




Speech By
Hon. Mark Ryan

MEMBER FOR MORAYFIELD

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YOUTH JUSTICE AND OTHER LEGISLATION AMENDMENT BILL

Second Reading

 **Hon. MT RYAN** (Morayfield—ALP) (Minister for Police and Corrective Services and Minister for Fire and Emergency Services) (5.59 pm): I move—

That the bill be now read a second time.

On 16 April this year the Legal Affairs and Safety Committee tabled its report on its examination of the Youth Justice and Other Legislation Amendment Bill 2021. The committee made only one recommendation—namely, that the bill be passed. I commend the committee for its valuable work in considering the bill. It is important to note that the committee travelled the length and breadth of Queensland. They listened to the community and heard firsthand about the community's experiences and their views not only on the bill but more broadly about community safety. Public briefings were held on the Gold Coast and in Brisbane, Mount Isa, Townsville and Cairns. The committee considered 83 written submissions from a broad and diverse range of stakeholders. I want to thank the committee for its support of the bill. I want to also thank everyone who participated in the committee process, whether they attended a public briefing or contributed in other ways like by making a submission.

This bill builds on the government's five-point action plan against youth justice. While any instance of crime is unacceptable, our five-point action plan has achieved some results so far with the number of youth offenders at its lowest level in a decade—down around 30 per cent. While this data is encouraging, it shows that there is a small, consistent cohort of hard-core recidivist youth offenders who are causing real and significant harm in our community. This 10 per cent cohort of recidivist youth offenders account for almost 50 per cent of all youth offending.

The initiatives in this bill aim to turn those statistics around and improve community safety. The government will build on the success of the five-point action plan with new measures, new laws to target this cohort. In a trial courts will get the power to require the fitting of electronic monitoring devices as a condition of bail for recidivist high-risk youth offenders aged 16 and 17. This is the age group which was recommended by highly respected former police commissioner Bob Atkinson. It is a trial and obviously there will be an independent review at the end of the trial to see the success of the trial and whether it needs to be expanded or modified in other ways.

There will also be a presumption against bail created in this bill for youth offenders arrested for committing further serious indictable offences whilst on bail. It will be up to those offenders to prove why they should get bail. Courts will also be empowered to seek assurances from parents and guardians or other responsible adults that bail conditions will be complied with before a youth offender is released on bail.

In addition, police will receive the power to use metal detecting wands, also in a 12-month trial, to target knife crime on the Gold Coast in the two safe night precincts—Broadbeach and Surfers Paradise. In addition, anti-hooning laws will be strengthened to hold the registered owner of a vehicle

responsible, except in cases where the vehicle is stolen or the owner can identify another driver. To complement that power, new high-tech cameras will add to the thousands of traffic cameras right across the state to catch hoons and support enforcement activity by the Queensland Police Service.

The government is also supporting a parliamentary inquiry which is examining the implementation and viability of remote engine immobilisers. All of this will obviously be supported by the Queensland Police Service, with the dedicated Youth Crime Taskforce, headed by Assistant Commissioner Cheryl Scanlon who will oversee these reforms and continue to drive change in the community safety space. These tough new measures build on our five-point action plan, with \$550 million already invested in community safety.

The aim of this bill is to protect the community from harm, reduce crime and ensure young offenders are held to account for their actions. As I have mentioned previously, data shows that around 90 per cent of youth offenders do not repeatedly reoffend, with many of them not reoffending after their first interaction with police. We all know that there is always more that can be done.

For the first time I can announce—and to complement the laws that we are debating in parliament tonight—that the government's tougher laws will be backed by almost \$100 million in funding to tackle youth crime. We will invest more than \$38 million in new measures to target the cohort of serious repeat youth offenders—the hard nuts. On top of this, the government will provide more than \$60 million over four years to those programs and support services that are showing positive results in turning young lives around—getting young lives back on track and steering them away from a life of crime.

Among other things, there will be more resources for the front line to support the trial of GPS monitoring devices and to expand the co-responder strike teams of youth justice and police to other locations. This bill, together with the governments continued investment in the *Working Together Changing the Story: Youth Justice Strategy 2019-2023* and the five-point plan, represents decisive action to address this cohort of serious recidivist youth offenders who continue to pose a risk to the community and themselves.

