Speech By

Hon. Mark Ryan

MEMBER FOR MORAYFIELD

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YOUTH JUSTICE AND OTHER LEGISLATION AMENDMENT BILL

Hon. MT RYAN (Morayfield—ALP) (Minister for Police and Corrective Services and Minister for Fire and Emergency Services) (4.32 pm), in reply: This government has shown through its actions time and time again our determination to take action to support community safety. We listen to the community, we follow the advice of experts and we take decisive action. That is what we are doing with this bill. We are coming down hard on those who would do harm to the community. We are arming the police and the courts with the tools to crack down harder on that cohort of 10 per cent of hardcore youth offenders. These hardcore recidivist offenders are small in number but they cause much harm. With this bill, hardcore recidivist offenders will be further targeted.

I note that the LNP circulated speech notes to their members because we heard very similar contributions from all of them. A lot of them spoke about their failed breach of bail offence—'once more unto the breach' for this inept opposition, once more telling mistruths. The LNP is careless with the truth on breach of bail. I am advised that this breach of bail offence, as described by them, has never actually been an offence for children. Even when the National Party brought in the Bail Act in the 1980s, it was never an offence for children. The LNP is in need of a lesson in legislative history. I am advised that a breach of bail offence has never been applied to a youth offender in Queensland—ever. What existed between 2014 and 2016 was not actually a breach of bail offence, as the LNP would call it; it was a nonsense.

What was it then? It was an offence to be found guilty of an offence whilst on bail for allegedly committing an offence. Many experts said it was unworkable. In fact, this unworkable, unwieldy finding of guilt offence did little to reduce youth crime or hold offenders to account. It was an absolute nonsense, and the statistics show it was an absolute failure. In fact, it had a failure rate of 94 per cent.

Notwithstanding the evidence, we have heard LNP member after LNP member say that they are bringing it back. They are bringing back the breach of bail offence. But—this is where it gets interesting—if you look at the amendment proposed, you see that they are not even bringing it back. They cannot even get that nonsense offence back. Sneakily, by their own amendment, they are admitting that their 2014 offence did not work. Sneakily, they are admitting it was a nonsense. They are not even bringing it back. What we have from the LNP is a breach of promise about their so-called breach of bail offence.

Under the metric set by this bill of targeting the hardcore cohort—the 10 per cent, the ones causing all the harm and grief in the community—the LNP's proposal does not specifically target that unique cohort of offenders. On the other hand, under our bill, when a youth offender commits a prescribed indictable offence whilst on bail for an indictable offence they will be required to prove to the court why they should get bail, and if they cannot they will be remanded in custody.

To be clear, police can already arrest a young person on the spot without a warrant if the young person has breached their bail or even if they reasonably suspect the person is likely to breach a bail condition before the breach has even happened. After arrest, the young person can be brought before the court, where bail can be varied or revoked. This allows the unique circumstances of each case to be taken into account.

This bill will make the current bail framework even stronger: a presumption against bail for certain offenders and GPS monitoring devices for certain other offenders. Furthermore, this bill is backed by the government's record investment in crime prevention programs such as the youth justice co-responder teams.

This government cannot support the amendments circulated by the member for Traeger. There are several fundamental flaws in those proposals. In fact, there are no explanatory notes and no statement of compatibility with human rights. Also, these amendments undermine the principles in the Penalties and Sentences Act and the Youth Justice Act and lack justification for being effective or beneficial to community safety. In one of the amendments the member also seeks to remove conditional release orders. It is unclear why the member would seek to remove a sentencing order that aims to get young offenders back on track and prevent them from coming back in contact with the justice system. On the other hand, our amendments are well considered, are supported by expert evidence and are also geared specifically towards targeting that hardcore cohort of offenders.

I turn to comments made during the debate about amendments to the Police Powers and Responsibilities Act for the use of handheld metal detectors for knives. In response to comments that these powers should have been extended to all safe night precincts or other areas and not implemented just on the Gold Coast, let me reinforce: this is a trial so that we can get the evidence necessary to consider what comes next. By restricting the use of handheld scanners to the Surfers Paradise and Broadbeach safe night precincts, experts can evaluate that trial after 12 months and make an informed decision on a further rollout.

I take very seriously the new powers the parliament is considering for police. Part of that responsibility is that the new powers are used effectively and responsibly and are subject to review. Police will record details of the scans conducted, including using body worn camera footage, and the results of these scans. Data collected through the wanding trial will be entered into a secure police database at the end of every shift. This data will collect such information as the number of persons scanned, gender and the outcome of scanning and it will be made available as required throughout the trial. The review will be conducted by an independent body. This will ensure a thorough and fully transparent evaluation is conducted at the end of the 12-month trial.

Further, information will be provided to the Youth Justice Senior Officers Reference Group to assist in making recommendations for the structure and location of any ongoing operation of the knife-scanning scheme. This government is taking real and immediate action when it comes to this very important topic.

This government has listened to the community. This bill will strengthen laws to take tough action on hoons and is providing police with more resources to catch hoons in the act. With this bill, 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. New high-tech cameras, including an expanded fleet of high-tech drones, will add to the thousands of traffic cameras across the state to catch hoons. Let us not forget, a parliamentary inquiry is also examining the use of remote engine immobilisers and other technologies.

