



Speech By  
**Melissa McMahon**

**MEMBER FOR MACALISTER**

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Record of Proceedings, 21 April 2021

### **YOUTH JUSTICE AND OTHER LEGISLATION AMENDMENT BILL**

 **Mrs McMAHON** (Macalister—ALP) (2.50 pm): I rise today to speak in support of the Youth Justice and Other Legislation Amendment Bill 2021. I look forward to seeing the member for Mermaid Beach's statistics on 99 per cent of the community being affected by youth crime! I support the objectives of the bill and acknowledge the role that this piece of legislation plays within the four-pillar approach of our Youth Justice Strategy. The legislation is not the be-all and end-all of addressing youth crime and it is squarely focused on the fourth pillar, that is, reducing reoffending. It acknowledges that there are some children whose circumstances mean that early intervention, diversion from the criminal justice system and even possible custodial terms are of little deterrence.

This legislation is focused on a small cohort of offenders. We know that the actual number of youth offenders is at its lowest level in a decade; however, we are dealing with a small number—just 10 per cent—of juvenile offenders who are committing 48 per cent of youth crime. These are the offenders the fourth pillar aims to address. This cohort is difficult, hardcore and not always responsive to early intervention and diversionary programs.

The Youth Justice Strategy acknowledges that a 'lock 'em up and throw away the key' approach is not always the solution. Up to 76 per cent of children subject to supervised orders suffer from substance abuse. In 62 per cent of cases, this substance abuse contributed to their risk of reoffending. Even if those opposite are willingly blind to the health crisis that this presents, surely the cost at \$1,500 a day to hold a child in custody, or over half a million dollars a year, should give them pause to consider that the incarceration-at-all-costs approach is actually the costliest approach.

This bill prioritises the reduction in reoffending. I will not say that every single youth offender is redeemable. I have encountered juvenile offenders who have not and likely will not ever make a valuable contribution to society—those who are inherently a danger to themselves as well as the broader community. We have acts of parliament in place to address crime—

**Mr Stevens:** What do you do with them?

**Mrs McMAHON:**—under the Criminal Code, the Youth Justice Act and the Penalties and Sentences Act, if the member would like to look them up. I refuse to give up on every youth offender when there are programs that can and do work. The work that is being done by police in the Logan community is setting the pace for the rest of the state. Programs such as the Blue EDGE program in our high schools, the Logan New Directions Youth Support program and the Logan youth bail coordinator position have been working in partnership to reduce youth reoffending. The youth co-responder team, which began in Logan in November 2019, is a model of joint vehicle patrols with police and Youth Justice employees to take the load off general duties officers. This model operates 24/7 in Logan and has now been established in Cairns, Townsville, Rockhampton and Brisbane north. Working with the youth bail coordinator in Logan, they proactively seek to engage and monitor our recidivist youth offenders.

I now focus on what is probably the one hot-button issue in my community that is addressed in this bill—more so than youth offending—and that is hooning. As a member of the Legal Affairs and Community Safety Committee in the last parliament, I spent a bit of time talking to the minister about how to adequately address the policing of hooning. There are tools and there is technology. This plan was announced prior to the last election, with the use of advanced cameras and drone technology to assist in responding to and identifying hooning behaviour, but the missing piece was the evidence required in many instances to prove the driver at the time of the offending. In the last term of government we introduced the driver deeming provisions in relation to evade police offences. At the last election we made the commitment to extend these deeming provisions to hooning related offences.

Hooning offences are known as type 1 offences in chapter 4 of the Police Powers and Responsibilities Act. Section 69A of the PPRA sets out that dangerous operation of a motor vehicle, careless driving—otherwise known as due care and attention—organising or taking part in race and speed trials between vehicles, wilfully starting or driving in a way that makes unnecessary noise or smoke, committed in circumstances involving such speed trials between motor vehicles, and burnouts are colloquially known as hooning offences.

The reporting of hoon offences is on the increase. The briefing to the committee by the department during this inquiry stated that public complaints about hooning have increased 132 per cent over the past five years. This is a number that I am encouraged to see on the up and up in terms of reporting, because I am regularly contacting my constituents to provide them options on reporting hoons, whether it be via the Policelink online portal or over the phone. The reporting of hooning offences, and when and where they are happening, is actually an important intelligence tool for police in responding to this type of offending. More reporting means more offenders caught. More reporting and more intelligence mean better deployment of police resources and more offenders caught.

In Logan we have the Logan City Council hoon task force, which is a joint road safety initiative of the Logan City Council, the Logan police district and Transport and Main Roads. I had the opportunity to address the task force in the lead-up to the last election. The task force was 100 per cent behind extending the deeming provisions to include hooning offences. One of the primary reasons for this is the extensive network of cameras that the council has, both fixed and mobile, that can be readily deployed to regular hoon hotspots. In the case of Logan City Council, they will be in the best position to capture many hoon offences on camera and to provide the evidence for police to investigate.

I publicly acknowledge the work of Julie Campbell, the community safety officer at Logan City Council, who is the backbone of this task force. We worked together many years ago. She brings a wealth of experience to the role. The new deeming provisions will be a game changer in how many of these hoons are held accountable for their actions. In investigating these offences, police have been required to prove the identity of the driver at the time of the offending. Considering this is an offence that largely occurs at night and in out-of-the-way and quiet streets with a highly mobile and usually organised group of offenders, being able to positively identify the person behind the wheel has proved problematic.

In common with speed camera infringement notices, where the registered owner is deemed to be the driver at the time the photo was taken, unless otherwise identified, registered owners of vehicles caught hooning will now face the same provisions. Much like with the evade police provisions introduced by this government last term, registered owners of vehicles caught hooning will be served a notice by police, and the registered owner will be deemed to be the driver of the vehicle unless they make a statutory declaration providing the actual driver details. Failing to respond to the notice within 14 business days is itself an offence, attracting a larger penalty than the hooning offence in most cases.

We are providing Queensland police with the tools in terms of the cameras and technology, and now the missing piece of the deeming provisions, to really be able to crack down on hooning. This is a much anticipated piece of legislation for my community. I commend this bill to the House.