This bill ensures we get the balance right for these offenders when it comes to bail. Making decisions about bail is a complex task. Police and the judiciary weigh up a range of factors to determine whether an offender who, it should be noted, has not been convicted of an offence at that point should be released into the community to await trial. A grant of bail always carries with it a level of risk. It is not possible to predict the future and unfortunately there will always be cases where people commit further offences while on bail. However, it is possible to mitigate against this risk and this bill aims to give bail decision-makers more tools to do just that.

For the first time in Queensland GPS monitoring devices will be the subject of a trial for young offenders aged 16 and 17 years who are charged with a prescribed indictable offence and who have previously been found guilty of an indictable offence. A prescribed indictable offence is defined in the bill to mean a life offence—an offence which would carry a 14-year prison sentence if committed by an adult—and a specific list of Criminal Code offences chosen on the basis of their seriousness or high harm and the offending profile of the target cohort.

The bill sets out other eligibility criteria that the courts or other bail decision-makers must consider before imposing the condition they are targeted at youths where they will be most effective. Young offenders who are required to wear a GPS ankle bracelet monitoring device will be monitored 24 hours a day seven days a week by Queensland Corrective Services. Queensland Corrective Services will attempt to resolve any potential breaches of bail conditions with the young offender directly via phone in the first instance. They will be able to alert police and youth justice workers if the need arises. This bill expressly requires courts to be satisfied a monitoring device condition would be appropriate, having regard to things such as family support. Courts will also have to take into consideration any human right of that young person. These new monitoring laws will be the subject of an independent evaluation after 12 months, which will help to build the evidence base required before any expansion of the use of monitoring devices can be considered.

The bill also creates a presumption against bail in certain circumstances, requiring young offenders who are charged with a prescribed indictable offence while on bail for an existing charge for a separate indictable offence to show cause why their continued detention is not justified. This is a significant reform. This reform will deter young people from committing further offences on bail. It is important to note that this reform does not prevent a young person being granted bail if the circumstances are appropriate. It does remove a young person's automatic right to bail in circumstances where they have demonstrated a complete disregard for the terms of their bail by allegedly committing further offences.

Parents and caregivers will also be given a greater role to play in the bail decision-making process as a result of this bill which will allow courts and police to take into account any indication of willingness by a parent or guardian or another person to support the young person comply with their bail conditions. Families should take responsibility for supporting their children, and this amendment will serve as a tool to proactively engage them in bail processes.

Some stakeholders did express a view that youth offenders may be unfairly punished by being denied bail if they do not have any parental support available to them. However, the Youth Justice Act prohibits bail from being denied solely on the basis of a lack of family support. Further, the provisions allow support to come from other persons in the event parental support is not available—for example, siblings, grandparents, cousins or a support worker from a funded service.

The bill makes other amendments to the Youth Justice Act which serve to bring this recidivist offending cohort into sharper focus. The bill clarifies the wording in section 48AA(7) but does not otherwise change its operation. It also amends the first principle in schedule 1 of the act to include a reference to protecting the community from recidivist offenders.

I foreshadow that I intend to move an amendment during consideration in detail of the bill relating to the use of monitoring devices. These further amendments will require judges who impose a monitoring device condition on a youth to consider whether the young person should be kept in custody until such time as the device has been fitted and, if so, make such an order.

The amendment will also reflect the young person should only be detained for the least amount of time that is justifiable in the circumstances to support the fitting of the device. This amendment is necessary to ensure those young offenders who judges have deemed suitable for a monitoring device are not released into the community before such device can be fitted to them.

The QPS have advised that they require this amendment to detain the young person at a watch house for the purposes of having the device fitted. The government does not wish to run the risk that a young person may not present themselves, particularly when these laws are targeted at serious, recidivist offenders.

A minor amendment will be made to change the term 'opinion' to 'assessment' in clause 26 of the bill to accord with existing language concerning the development of a suitability assessment report. In addition, further amendments will be put forward to remove the word 'tracking' from this bill and from the Bail Act 1980. The use of the term 'tracking' is offensive to First Nations people. Tracking is a traditional and legendary skill of First Nations people. Historically, the term had broad usage—much of it carries a negative connotation.

