Speech By

Hon. Mark Ryan

MEMBER FOR MORAYFIELD

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STRENGTHENING COMMUNITY SAFETY BILL

Second Reading

Hon. MT RYAN (Morayfield—ALP) (Minister for Police and Corrective Services and Minister for Fire and Emergency Services) (11.36 am): I move—

That the bill be now read a second time.

On 10 March the Economics and Governance Committee tabled its report on its examination of the Strengthening Community Safety Bill 2023. The committee made one recommendation—that this bill be passed. I thank the committee for its timely consideration and support of the bill. Queensland has some of the strongest, toughest and most comprehensive youth justice laws in the nation. This bill builds on those laws to ensure serious repeat youth offenders are held accountable for their actions and that there are swift and serious consequences for criminal offending. This is what Queenslanders expect. They have asked for additional action, and that is what this bill provides. Innocent law-abiding Queenslanders have lost their lives. Victims are left traumatised, scared and angry, and yet those serious repeat offenders continue to commit serious offences despite having been given every opportunity to participate in intensive rehabilitation and reform programs.

As mentioned in my introductory speech, the legislative reforms in this bill are accompanied by an additional investment package of more than $332 million, building on the $800 million already invested by this government to tackle the complex causes of crime. This additional investment package includes $66 million for the Queensland Police Service to extend the work of the Youth Crime Taskforce led by task force commander George Marchesini and to support extreme high-visibility police patrols, among other things. I am pleased to inform the House that the Queensland Police Service launched the extreme high-visibility police patrol operation, Operation Victor Unison, on 1 March which has already seen almost 4,000 proactive police activities conducted resulting in over 100 youth offenders being charged with over 200 offences.

I note the committee's comments in relation to further enhancing assistance for victims of crime. As announced in my introductory speech, this government has invested additional funding of $9 million to enhance assistance for victims of crime, including expediting financial assistance and improving responses to victims of property crime where violence or a threat of violence has occurred. This includes $3 million to increase counselling services and boost funding for community services and more than $5 million to increase resources at Victim Assist Queensland. The government is committed to putting victims first and has supported recommendations from the Women's Safety and Justice Taskforce and the Independent Commission of Inquiry into Queensland Police Service Responses to Domestic and Family Violence to establish a victims' commission in Queensland. Additionally, the government will progress a review of the legislative financial assistance available to victims of property crime to ensure it is meeting the needs of victims of violent crime.

I note the opposition's statement of reservation indicating its view that there should be additional consultation on the proposals contained in the bill. This is at odds with the public statements made by the Leader of the Opposition and, quite frankly, it is at odds with the views of Queenslanders. This is an important matter and the government makes no apology for progressing the passage of this bill as a matter of priority this week. There has been an opportunity for people to have their say during the committee's consideration of the bill. The committee has conducted public briefings at Brisbane, Cairns and Townsville and considered over 70 written submissions from a broad and diverse range of Queensland stakeholders. In addition, following the Premier's announcement on 29 December, comments were invited from members of the public to assess community views about the changes and seek views about how to further protect the community by an online survey. A draft version of the bill was also shared with relevant departments, heads of jurisdiction and others for comment prior to the bill's introduction.

I would also like to note the safeguards in place to monitor the bill's efficiency and effectiveness, along with the efficiency and effectiveness of other initiatives which were announced as part of this reform package. The amount of $10 million has been allocated to evaluation and reporting over three years to ensure that investment continues to be made in the rehabilitation and reform programs that are proven to reduce offending, like the Queensland Police Service's award-winning Project Booyah.

I note that last week the Leader of the Opposition stood up and announced that his team had had a win on evaluating youth justice intervention programs. What the Leader of the Opposition forgot to mention was that the Queensland Audit Office had already announced this review on 23 May 2022, some eight months ago. Gee, they are good—they are really good! Then again, that is to be expected from an opposition that continues to recycle policy positions from the Newman government. The Leader of the Opposition is like the schoolboy who would peer over at your schoolwork during class just to make his workload a little bit easier.

The Youth Justice Cabinet Committee will also monitor progress of the reforms and reporting on the impact of the new initiatives will be publicly reported through the budget process. As emphasised in my introductory speech, this government is invested in strengthening the bail framework for youth offenders and this bill aims to do just that. One of the tough stances this bill is taking is expanding the application of section 29 of the Bail Act, 'Offence to breach conditions of bail', to young offenders. This means a young offender who breaches any conditions of their bail undertaking may be liable to this offence and the penalty that accompanies it. I acknowledge the committee's support for this change. I note this amendment is different to the former LNP government's 'finding of guilt while on bail' offence in section 59A of the Youth Justice Act.

