



Honourable Yvette D'Ath MP
Attorney-General and Minister for Justice
Leader of the House

In reply please quote: 578884/5: 5213846

17 June 2020

1 William Street Brisbane
GPO Box 149 Brisbane
Queensland 4001 Australia
Telephone +61 7 3719 7400
Email attorney@ministerial.qld.gov.au

Mr Neil Laurie
The Clerk of Parliament
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Laurie

I refer to e-Petition 3261-19 tabled in the Legislative Assembly on 19 May 2020 about community safety issues.

I acknowledge concerns raised by the petitioners in the tabled petition. The Palaszczuk Government, in line with the Queensland community, expects offenders to be appropriately punished for the commission of offences. A key priority for the Palaszczuk Government is keeping communities safe for all Queenslanders.

In responding to this petition, I refer petitioners to the response to Petition 3321-20 tabled on 22 May 2020 by the Acting Attorney-General.

Further, I am advised that there are more than 700 approved police officer positions in the Townsville Police District, with more on the way. For the first time, a Deputy Police Commissioner is permanently based in North Queensland. The new Deputy Commissioner role is responsible for policing across regional Queensland. In effect, this means Townsville is police headquarters for regional Queensland.

Policing Achievements and Actions

The Palaszczuk Government has provided funding to ensure more police are on patrol in Townsville, actively targeting drugs, property crime, anti-social behaviour and emerging issues.

Police efforts are backed by the Townsville Community Policing Board, the Townsville Stronger Communities Action Group, PCYCs, school-based police officers and Neighbourhood Watch volunteers. The highly-successful Project Booyah program is turning young lives around, helping at-risk young people access pathways to education, training and employment.

There are a number of pro-active policing operations in Townsville. Operation Quebec Panama targets the drug trade, which recently resulted in 15 offenders being charged with 84 offences. Townsville Police work with the Major Organised Crime Squad in the north to combat the drug Ice and take other dangerous drugs off the streets. Another policing operation, Operation Romeo Telos, has led to the arrests of 16 people charged with 95 offences.

(2)

High visibility policing patrols continue in known hot spots and Operation Romeo Slade targets motor vehicle theft and property crime.

Up to 50 police actively patrol the streets of Townsville as part of Operation Romeo Seville and they are backed by the State Flying Squad, State Intelligence, the Road Policing Command, the Rapid Action and Patrol Group – the RAP, the Tactical Crime Squad, the Property Crime Squad, the CIB, the Child Protection and Investigation Unit and general duties officers.

Operation Romeo Seville is intelligence-based and targets known repeat offenders and emerging high-risk crime areas. I am advised that, as at 26 May, Operation Romeo Seville has led to the arrest of 696 offenders on 2,507 charges.

To back police in their efforts to maintain safety and protect Queenslanders, the Palaszczuk Government has delivered a record police budget of \$2.6 billion, which has, in turn, delivered more police and more resources to help police do what they do best – and that is to keep communities safe.

As part of our commitment to providing police with resources, this government has delivered two new helicopters for North Queensland to boost safety.

Across the Townsville Police District, I am advised there are 392 QLITE devices for frontline police, 486 body worn video cameras, 335 new tasers, 109 police vehicles and 10 police vessels.

The Palaszczuk Government has also built a new Upper Ross Police Facility, staffed with 9 police officers, to better meet the needs of the local community.

Under the Police Budget for Townsville during the previous LNP Government, I am advised that funding for new operational equipment for police fell from \$77.5 million to \$53.8 million. At that time, I am advised Townsville's senior police were warned that vital equipment, such as extra vehicles and computers, were not purchased to cater for new police recruits.

Further, I am informed that the LNP budget for new and upgraded equipment, including vehicles, boats and traffic cameras, was the lowest in 3 years. The Palaszczuk Government supports police in Townsville in their efforts to keep the community safe by providing them with the resources and facilities they need.

Maximum Penalties and Sentencing in Queensland Courts

There are a range of existing offences that may apply to property or violent crimes in Queensland's Criminal Code which carry significant maximum penalties. For example, burglary (section 419), entering or being in premises and committing indictable offences (section 421), unlawful use or possession of motor vehicles (section 408A) and robbery (section 411). The maximum penalties for these offences range from 7 years imprisonment to life imprisonment depending on the circumstances.

Sentencing offenders, whether adult or juvenile, involves a complex balancing of interests. In determining a sentence, the judge or magistrate considers a range of

factors including submissions made by the prosecutor, the offender's cooperation with the administration of justice, their age and personal circumstances, the community's expectations and the need to deter the offender and others from future offending. Additionally, that the sentence should reflect society's interest in rehabilitating the offender.

High Risk Youth Court

In February 2017, as a part of the broader Townsville Community Youth Response, the Palaszczuk Government launched the High Risk Youth Court (HRYC) in Townsville to address a rise in youth crime in Townsville.

The HRYC holds high risk, repeat juvenile offenders accountable for their actions through monitoring and support by the court and Youth Justice. The HRYC has a dedicated magistrate who case manages young defendants (aged between 10 and 17 years) who are identified as repeat offenders. These young people often have multiple factors which contribute to a high risk of future offending. The dedicated Magistrate is able to gain an in-depth knowledge of each defendant and monitor their engagement with services to hold defendants accountable for their actions.

Incidentally, I personally attended the High Risk Youth Court sittings on Tuesday, 3 March 2020 to watch proceedings. All but one bail application was granted, with the balance of the bail applications being refused by the sitting Magistrate.

Specialist DFV Court

As a part of the Palaszczuk Government's commitment to end domestic and family violence, the permanent establishment of specialist domestic and family violence courts across the State, including Townsville was funded, along with ongoing judicial professional development in respect of domestic and family violence for all Magistrates in Queensland.