Under this bill, bail decision-makers will get more powers to order the fitting of electronic monitoring devices as a condition of bail for recidivist high-risk offenders aged 16 and 17. This is the group that was contemplated by former police commissioner Bob Atkinson. In addition, this bill will create a presumption against bail for youth offenders arrested for committing further serious indictable offences while on bail. It will be up to them—those offenders—to prove why they should get bail. Before an offender is released, the courts will also have the power to seek assurances from parents and guardians that bail conditions will be complied with. This bill will ensure that, where a further offence has been committed while a young offender is on bail, the court must take this into account as an aggravating factor when sentencing. We will also recognise that the community should be protected from recidivist youth offenders by amending the charter of youth justice principles in the act.

I will also respond to some comments made during this debate that there is no offence if a youth offender damages or cuts off their electric monitoring device. This is incorrect. If a youth offender deliberately damages the electronic monitoring device, they can be charged with wilful damage under the Criminal Code—an offence which carries with it a maximum penalty of five years imprisonment. That is right: five years imprisonment. This is a first for Queensland. GPS monitoring devices will be the subject of a trial for youths aged 16 and 17 years. Again, this is as contemplated by former police commissioner Bob Atkinson.

The trial is for youths aged 16 and 17 who are charged with a prescribed indictable offence and who have previously been found guilty of an indictable offence. This obviously relates to the rebuttable presumption. 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 other

Criminal Code offences which include: section 315A, choking, suffocation or strangulation; section 323, wounding; section 328A, dangerous operation of a motor vehicle; section 339, assault occasioning bodily harm; section 408A, unlawful use of a motor vehicle, where the offender was the driver and subsection (1A) and (1B) where the offence involves aggravating circumstances; and section 412, attempted robbery. These specific offences were chosen on the basis of their seriousness or high harm and the offending profile of the target cohort. This bill sets out other eligibility criteria that courts must consider before imposing the condition to ensure they are targeting this cohort with the maximum effect.

Youths who are required to wear a GPS ankle bracelet monitoring device will be monitored 24 hours a day, seven days a week by a specialist electronic monitoring surveillance unit in Queensland Corrective Services. If an offender tries to access an exclusion zone or if they breach their curfew, an alert will be immediately raised in the system. Alerts will be escalated to the Queensland Police Service for a swift response. Queensland Corrective Services will also be able to alert youth justice workers as necessary.

The electronic monitoring devices used by Queensland Corrective Services are tamper resistant. Breaking or cutting the GPS straps generates an immediate critical alert at the monitoring station. This bill expressly requires courts to be satisfied a monitoring device condition would be appropriate, having regard to things such as existing supports. 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. I have been given an assurance that Queensland Corrective Services and the Queensland Police Service have sufficient supplies of these devices when these new laws take effect. In other words, they are ready to go.

This bill sends an important message to the community. This government has listened to the community's concerns. We are acting on the community's concerns with sensible, evidence based, workable solutions. This government has also reached out to respected former police commissioner Bob Atkinson to review these reforms.

The LNP's answer to youth crime was unworkable curfews, unworkable laws, failed boot camps, cuts to early intervention and diversionary programs, and committing at the last election to hundreds and hundreds of fewer police officers. I was also very disappointed in the contributions from the member for Maiwar and the member for South Brisbane and their offensive remarks, which obviously upset the member for Cook and others greatly.

Some members have also asked where the resources are to support this bill. This government, as announced by myself and the Minister for Youth Justice only a few days ago in this debate, is investing almost $100 million to back these new laws and these new measures. This is over and above the $550 million already invested in our Youth Justice Strategy. It builds on the success of our five-point action plan, which was also mentioned by many members on this side of the House.

Our strong new laws are backed by almost $100 million in additional resourcing. We will continue the existing successful programs and bring on new services to target youth offending. We will roll out more resources to frontline workers for intensive monitoring and supervision of serious recidivist youth offenders, including those subject to electronic monitoring, and provide intensive additional support for their families. New services include: staffing and other resources to deliver a 12-month trial of electronic monitoring in Townsville, Moreton, North Brisbane, Logan and the Gold Coast; expanded joint police and youth justice co-responder teams to North Brisbane and the Gold Coast so all electronic monitoring trial sites will have an operational co-responder team program; enhanced intensive supervision of young people on bail through the conditional bail program, including further weekend and after-hours availability; and funded additional court and legal advocacy services.

Our funding also supports the ongoing and great work of the existing co-responder teams in Cairns, Townsville, Rockhampton, Moreton, Logan and Mackay to engage with young people at risk and monitor high-risk offenders. It will also extend our dedicated police prosecutor program to nine other locations. It will continue the good work of the community crime action committees, which is funding for specific, locally based crime prevention initiatives in 10 locations across the state. All of this comes on top of our record investment to deliver 2,025 extra police personnel over five years from 1 July 2020.

This bill is a direct response to community concerns. This bill targets that small cohort of serious, recidivist youth offenders who are causing harm to the community. This bill is about those '10 percenters'. Most importantly, it is about keeping Queenslanders safe.

In closing, thank you to the members of the Legal Affairs and Safety Committee, to the hardworking police and corrective services officers, youth justice workers, government workers, our non-government sector partners and the community for helping us shape this bill and build a safer, more secure Queensland. I also acknowledge the outstanding efforts of my colleagues the Minister for Youth Justice, Minister Linard, and Attorney-General Fentiman and the collaborative way we tackle these very difficult, complex and challenging issues.

Finally, I acknowledge the efforts of the QPS legislation and policy team which is made up of Nadine Seifert, Damian Staveley, Ian Carroll, John Henderson, Jamie Impson, Tony Brown, Paul Friedman, Deputy Commissioner Doug Smith and Carolyn Harrison, whom I bothered on holidays. I especially appreciate Carolyn for helping.

This bill will continue our efforts to create a safer community. It will contribute to a safer, more secure Queensland. I commend the bill to the House.