Opposition members interjected.

Mr DEPUTY SPEAKER (Mr Lister): Order! Minister, would you resume your seat, please. I am sorry to interrupt you mid speech. I am hearing constant interjections from my left and I note that there are a number of members to my left who are already on a warning from during question time. I will not be giving further warnings to any of those members if I catch them interjecting. The minister will be heard in silence. Please proceed, Minister.

Mr RYAN: It is a fact that the LNP never legislated for a breach of bail offence for young offenders. This was confirmed during the committee process.

Mr Hart interjected.

Mr DEPUTY SPEAKER: The member for Burleigh is warned under the standing orders.

Mr RYAN: I acknowledge that some stakeholders expressed the view to the committee that the causes of young people breaching bail conditions may be due to circumstances outside their control or that arise from a failure of a young person to understand their bail conditions. As previously mentioned, the government has committed to investing more than $100 million in extra diversion and rehabilitation services. These include the expansion of the intensive bail initiative, intensive case management, youth co-responder teams and the expansion of early action groups to assist young people in complying with their bail conditions.

I also note that section 20(5)(a) of the Bail Act provides a safeguard for some of the issues raised with the committee, requiring that the person before whom a bail undertaking is entered is to be satisfied that the person understands the conditions of bail and the consequences for failing to comply with those conditions. This applies to both adult and youth offenders. Where some bail conditions may be onerous, the Bail Act also has existing review mechanisms. Section 11 of the Youth Justice Act continues to apply, requiring police officers to first consider alternatives to proceeding against a child for a breach of bail offence. Defences under Chapter 5 of the Criminal Code will also remain available.

In 2021, amendments to the Youth Justice Act introduced a presumption against bail for young offenders charged with a prescribed indictable offence while on bail for an indictable offence. In these circumstances, the court or a police officer must refuse to release the young offender from custody unless the child shows cause why their release is justified. The current definition of prescribed indictable offences includes offences which could attract a life sentence or maximum imprisonment of 14 years if committed by an adult, for example, grievous bodily harm, robbery and burglary. It also includes specified offences such as assault occasioning bodily harm, wounding and certain unlawful use of motor vehicle offences.

To further the scope of the presumption against bail provision, this bill inserts a new definition of 'prescribed indictable offence' in the Youth Justice Act. The new definition retains the existing prescribed indictable offences and adds additional offences to provide that the presumption against bail also applies to being a passenger in a vehicle the subject of an unlawful use offence and to the offence of entering premises with intent to commit an indictable offence. The definition will also apply to new provisions introduced in the bill including the Serious Repeat Offender Declaration Scheme.

To facilitate greater operation of the current electronic monitoring device provisions in the Youth Justice Act which allows courts to impose an electronic monitoring device as a condition of bail for a young person in certain circumstances, the bill extends the duration of the trial to 30 April 2025 and the eligibility criteria to young people over the age of 15 years.

As highlighted in my introductory speech, an independent peer review of the current trial of electronic monitoring devices in the Townsville, North Brisbane, Moreton, Logan and Gold Coast areas has been conducted and published online. The review found that while there are some benefits associated with electronic monitoring, a larger sample size is needed to determine its effectiveness in deterring offending behaviour. The extension of the trial to April 2025 and expansion to include young people 15 years and over will provide a bigger sample size to support decisions on the future use of electronic monitoring devices. If the bill is passed, there will be a further review in the lead-up to the new expiry date.

As announced in my introductory speech, this government also intends to extend the trial to Cairns, Toowoomba and Mount Isa. Additionally, and subject to further detailed work occurring on the resourcing of the extension of the trial, the scheme may be expanded to include electronic monitoring on sentenced young offenders in the community as a tool to assist with their supervision. The bill further takes measures to strengthen the bail framework applicable to youth offenders by amending the Youth Justice Act to remove the requirement for a police officer to consider alternatives to arrest for contraventions, or likely contraventions, of bail conditions where the child is on bail for a prescribed indictable offence or where a child is on bail for an offence against sections 177 and 178 of the Domestic and Family Violence Protection Act 2012.

