




Speech By
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MEMBER FOR TOOHEY

Record of Proceedings, 21 April 2021

YOUTH JUSTICE AND OTHER LEGISLATION AMENDMENT BILL

 **Mr RUSSO** (Toohey—ALP) (12.12 pm): I rise to speak today in support of the Youth Justice and Other Legislation Amendment Bill 2021. The objectives of the bill are to amend the Youth Justice Act 1999 to respond to the characteristics of the offending behaviours of serious recidivist youth offenders and to strengthen the youth justice bail framework. The amendments to the Youth Justice Act build on the Queensland government's five-point action plan, announced in March 2020, which complements the Youth Justice Strategy. The Legal Affairs and Safety Committee, in its report No. 7, tabled in this Assembly on 16 April 2021, has recommended to the Assembly that this bill be passed.

Many stakeholders made suggestions that were outside the scope of the bill. It was clear to the committee that these suggestions were made with the best intent and desire to address the behaviours of youth offenders. These suggestions included establishing an Indigenous youth Murri court in Townsville, breach of bail as an offence for young offenders, early and community level intervention, relocation sentencing and on-country programs.

The objectives of the bill are to respond to the characteristics of the offending behaviours of serious recidivist youth offenders and to strengthen the youth justice bail framework. The bill also enacts a range of amendments to the Police Powers and Responsibilities Act 2000 in relation to knife crime and hooning offences. The primary policy objective of the amendments relating to knife crime is to minimise the risk of physical harm caused by knife crime in safe night precincts. The bill includes amendments to minimise risks of harm associated with the unlawful use of knives in the Surfers Paradise and Broadbeach safe night precincts. These amendments target the offending behaviours of serious recidivist youth offenders. These behaviours place both the community and youth offenders at risk of serious harm or death.

On 11 December 2018, *Working Together Changing the Story: Youth Justice Strategy 2019-2023* was released. The Youth Justice Strategy set out four pillars as its policy position for youth justice reform: intervene early; keep children out of court; keep children out of custody; and reduce reoffending. The Queensland government remains committed to community safety, reducing youth offending and reducing crime victimisation. Overall, the government's youth justice reforms have had a positive impact on crime trends, with a continued decrease in the number of unique youth offenders coming to the attention of police. However, there remains a small cohort of recidivist youth offenders who engage in persistent and serious offending.

The task of the Legal Affairs and Safety Committee was to consider whether the bill has sufficient regard to the rights and liberties of individuals and to the institution of parliament. The committee also examined the bill for compatibility with human rights, in accordance with the Human Rights Act 2019. The committee received 83 submissions, which are available on the committee website, and held seven public hearings across the state. We travelled to the Gold Coast, Mount Isa, Cairns and Townsville for hearings. This gave those communities the opportunity to share with us their concerns, hopes and stories. We heard from residents who are living in fear about the impacts of youth crime on their lives, including property damage, fearing going out at night, cars being driven on the wrong side of the road

and other behaviours, and we heard the heartfelt pleas for understanding and compassion when dealing with juveniles living in what was described as a dysfunctional environment. Statements we heard from community members echoed the bill's introductory speech made by the Minister for Police and Corrective Services and Minister for Fire and Emergency Services when he explained the background to the provisions.

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 who are causing significant harm to the community. This cohort of recidivist offenders, representing just 10 per cent of all youth offenders, accounts 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.

The bill achieves its policy objectives by amending the Youth Justice Act, the Police Powers and Responsibilities Act and the Penalties and Sentences Act. First, it will strengthen the youth justice bail framework through: providing the legislative framework required to trial the use of electronic monitoring devices as a condition of bail for some offenders aged 16 and 17 who have committed a prescribed indictable offence and have been previously found guilty of one or more indictable offences—there is also a review to take place in relation to these matters within 12 months; explicitly permitting the court or a police officer to take into consideration, when determining whether to grant bail, whether a parent, guardian or other person has indicated a willingness to do one or more of the following: support the young person to comply with their bail conditions, advise of any changes in circumstances that may impact the offender's ability to comply with the bail conditions, or advise of any breaches of bail; creating a limited presumption against bail, requiring certain young offenders charged with prescribed indictable offences to show cause why bail should be granted; and clarifying that, although a lack of accommodation and/or family support is a consideration that bail decision-makers can take into account when determining whether to grant bail, it cannot be the sole reason for keeping a child in custody.

Further, the bill will codify the sentencing principle, currently found in common law, that the fact that an offence was committed while subject to bail is an aggravating factor when determining the appropriate sentences. The bill will also: amend the charter of youth justice principles to include a reference to the community being protected from recidivist youth offenders; provide for a trial of powers for police to stop a person and use a handheld scanner; and enhance the enforcement regime against dangerous hooning behaviour by strengthening the existing owner onus deeming provisions for hooning offences.

I note that stakeholders had a range of views on the proposed amendments in the Youth Justice and Other Legislation Amendment Bill and that there were a number of submitters who did not support the bill and its provisions. QCOS argued that children who are targeted by the bill should not be treated as hardened criminals. Rather, they should be provided with specific, targeted, intense and sustained services and supports to help address the underlying causes of their behaviour. The organisation submitted that research constantly shows that these children experience profound social disadvantage including extreme poverty, histories of familial offending, exposure to family violence, unstable accommodation or homelessness, alcohol and substance abuse, and disruptive education.

There was a view held by some stakeholders that the current system that permits children who have committed offences to go back out on the streets has resulted in the deaths of young offenders and innocent third parties and that the bill does not go anywhere near far enough to address or prevent deaths from occurring. A number of stakeholders submitted that the proposed amendments would disproportionately affect Aboriginal and Torres Strait Islander young people. The committee read many submissions and heard considerable oral evidence about youth crime concerns. There was a similarity in these concerns across the different regions with key considered issues and suggestions in common. I commend the bill to the House.