




Speech By
Hon. Mark Ryan

MEMBER FOR MORAYFIELD

Record of Proceedings, 25 February 2021

YOUTH JUSTICE AND OTHER LEGISLATION AMENDMENT BILL

Introduction

 **Hon. MT RYAN** (Morayfield—ALP) (Minister for Police and Corrective Services and Minister for Fire and Emergency Services) (11.54 am): I present a bill for an act to amend the Penalties and Sentences Act 1992, the Police Powers and Responsibilities Act 2000 and the Youth Justice Act 1992 for particular purposes. I table the bill, the explanatory notes and a statement of compatibility with human rights. I nominate the Legal Affairs and Safety Committee to consider the bill.

Tabled paper: Youth Justice and Other Legislation Amendment Bill 2021 [194](#).

Tabled paper: Youth Justice and Other Legislation Amendment Bill 2021, explanatory notes [195](#).

Tabled paper: Youth Justice and Other Legislation Amendment Bill 2021, statement of compatibility with human rights [196](#).

I am pleased to rise, alongside my colleague the Minister for Children and Youth Justice and Minister for Multicultural Affairs, to introduce the Youth Justice and Other Legislation Amendment Bill 2021. My ministerial colleague will speak in more detail during the second reading debate in respect of amendments foreshadowed in this bill to the Youth Justice Act.

The government has moved swiftly and decisively in response to the continued risk posed to our community by a cohort of serious and persistent youth offenders. 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 data is encouraging, the data also shows that there is a cohort of serious recidivist youth offenders, outliers, who are causing significant harm to the community. This cohort of recidivist offenders, representing just 10 per cent of all youth offenders, account for 48 per cent of all youth offending. Combined with the government's five-point action plan, which has already helped facilitate a 23 per cent drop in the number of young offenders in 2019-20 and a nine per cent reduction in the number of charges, this bill will form an all-round strategy to tackle this cohort of persistent youth offenders.

These youth offenders do not respond to existing law enforcement measures so we are expanding the tools accessible to the police and the courts to target their behaviours and we make no apologies for this tough stance. Police are on the front line daily, putting their lives at risk to keep our communities safe. Notwithstanding that, our police continue to show understanding and compassion to everyone they deal with. It is in their training and it is what they are sworn to do. But they are also sworn to protect the community, to make it a safer place for us every day of their working lives. I know everyone in this place commends and thanks them for their service to the people of Queensland.

This government's ongoing commitment is to improve safety for all Queenslanders. To deliver on that commitment, the government is taking a responsible and appropriate evidence based course of action through this bill. This bill contains significant reforms that will enhance community safety and the outcomes for young people.

Amendments are being made to the Youth Justice Act 1992 to increase the involvement of a young person's parent, guardian or other appropriate and responsible person to assist the court or a police officer when making a decision about bail and to support the youth to comply with their bail conditions. The bill will provide for a presumption against bail for youths charged with certain offences while on bail for an indictable offence. In other words, the offender will have to prove to the bail decision-maker that they do not represent a threat to community safety.

The bill will establish bail conditions that can incorporate the use of GPS electronic monitoring as a condition of bail for recidivist youth offenders. This means the court can require an offender aged 16 or 17 to wear a GPS tracker. To strengthen laws in, and the principles of, the Youth Justice Act 1992 relating to bail, the bill will explicitly state that community safety comes first and must be protected from recidivist high-risk offenders. The bill will also put into statute the principle that offending while on bail aggravates the conduct to be considered by a court when imposing a sentence. The youth justice minister will speak further in the second reading debate on these amendments.

It is also important to highlight that a new youth justice committee will provide oversight of the implementation of proposed reforms and constantly monitor the government's efforts to reduce youth offending. By meeting regularly, this cabinet committee will scrutinise the efforts of government agencies working to enhance community safety and hold youth offenders accountable for the crimes that they commit. This is in addition to the youth justice task force, led by Queensland Police Service Assistant Commissioner Cheryl Scanlon, which I previously announced alongside the Premier.