In accordance with this government's announcement on 29 December 2022, the bill amends the Criminal Code to increase the maximum penalty for unlawful use or possession of motor vehicles, aircraft or vessels from seven to 10 years imprisonment. A new circumstance of aggravation, with a maximum penalty of 12 years imprisonment, for the offence of unlawful use or possession of motor vehicles, aircraft or vessels where the offender has published material advertising their involvement in or of the offending on social media is also introduced. This is aimed at sending a clear message to all offenders that the re-traumatising and glorification of crime through these social media posts will not be tolerated. The maximum penalty for unlawful use, where the offender uses or threatens to use the motor vehicle, aircraft or vessel for the purpose of facilitating the commission of an indictable offence under section 408A(1A) of the Criminal Code is also increased from 10 to 12 years.

The bill further introduces new circumstances of aggravation, with a maximum penalty of 14 years imprisonment, for the offence of unlawful use of a motor vehicle where the offending occurs at night or where the offender uses or threatens violence, is or pretends to be armed, is in company, or damages or threatens to damage any property. The bill amends the Criminal Code to provide that offences of unlawful use of a motor vehicle with circumstances of aggravation of violence or threatened violence must be heard on indictment by a District Court judge or Childrens Court judge.

The purpose of the increased penalties is to reflect the seriousness of this offending, the too-often fatal outcomes involved with this offending and the community's and parliament's denunciation of such conduct. I also note the committee's comments and support in relation to this amendment sending a clear message that these criminal acts are not acceptable.

I note that an amendment, to be moved during consideration in detail, will be directed at rectifying a minor drafting error relating to this clause. The reference to section 3 of the bill in section 758(2) of the Criminal Code, which provides a transitional provision for the amendments to section 408A, should

be a reference to section 8. The amendment will ensure there can be no uncertainty regarding the operation of this section of the Criminal Code. This government is also invested in ensuring that we have the right sentencing framework for serious youth offenders: one that aims to ensure the punishment fits the crime and meets community expectations, but that is fair and provides access to rehabilitation and supports.

The bill provides that, when sentencing a child, a court must take into account their relevant bail history. Some stakeholders expressed the view to the Economics and Governance Committee that the interpretation and application of this amendment is unclear. However, I note the committee's support for the amendment as is not new law but rather is a clarifying provision. It has always been the practice of the courts to consider any information about recent compliance with bail provided by the prosecution or defence when considering the appropriateness of a non-custodial sentence order and the conditions of such an order.

Good compliance with bail conditions may indicate a non-custodial order may be very effective in achieving the objectives of sentencing, including the protection of the community and rehabilitation. Poor compliance may indicate that detention might be the only viable option. This is about community safety. It is what Queenslanders and the government expect.

In their statement of reservation, the LNP is seeking the reintroduction of another element of their failed youth justice laws introduced in 2014, namely, removing the principle of detention as a last resort. Quite frankly, that is a nonsense proposal. It is not a new idea. It is the same policy moved by the member for Kawana when he was Queensland's worst ever attorney-general and was on the treasury benches. After waiting more than 790 days for a crime plan, this is the only thing the shadow minister and the opposition can come up with.

The principle of detention as a last resort does not mean that young people are not detained or sentenced to a detention order when the court deems that is the appropriate course of action. On the contrary, Queensland has among the toughest youth justice laws in Australia which, since their introduction two years ago, have seen more young people detained and for longer periods. In addition, the bill's introduction of the new Serious Repeat Offender Declaration Scheme will ensure that the courts have primary regard to the need to protect the community when sentencing a serious repeat offender. This will ensure that serious repeat offenders are held to account and will likely receive longer periods in detention.

In relation to achieving community safety whilst helping maximise the opportunity offenders have to complete rehabilitation programs, this bill introduces a new and separate sentencing scheme for serious repeat young offenders in the Youth Justice Act. For young people declared to be serious repeat offenders, the courts will be required to ensure community safety is the paramount consideration during sentencing. A declaration will be available upon application by the prosecution where a child has been previously sentenced to detention for a prescribed indictable offence. The bill sets out other eligibility criteria courts must be satisfied of before declaring a serious repeat offender, providing necessary safeguards to ensure the fairness and considered approach to making the declarations.

As a result, a declared serious repeat young offender will be subject to specific sentencing considerations that focus primarily on protecting community safety, will enable the application of longer periods of detention and, where appropriate, youth offenders will have the opportunity to complete necessary rehabilitation programs identified in presentence reports. If the child subsequently offends, the declaration may have an effect on a sentencing court of like or higher jurisdiction for a relevant period of 12 months.

