



Honourable Yvette D'Ath MP  
Attorney-General and Minister for Justice  
Minister for Training and Skills

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Dear Mr Laurie

I refer to Petition No. 2531-16 tabled in the Legislative Assembly on 16 February 2016 regarding retaining and strengthening existing laws introduced by the previous Government to address youth crime in the State of Queensland.

As you are aware, the Government has committed to building a youth justice system that is effective in improving community safety by pursuing evidence-based responses that reduce offending by children and young people and improve positive participation in the community. This commitment is reflected within the *Youth Justice Act 1992* (YJ Act) which emphasises the need to rehabilitate children who commit offences whilst also ensuring the protection of the community.

Youth justice data shows that only a small number of young people in Queensland become involved in the youth justice system. In 2014-15, 0.8% of all young people aged between 10-16 years were found guilty of an offence. Over the past 6 years, the number of young offenders has decreased by 19% across the State. However, the main concern are the small number of repeat offenders that account for a large proportion of offences, with approximately 10% of young people responsible for almost half of all youth justice offences.

Evidence shows that working with a young person to address the underlying risks for offending behaviour is ultimately the most effective way to reduce youth offending and improve community safety. Drug and alcohol counselling along with family support, mental health and education and employment are key factors in supporting young people to desist from future offending.

As the first step in building a more balanced, evidence based system, the Government committed to repeal previous amendments made to the YJ Act and *Childrens Court Act 1992* and reinstate court referred youth justice conferencing. The amendments introduced by the previous Government were based on the premise that stronger penalties would deter further offending by the number of recidivist offenders. However, there is a longstanding and substantial body of evidence which shows that increasing the severity of punishment is an ineffective means of reducing reoffending, particularly by young people.

I have provided a response to the specific issues outlined in the petition.

### **The retention of naming and shaming laws**

Naming and shaming is an ineffective means of reducing offending and reoffending, and can actually exacerbate offending by stigmatising young offenders. The evidence shows there are more effective ways of holding children and young people accountable for their behaviour, supporting positive behavioural change and promoting community safety than naming and shaming young offenders and their families. For example, the evidence shows youth justice conferencing can be effective in reducing offending by going beyond simply punishing offenders and instead involving victims, children and young people and their communities in repairing some of the harm caused by the offending. To this end, the Government has committed \$23.6M to reinstate court referred youth justice conferencing.

### **An offence for breach of bail**

The fact that an offence was committed while the child or young person was on bail for another offence will be able to be taken into account by the courts in sentencing children and young people, and by the police and courts in deciding future bail applications.

### **Making all youth criminal histories available in adult courts to give a Magistrate or Judge a complete understanding of a defendant's history**

This measure is inconsistent with the emphasis on the rehabilitation of young offenders. The rehabilitation of childhood offenders including where possible the avoidance of stigma or social disadvantage associated with past offending behaviour is important to reducing further offending and preventing further entrenchment into the adult criminal justice system.

### **Removing detention as a last resort**

Evidence shows custodial sentences are ineffective in reducing recidivism, and can in fact, enhance a child's or young person's risk of reoffending. The removal of the principle of detention as a last resort is at odds with every other Australian jurisdiction and is also in breach of international conventions.

### **Transferring youth offenders to adult correctional centres when they reach 17 years of age if they have six or more months of their sentence remaining**


The Government has committed to moving away over time from treating 17 year olds as adults for the purposes of the criminal justice system.

A significant initial proposed step in this regard is to increase to 18 the age at which children and young people subject to lengthy periods of detention are to be transferred from detention to adult correctional facilities. It is intended that appropriate amendments to this effect be included in the second stage of legislative reforms to be introduced in 2016 in satisfaction of the Government's youth justice election commitments.

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I thank the petitioners for raising these important issues and reiterate that the Government is committed to building a more balanced, evidence based system by holding young people accountable for their actions and supporting them to change.

Yours sincerely



**YVETTE D'ATH MP**

Attorney-General and Minister for Justice  
Minister for Training and Skills