

Question on Notice

No. 24

Asked on 23 February 2021

MR S KNUTH asked the Minister for Children and Youth Justice and Minister Multicultural Affairs (HON L LINARD)—

QUESTION

With reference to youth justice laws—

Will the Minister commit to (a) trialling relocation sentencing, (b) include a presumption against bail for youths charged with the unlawful use of a motor vehicle and (c) re-introduce breach of bail as an offence for repeat youth offenders?

ANSWER

- (a) Moving young people to remote locations is not an effective or efficient solution to youth crime and is likely to be counterproductive. There is no point taking a child away from their community, no matter how good the experience is, and then dropping them off back home in their own community. Queensland's youth offenders – especially repeat offenders - are young people with a range of issues such as drug and alcohol use, mental health issues, disability and childhood trauma. Sending them away for long periods breaks their connection to family, education, training, and support services which increases the risk of further offending.

It is well recognised that the most effective programs at reducing youth offending are those that place the young person and their family at the centre of treatment, in addition to eliciting support from the young person's community such as community agencies and school personnel.

Existing youth justice programs already provide young people with education, training and job skills in their own communities, that will help them in the long term.

For example, the Transition to Success (T2S) program helps young people get life skills, training, and education, to prepare them for the jobs available in their own communities. Since its commencement in 2015, 67% of all T2S participants did not offend or reoffend within 12 months of completing their course.

- (b) On 9 February 2021, the Premier announced additional reforms to further protect the community from serious recidivist offenders. To implement this commitment, on 25 February 2021, the Youth Justice and Other Legislation Amendment Bill 2021 was introduced into Parliament. The Bill addresses the offending behaviours of this target group, with a focus on strengthening the youth justice bail framework. Standing Order 231 prevents further discussion of the Bill as it is currently before the house, and I refer the Member to the speech of my colleague the Honourable Mark Ryan MP, Minister for Police and Corrective Services and Minister for Fire and Emergency Services, as he introduced that legislation.
- (c) The premise of the question is wrong, as an offence of "breach of bail" never existed under the previous Liberal National Party Government. There are many ways to breach bail, including failure to comply with a curfew, failure to reside at an approved address, and many others. None of these breaches were ever an offence under the Newman Government.

The previous LNP Government introduced an unworkable law called "Committing an offence while on bail".

This law did not work as a deterrent and, in fact, the offender would, as a consequence of the LNP's law, receive a lesser penalty as the court could not treat an offence committed on bail as "circumstance of aggravation".

The President of the Children's Court stated in his 2013-14 Annual Report that the "circumstance that a juvenile committed an offence on bail has always been treated as an aggravating circumstance on the sentence for that offence. Presumably that cannot now be a consideration in the sentence for that offence because it is a separate offence for which separate punishment must be imposed."

Courts could not impose any further sentence, even if the young person were convicted of this offence. The rule against double punishment means that if conviction of a further offence is an element of the offence, courts could not impose any additional punishment for the 'committing offence while on bail' offence because the law precludes double punishment for the same act.

When the offence was in effect – from 28 March 2014 to 26 June 2016 – it did not reduce breaches of bail by young people. There were only 185 young people ever convicted of the offence across the State, and of these over 90% reoffended within 12 months, and 94% reoffended within 24 months.