




Speech By
Nikki Boyd

MEMBER FOR PINE RIVERS

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YOUTH JUSTICE AND OTHER LEGISLATION AMENDMENT BILL

 **Ms BOYD** (Pine Rivers—ALP) (3.09 pm): I rise today to speak in support of the Youth Justice and Other Legislation Amendment Bill. This bill expands on the actions this government has already taken to reduce crime, keep communities safe and ensure young offenders are held to account for their actions. This bill includes legislative amendments to address hooning, young offenders and knife crime. These are offences that the Queensland public are fed up with and want to see something done about. Recidivist youth offenders are an issue in my electorate, as they are in many others. Public consultation on this bill identified that many Queenslanders were fed up with these hardcore youth offenders who represent only 10 per cent of all youth offenders but account for almost half of all youth offending.

The proposed amendments in this bill are a necessary response to an unacceptable risk to community safety posed by this cohort, but it is important to note that our existing responses, which work effectively for 90 per cent of youth offenders, will also be retained and bolstered. The introduction of school based police support officers will enable early intervention for young people, diverting them away from a path of youth offending. I would also like to recognise the great work undertaken by organisations in my electorate, such as the Youth Development Foundation in Strathpine. They work with disadvantaged and disengaged youth to help them become responsible and employment ready members of our community. Organisations like YDF are making a real tangible difference to young people in our community, but we need to respond to the 10 per cent that are not successfully engaging with these programs.

The proposed amendments to this bill are one way that the system can be changed to introduce a unique response for hardcore recidivist youth offenders. The proposed amendments recognise that families and carers should be supporting children to comply with bail conditions and helping them to address the issues that are causing them to offend. Parents will be encouraged to step up and take responsibility for addressing any specific risks that the bail decision-maker has identified. The new bail provision will enable courts and police officers to consider the willingness of a parent or other responsible person to support the child to comply with the conditions of their bail.

The causes of youth offending are varied and complex and they are often intergenerational. It is unfortunate that some families have limited capacity to support a young person to comply with their bail conditions. For this reason it is reassuring to note that funded support to assist young offenders and their parents will remain as an integral part of the solution. Young people and families who need help to comply with bail conditions will be connected with services, such as family support services and specialist youth justice focused services. Some within the community have expressed concerns with this amendment. I believe the government has the balance right. Our proposal is certainly a more workable solution than that put forward by the opposition.

The finding of guilt whilst on bail, which is what the opposition now refer to as their breach of bail law, was in operation here in Queensland from 2014 through to 2016. We repealed this offence because it simply did not reduce youth crime and could not be used to hold offenders to account. It rarely influenced decisions at the point of arrest or subsequent court appearances because the offence could

not be used until the finding of guilt which could be weeks or even months after the second incident. In 2015 the courts found this ill-conceived legislation contradicted the Criminal Code rule against double punishment, therefore even when a child was found guilty of the breach of bail offence they could not be given the additional penalty. Despite the proven ineffectiveness of this offence the opposition continue to tout it as the solution to this very serious issue.

This bill also proposes to establish a trial of GPS monitoring devices for certain youths aged 16 and 17 years. This trial will allow monitoring devices to be made available at specific locations selected because they have a good range of available support services to minimise any associated risks. My electorate of Pine Rivers is one of the trial locations. The use of the GPS monitoring device will be limited to those who are charged with a prescribed indictable offence and who have previously been found guilty of an indictable offence.

There are also additional eligibility criteria that the court must consider before imposing this condition. This is to ensure that they are targeted at youths where they will be most effective. Courts will always have to consider the human rights of the young person and the bill requires courts to be satisfied the monitoring device condition is appropriate. Some people have expressed concerns that requiring young offenders to wear a GPS monitoring device will stigmatise them. I appreciate their concerns, but if a monitoring device is what it takes to mitigate the risks of reoffending and convince the court to grant them bail then I support the trial of its success.

The new bail framework for young people makes it clear that community safety is a primary consideration in bail decisions. Determining whether to grant or refuse a bail request is an assessment of risk. Where the risk to the community is too great bail is refused. GPS monitoring devices are one tool that courts can use to mitigate against this risk. By providing courts with the capacity to require a young person to wear a GPS device, this bill will give bail decision-makers an alternative to remand for suitable bail applicants. These reforms are a trial and before any expansion of the use of monitoring devices can be considered these new laws will be independently evaluated. Again I suggest the government has the balance right because there are as many people saying these reforms go too far as there are suggesting that these reforms do not go far enough.

The other provisions in this bill I would like to speak to are the amendments related to hooning. My electorate of Pine Rivers is not immune to the effects of antisocial and dangerous behaviour. The bill will give the police the tools they need to investigate these offences and bring offenders to justice. It is not always possible for police to identify the drivers of motor vehicles used to commit hooning offences. Too often police can identify the car that was used in a hooning offence, but the owner simply says 'I wasn't driving it. I don't know who was.' With these arrangements the owner of the vehicle used in the hooning offence, in denying that they were the driver, will be required to supply information that will assist the police in their investigations. If they do not help police identify the driver then they will be fined and deemed to be the driver of the vehicle at the time the offence occurred. These amendments are required to encourage owners to cooperate with police and provide information so that hooning offences can be identified and brought to justice. I commend this bill to the House.