The bill also amends the Police Powers and Responsibilities Act 2000 to enhance community safety. In the last two years, police have seen an increase in the number of people charged with unlawful possession of a knife in a public place. This has corresponded with a general increase in knife related crime statewide. The Queensland Police Service advises that youths as young as 10 years of age coming to the attention of police are found in possession of a knife and that this behaviour peaks in the 15- to 16-year-old age cohort. This is supported by research from other jurisdictions. We know there is a tendency for some young people to carry knives in public spaces. This places the community and the youths themselves at risk of serious harm or death. Enabling police to quickly identify and seize these knives not only prevents them being used to cause harm but also creates a strong disincentive for people to carry them in the first place.

It is proposed to strengthen the powers in the Police Powers and Responsibilities Act to enable police to conduct a 12-month trial of the use of metal-detecting wands on members of the public in public spaces in the Gold Coast safe night precincts of Surfers Paradise and Broadbeach. Safe night precincts are entertainment and socialising hubs where many, particularly young people, like to gather. The high concentration of people in these areas makes any unlawful carrying of knives a particular risk to safety. A trial of these new powers, procedures and overarching safeguards will help the police and the cabinet committee to identify and address any unforeseen impacts. An independent review will also take place after the trial has finished.

The provisions allow police to use handheld metal-detecting scanners to scan over the exterior of a person's clothing and belongings to search for the presence of a knife. The scanning is fast and causes very little inconvenience. The amendments will provide that if a person does not submit to a scan, or if they do not comply with a police requirement to produce the item that has caused the scanner to activate, police will then have the power, without a warrant, to search the person for a knife. Also, if a person, having produced an item that was detected after an initial scanning was activated, is scanned a second time and the scanner activates again, police may have a reasonable suspicion to further search the person. Any subsequent search of the person will be conducted under existing provisions and safeguards of the Police Powers and Responsibilities Act.

Only an approved senior sergeant, or an officer of at least the rank of inspector, can authorise a wandering period of 12 hours within a public place in a safe night precinct for the purposes of the trial. Any subsequent 12-hour period will require another authorisation. Police will be able to conduct scanning randomly on anyone who is in the designated public place in the prescribed area. They will not need a reasonable suspicion that a person is carrying a knife or doing anything wrong in order to scan them. This way, the scheme provides a deterrent for anyone in these areas to unlawfully carry a knife as they will know there is an increased likelihood of detection and charge. All other people who are scanned will experience very little inconvenience before they are on their way again. We are all used to these types of procedures conducted in airports, at some sporting events and even when we enter courts and government buildings. We are regularly subjected to metal detecting and the X-raying of our possessions to ensure the safety of the greater community.

There will also be important legislative safeguards wrapped around these new scanning powers. The safeguards include ensuring the person to be scanned is offered an information notice advising them of the process to be undertaken. This will ensure the public are clearly informed of the new powers and how they are to be used.

This bill also makes some fundamental changes to laws regarding hooning in this state. Recent tragic events underscore the consequences that result from unsafe driving behaviour. There were 287 fatalities on Queensland roads in the 12 months to the end of January this year. Shockingly, 73 more fatalities occurred in that 12-month period than in the preceding 12 months. Each one of those deaths is a heartbreaking and senseless waste of human potential. Each one of those deaths leaves behind a devastated family and community. These tragedies, and the ripples of devastation that flow from them, should not occur. Many are the result of reckless and unlawful behaviour of individuals.

Hooning is targeted by the Queensland Police Service because it places both the offending drivers and all Queensland road users at significant risk. It is also a category of offence that commonly features in the offending behaviour of recidivist youth offenders. In Queensland, hooning is not a single offence. It is a term that describes a category of offences listed in chapter 4 of the Police Powers and Responsibilities Act as type 1 vehicle related offences. Type 1 offences include evading police as well as the following offences where they are committed in the context of a race, speed trial or burnout: dangerous operation of a vehicle; careless driving; taking part in a race or a speed trial; and wilfully driving a motor vehicle to make unnecessary smoke or noise.