To further maximise community safety whilst ensuring offenders have the opportunity to complete rehabilitation programs to address the causes of their offending, the bill strengthens conditional release orders under the Youth Justice Act. The proposed amendments remove the current show-cause provision for a young person when they breach a conditional release order for a prescribed indictable offence, ensuring they serve the suspended term of their detention unless there are special circumstances.

A further amendment to be moved during consideration in detail will be made to the conditional release order amendments regarding the availability of review under new section 246A of the Youth Justice Act. The amendment will confirm that the court's decision in relation to special circumstances is a sentence order whether the court finds there are or are not special circumstances and, therefore, is reviewable under section 118 of the Youth Justice Act.

As noted in my introductory speech, the bill increases penalties and strengthens the youth bail and sentencing frameworks, which may likely increase the number of children held on remand and in detention. To assist detention centres to accommodate the anticipated increase, the bill enables the

transfer of persons who have turned 18 years on remand and the earlier transfer of persons who have turned 18 years serving a sentence from a youth detention centre to an adult correctional centre, subject to eligibility criteria and safeguards to ensure procedural fairness and natural justice. I acknowledge some stakeholders expressed the view to the Economics and Governance Committee that more needs to be done to reduce the delays in criminal proceedings so they are finalised before the person becomes an adult and to reduce the time young people are spending on remand in inappropriate settings such as police watch houses.

As part of its package of youth justice reforms, this government has invested almost $15 million in a fast track sentencing program in Southport, Brisbane, Townsville and Cairns. This program enhances interagency coordination to finalise matters as soon as possible to reduce the time young people spend on remand and more time serving their sentences, as well as providing earlier access to intervention and rehabilitation programs.

The government has also recently established the Criminal Justice Innovation Office. This dedicated multidisciplinary office aims to modernise Queensland's laws, reduce demand on courts and prisons, enhance diversionary programs and help break the cycle of reoffending, ultimately improving community safety. Similarly, the First Nations Justice Office has been tasked with co-designing a whole-of-government and community justice strategy to address the over-representation of Aboriginal and Torres Strait Islander people in the criminal justice system, which will significantly contribute to the achievement of the government's commitments under the National Agreement on Closing the Gap.

As stressed since the introduction of this bill, the government recognises and understands the importance of building on prevention and early intervention to achieve better outcomes for children engaged in the youth justice system and break the cycle of offending. That is why the final amendments the bill introduces are to ensure the continuation of multiagency collaborative panels also known as MACPs. MACPs have existed since 2021 to ensure a collaborative response to the needs of young offenders through a multiagency and multidisciplinary approach. They have proved effective in bringing together relevant government agencies and non-government service providers to ensure timely and coordinated assessments of the needs of serious repeat offenders and responses to those needs. This includes providing access to mental health programs, drug and alcohol programs, enrolment into education and connecting children to culture and healthcare providers. The bill prescribes the MACP system's purpose, membership and the responsibilities of core members.

In relation to this bill's compliance with human rights, a statement of compatibility and statement of exceptional circumstances has been tabled. The statement of compatibility identifies that three amendments are incompatible. Those are the amendments to introduce a breach of bail offence for children, the new Serious Repeat Offender Declaration Scheme and the requirement for a child convicted of a prescribed indictable offence to serve a period of detention when they breach certain conditional release orders. The government is of the view that these amendments are reasonable and entirely justified in the circumstances.

This bill upholds the human rights of law-abiding Queenslanders. They have asked for additional action and the government is responding decisively to address the often violent, frightening and dangerous offending being undertaken by a handful of serious repeat offenders whose behaviours persist despite having been given the opportunity to participate in intensive rehabilitation and reform programs.

As well as the two mentioned previously, I will move two further technical amendments during consideration in detail to correct minor technical errors arising from the renumbering of section 246 of the Youth Justice Act. These amendments will replace the reference to section 246(1) and 246(2) in section 243 of the act with the correct section numbers.

This government is committed to ensuring our community is kept safe and that serious repeat youth offenders are held to account. The vast majority of young people who come into contact with the criminal justice system do not go on to offend again following diversion and rehabilitation programs. However, for those who do, impacting on community safety, this bill gives the police and the judiciary the tools to target those offenders and protect community safety. I commend the bill to the House.