The terms 'tracking' and 'tracker' were disproportionately applied to First Nations people and within the living memory of present generations. In addition, traumatic associations with past colonial practices was also emphasised in the submissions received by the Legal Affairs and Safety Committee's inquiry on the bill from the Queensland Aboriginal and Torres Strait Islander Child Protection Peak and Sisters Inside.

I turn now to the amendments to the Police Powers and Responsibilities Act. The bill also amends the Police Powers and Responsibilities Act by enhancing enforcement powers against hooning and enabling a trial of handheld metal detection wands on the Gold Coast to combat knife crime. In my introductory speech on this bill, I spoke of community concerns about hooning. Hooning related traffic complaints have risen in recent times. Hooning should not be tolerated. This antisocial and dangerous activity is life endangering not only for hoons but also for innocent road users.

Police now have the capacity to employ new technologies such as drones equipped with high-resolution cameras with night vision capabilities to address this threat. However, relying on advances in technologies is not enough. Police need to be supported by legislation that targets these offenders and brings them to justice.

The need for the hooning amendments in this bill is obvious and is clearly illustrated by a recent event at the Gold Coast which saw more than 1,000 'burnout enthusiasts', as they describe themselves, and in excess of 600 vehicles congregated at a northern Gold Coast business area.

Hooning amendments in this bill will be a powerful tool for police to take action against reckless and irresponsible hooning behaviour. Attending police officers may face difficulties in immediately identifying the drivers of motor vehicles used to commit hooning offences in instances like we have seen recently.

These amendments allow police to later serve a type 1 vehicle related offence notice on the owner of these vehicles requiring the owner to supply information that will assist police in their investigations. If the owner fails to comply with this requirement, that person is liable to an offence of

100 penalty units and is deemed to have been the driver of the vehicle at the time the type 1 vehicle related offence occurred. This encourages owners to cooperate with police and to provide information to bring hooning offenders to justice. With the passing of these amendments, police will have another strategy to crack down on hoons and their dangerous driving behaviours, ultimately making Queensland a safer place.

The bill also enables police to trial the use of handheld metal detecting wands to detect the unlawful possession of knives on persons. The trial will be conducted in public places in the Surfers Paradise and Broadbeach safe night precincts on the Gold Coast. The primary policy objective of these powers is to detect and deter the unlawful possession of knives to keep the community safe.

The harm, and potential harm, that goes along with unlawfully possessing a knife in a public place is very real. In 2019-20, over 4,300 people were dealt with by Queensland police for unlawfully possessing a knife in a public place or a school under section 51 of the Weapons Act 1990. In the last 18 months this has been evidenced in two separate tragic deaths involving knives within the Surfers Paradise safe night precinct. I think we all agree that this has to stop.

The new powers will not target any particular person. The fair and measured use of the new handheld scanning powers will be subject to a 12-month independent review. The handheld scanning process takes very little time—about a minute if no further scanning is required. It is not invasive, it does not require a person be moved to a different location, and it does not involve the application of force. The handheld scanner is only passed in close proximity to the person and their belongings.

To support the scheme being conducted with minimum impact on a person's human rights, a number of safeguards are contained in the bill. These safeguards include: ensuring police will exercise the power to scan in the least invasive way; ensuring that police will detain a person for a scan for only as long as is reasonably necessary; ensuring that police will provide a notice if required that provides information about the scanning process; ensuring that if reasonably practicable the officer performing the scan should be of the same sex as the subject person; and ensuring that the officer must produce their police identification unless they are in uniform.

Additionally, the proposed new section 39E of the Police Powers and Responsibilities Act will require that only a police inspector, or an authorised senior sergeant, may authorise the use of a handheld scanner in the prescribed area for a 12-hour period. Police will also be required to use their body worn video cameras when exercising the new powers in accordance with current instructions from the Police Commissioner. This will provide an accurate audiovisual account of each scanning interaction. A trial of these new scanning powers for knives is needed, and this government is delivering them.

This government has listened to the community. This government is taking action. We all want a safer community and we all want there to be consequences for those who offend against our community. This bill will contribute to achieving those ends. I commend the bill to the House.