We know that hooning is an issue of concern for the community. The number of hooning related traffic complaints received by police has increased by 132 per cent over the last five years. We also know that there are particular problems associated with the enforcement of hooning offences. Hooning offences occur in the context of mass gatherings. It can be a challenge for police to identify individual drivers in those circumstances. That is why on 6 September last year the government announced its commitment to provide the Queensland Police Service with advanced camera technology to assist in their enforcement of hooning offences. At that time, the government also announced its intention to bring to this parliament laws that strengthen the capability of our police to respond to hooning. Today we deliver on that commitment.

The amendments contained in this bill will mean that if a vehicle is identified as committing a type 1 vehicle offence the owner of the vehicle will be held responsible for the offence, except in circumstances where the vehicle is stolen or where the owner can show that another person was driving. Such laws already exist for the type 1 offence of evading police; however, this bill will extend the operation of that scheme to all type 1 offences. Specifically, the amendments will give police the power to serve a type 1 offence notice on the owner of a vehicle that has been identified through footage or through some other means as being involved in a type 1 offence. The owner of the vehicle will be required to respond to the notice by supplying information that will assist police to identify the driver of the vehicle or by declaring that the vehicle was stolen or sold before the offence was committed. Should the owner of the vehicle fail to respond, they will be taken to have committed the offence.

These amendments will give police the legislative powers they need to enforce the law applicable to these offences that pose a clear risk to the safety of Queensland road users. They will also allow police to take better advantage of the high-tech cameras that the government has provided them.

The government makes no apologies for holding to account the small group in our community that puts all Queensland road users and pedestrians at risk by their reckless and unlawful actions. These amendments will provide a strong and targeted response to these individuals and, by doing so, reduce the risk that innocent Queenslanders will be affected by the tragedy of road trauma as a consequence of their actions.

Finally, the bill will establish a 12-month trial of electronic monitoring for a cohort of young offenders as another measure to keep communities safe. The bill provides the authority for a model of electronic monitoring led by the Department of Children, Youth Justice and Multicultural Affairs, with support from the Queensland Police Service and Queensland Corrective Services. The legislation provides for each agency to have a distinct role in supporting the operation of electronic monitoring conditions once imposed by a court.

Queensland Corrective Services will support the model by remotely monitoring tracking devices 24 hours a day, seven days a week. The bill includes a clear authority for Queensland Corrective Services, at the request of the department of youth justice, to remotely monitor the tracking device, contact the young person by mobile phone and give the department of youth justice and the Queensland Police Service information relating to alerts and notifications from the tracking device. To minimise contact between the adult correctional system and young people, the bill supports a role for Queensland Corrective Services that is limited to remotely monitoring tracking devices and only contacting the young person through phone, including SMS, to verify a notification and/or resolve a minor alert.

Examples of resolving minor alerts include reminding the young person to charge the device and reminding them of their order conditions if they are outside the geographical location requirements of the court order. For higher level alerts, or where low-level alerts cannot be resolved, Queensland

Corrective Services will immediately escalate the matter to the department of youth justice and the Queensland Police Service who will decide how to respond. The bill also limits Queensland Corrective Services' disclosure of information to the department of youth justice and Queensland Police Service. This has been included to protect the confidentiality of young people's personal information.

This reform package demonstrates the determination of the government to do whatever it takes when it comes to community safety. These are substantial reforms, based on advice from those on the front line, including police and legal and youth justice experts. We are giving the courts and police the further tools they need to deal decisively with this cohort of offenders who represent a danger to the community and themselves. I commend the bill to the House.

First Reading

Hon. MT RYAN (Morayfield—ALP) (Minister for Police and Corrective Services and Minister for Fire and Emergency Services) (12.11 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to Legal Affairs and Safety Committee

Madam DEPUTY SPEAKER (Mrs Gerber): In accordance with standing order 131, the bill is now referred to the Legal Affairs and Safety Committee.