



Minister for Children and Youth Justice
Minister for Multicultural Affairs

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Our reference: CYJMA 01631-2021

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Mr Neil Laurie
The Clerk of the Parliament
ClerksOffice@parliament.qld.gov.au

Dear Mr Laurie

I refer to petitions 3495-21 and 3468-21 tabled in the Legislative Assembly on 23 March 2021 titled 'Stop Youth Crime' proposing alternative responses to crime in North Queensland.

I would like to assure the petitioners the Queensland Government is committed to protecting community safety across Queensland. All Queenslanders have the right to feel safe in their homes and communities. More than half a billion dollars has been invested since 2017 to protect the community by reducing youth crime.

This investment is supported by the *Working Together Changing the Story: Youth Justice Strategy 2019-2023*. This strategy provides a framework for preventing and responding to youth crime using a balanced approach to intervene early, divert young people away from court and custody, except where necessary to protect community safety and prevent reoffending. These four principles were recommended by former Police Commissioner Mr Bob Atkinson AO in his 2018 *Report on Youth Justice*.

Evidence shows this balanced approach is the best way to reduce offending and keep communities safe. Young people must be held accountable for their offending behaviour. They need evidence-based programs that support them to change their behaviours and attitudes. They also need support to deal with issues contributing to their offending such as absence of positive adult role models, mental health issues, domestic and family violence and disengagement from school, training and employment.

Overall, this approach is working to reduce youth crime in Queensland. The number of young people committing offences has decreased by 30 per cent since 2010. However, there is a relatively small cohort of young people who are engaging in serious persistent offending, which is having an impact on community safety.

In March 2020, the Queensland Government introduced additional strategies to address serious recidivist offending. This five-point plan included funding for 10 community-led crime committees across the state, a police blitz on bail and the introduction of 'co-responder' teams made up of youth justice workers and police officers, who are available 24/7 to engage with young people on the streets and support them to reduce offending behaviour.

More action is now being taken, through reforms announced by the Premier on 9 February 2021, to build on this five-point plan and investments to date to keep our community safe. The Youth Justice and Other Legislation Amendment Bill 2021 (the Bill) was introduced into Parliament on 25 February 2021 and proposes a range of measures targeting serious recidivist offending.

Parliament's Legal Affairs and Safety Committee (the Committee) has considered the Bill and reported back to Parliament on 16 April 2021.

At the time of submitting this response, the Bill was being debated before the House. The outcome of this debate will be found on the Queensland Parliament website.

The Committee travelled to Mount Isa, Townsville and Cairns to make sure members understand the particular issues facing communities in North Queensland. This has given people in these communities the opportunity to share their experiences and to propose local solutions to address local issues. Evidence provided at these hearings and in written submissions to the Committee's inquiry regarding the Bill (also published on the Committee's website) was considered by the Committee.

Mr Atkinson will review the current reforms after six months and a further review of electronic monitoring will be done at 12 months. Ongoing review of youth justice policies and programs will ensure they are working to keep our communities safe and providing appropriate local responses for local youth crime issues.

Regarding the specific actions contained in the petition:

1. Moving young people to remote locations is not an effective or efficient solution to youth crime and is likely to be counterproductive. Queensland's youth offenders – especially repeat offenders – are often young people with a range of issues such as drug and alcohol use, mental health issues, disability and childhood trauma. If these young people need to be removed from their communities, for the safety of the community, then our detention centres provide the necessary secure environment. Relocation sentencing is not an effective way to serve this purpose.

In respect of interventions that reduce youth 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 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 per cent of all T2S participants did not offend or reoffend within 12 months of completing their course.

2. 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 Hon Mark Ryan MP, Minister for Police and Corrective Services and Minister for Fire and Emergency Services, as he introduced that legislation.

3. The premise of this requested action is wrong because the offence in the stated form never existed. 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 previous Newman Government.

The previous LNP Government introduced an unworkable law called “Finding of guilt 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 more than 90 per cent reoffended within 12 months, and 94 per cent reoffended within 24 months.

4. This matter related to the portfolio of the Attorney-General and I refer you to contact her office for a response.
5. In June 2020, new bail laws were passed that clearly state young people who are an unacceptable risk to the safety of the community must be refused bail. Police are also appealing court bail decisions where appropriate.

The Palaszczuk government will always act strongly on behalf of all Queenslanders. Thank you for taking the time to make me aware of your concerns.

Yours sincerely

A handwritten signature in blue ink that reads "Leanne Linard". The signature is fluid and cursive, with the first name "Leanne" being larger and more prominent than the last name "Linard".

Leanne Linard MP
Minister for Children and Youth Justice and
Minister for Multicultural Affairs