their story. While the member for South Brisbane presents an oversimplified solution to youth offending, free school lunches do not come close to addressing the complex interactions and social factors that my agency deals with to meaningfully intervene in youth offending each and every day. Of course, for confidentiality reasons under the act I cannot identify any specific young person subject to the act, but I can share a number of de-identified stories that speak to the complexity and the powerful way in which intervention programs are supporting young people in contact with the youth justice system every day to make positive changes and reduce or stop offending behaviour.

A 17-year-old young person from a regional community is currently subject to probation orders and a community service order. Their offending relates to public nuisance and obstructing police and stealing charges. Youth justice and regional community staff working with the young person had significant concerns for their health and wellbeing due to chronic volatile substance misuse which has impacted their cognitive functioning. Due to our interventions, the young person agreed to attend a local rehabilitation facility to address the substance misuse and consented to a smart referral to a Queensland Health program. Recent cognitive testing has also been completed to determine other supports that can be put into place for the young person.

Youth justice staff are meeting with this young person weekly to conduct reporting sessions and complete community service order activities with them while in the rehabilitation facility. Staff at that facility have noted the positive progress and an improvement in the young person's relationship with family. Youth justice and the rehabilitation facility staff are now working with the young person around their exit planning and transition to independent living in the future.

A second case study: before intervention, this 16-year-old young person was subject to numerous child safety orders and first came into contact with police at 12 years of age. The young person became a recidivist offender, committing stealing, assault, burglary and motor vehicle offences. After intervention, the young person got involved with the Townsville Transition 2 Success foundation skills program in early 2020 and maintained engagement across the COVID-19 outbreak. When the program resumed in August, the young person maintained 100 per cent attendance and remained out of trouble while awaiting an outcome at court.

After seeing the young person's consistent engagement with the Transition 2 Success program in Townsville and lack of reoffending since commencing that program, the magistrate suspended the 12-month detention order to be served as a three-month conditional release order. The magistrate congratulated this young person on their commitment to participating in that program and highlighted that the engagement and leadership demonstrated by them on that program, as reported by staff, was highly commendable. They have gone on to successfully complete a Certificate I in Foundation Skills and transitioned across to a second block of the Transition 2 Success TAFE foundation skills program earlier this year.

These are just two stories of hard-won improvement—hard-won on the part of the young person and the youth justice workers included—to stop the cycle of offending and change their story. Importantly, an additional investment of $38 million made by our government is delivering significantly increased levels of monitoring, supervision and support to serious repeat offenders and their families, including young people on bail, who may be subject to an electronic monitoring condition. This funding for an increase in the intensity of services and supports focused on repeat offenders and community safety go hand in hand with the announcement of this regulation. We are not doing one; we are doing both.

In conclusion, I oppose the disallowance motion moved by the member for Maiwar as the regulation is critical to supporting the recommended and ongoing trial of electronic monitoring devices in Queensland. Courts need options to appropriately manage the bail process for serious youth recidivists, and disallowing this regulation would take this option away from them and young people before we have had a chance to appropriately evaluate the measure.