The Townsville Specialist Domestic and Family Violence (DFV) Court commenced in 2017, dealing with civil applications for DFV. In 2017, the Palaszczuk Government committed \$9 million to upgrade the DFV facilities at the Townsville Courthouse to provide aggrieved parties with secure and comfortable waiting areas, new DFV courtrooms and purpose-built interview rooms. The upgrade works have been completed and the new facilities support the running of a fully integrated specialist DFV court to hear both civil and criminal matters.

Murri Court

Murri Court also operates in Townsville and is a Queensland Magistrates Court bail based program which provides an opportunity for members of the Aboriginal and Torres Strait Islander community (including Elders and victims) to participate in a court process which requires defendants to take responsibility for their offending behaviour but which respects and acknowledges Aboriginal and Torres Strait Islander culture. Defendants are required to take responsibility for their offending and are provided with support from Elders and support services to address the underlying causes of

offending and encourage positive behaviour change. In addition, participants can be referred to treatment and support services, as well as taking part in cultural activities including Men's and Women's groups.

Action on Youth Crime in Townsville

The Palaszczuk Government recognises reducing youth crime and youth reoffending is a key aspect of keeping our communities safe. That is why reducing rates of youth re-offending by 5% by 2020-21 is part of the government's plan to advance Queensland. Our Future State: Advancing Queensland's Priorities contains the government's objectives for the community, and tracks progress towards the delivery of our most important priorities and hardest challenges. For more information about the plan, please visit: <https://www.ourfuture.qld.gov.au/>.

The overwhelming majority of crime in Townsville is committed by adults. Just 1.6 per cent of the 20,000 10-17 year olds living in Townsville in 2018-19 committed an offence. Of this cohort, a very small number of young people are repeat offenders.

Reducing youth crime requires a whole of community approach that includes parents, families and community leaders. There is no single quick fix, and the Government is committed to long term solutions. We are dedicated to working with community members to ensure that strategies for responding to youth crime address local issues and draw on community knowledge and strengths.

That is why the Palaszczuk Government has delivered record investment in youth justice reforms to reduce youth crime and reoffending. As a result of this investment, we now have new early intervention programs, youth after-hours services and partnerships with other agencies and community organisations in Townsville.

In the 2019-20 Budget, an investment of \$332.5 million was announced to implement a range of youth justice reforms, including 'Operation Regenerate' mentioned above. This included over \$20 million for additional initiatives in Townsville and almost \$200 million for additional youth detention centre capacity. This budget allocation will be spent over four years, starting from 1 July 2019. Together with previous investments made to transition 17-year-olds to the youth justice system, a total of \$550 million has been allocated to youth justice reforms since 2017.

The 2019-20 investment consisted of initiatives selected for their evidence-based effectiveness in dealing with youth crime. Statewide initiatives delivered by the Department of Youth Justice and other agencies which will benefit Townsville include:

- an expansion of the highly effective *Transition to Success* program;
- continuing and enhancing Restorative Justice Conferencing;
- new Indigenous Youth and Family Workers employed by Aboriginal and Torres Strait Islander Family Wellbeing Services;
- continued Conditional Bail Programs;
- new Specialist Multi-Agency Response Teams initiative;
- new Risk and Dynamic Assessment Register (RADAR) initiative;
- community-based supervision for young people on bail (Queensland Police

(5)

- Service); and
- Queensland Youth Partnerships Initiative including a shopping centre project.

In conjunction with the above, \$20 million has been committed over four years for a range of initiatives specifically in Townsville, including:

- A new youth diversion service in the Upper Ross.
- Townsville Community Youth Response - which includes Integrated Case Management for high risk offenders; specialist High Risk Court (see above); AfterHours Diversion Services; alternate education through the Burragah Bridging to Flexi School, and Cultural Mentoring.
- April 2019 Evaluation results focused on Townsville Community Youth Response have shown:
 - a 6 per cent decrease in reoffending 6 months post engagement for those who accessed Community Youth Response programs; and
 - a 25 per cent decrease in reoffending 6 months post engagement for high-risk young people accessing Intensive Case Management services.
- Bail Support Services delivered by the Townsville Aboriginal and Islander Health Service in partnership with Mission Australia to support young people meet their bail conditions.
- Offender Accountability Board - comprised of Government and community representatives and commenced on 14 August 2019. Responsible for identifying meaningful ways that young people who commit offences can give back to the community. The first project had young offenders restoring equipment sheds in partnership with a local painter and paint supplier at the Upper Ross Athletics Club.

This investment also supports the Government's commitment to implement the recommendations of Major General (Rtd) Stuart Smith *Townsville's Voice* report. As at April 2020, all 23 recommendations had commenced, 18 were already implemented, and five were on track for implementation by July 2020, subject to the impacts of the COVID-19 pandemic.

Funded initiatives such as the new Upper Ross diversion service, expansion of Restorative Justice Conferencing, and enhancement to the Townsville Community Youth Response are also in response to the *Townsville's Voice* recommendations. More information about details of youth justice reform is available on line. A description of the new initiatives in the \$332.5 million investment package and regional profiles can be viewed at:

<https://www.youthjustice.qld.gov.au/resources/youthjustice/resources/services-youth-justice-system.pdf>

Overall, these initiatives deliver a broad range of actions that focus on addressing both the causes and consequences of youth crime. Some initiatives will take time to show their full benefit; however, evidence indicates that the reform package will make long term positive changes for young people, their families and the community as a whole.

These actions are seeing the number of young people committing offences falling across the state with the rate of youth offending now 12 per cent lower than was the

case 2013. More recently and specifically with respect to Townsville, the number of 10-16 year olds who committed an offence in 2019 was 19 per cent lower than for the same age group in 2018 and the number of 10-17 year olds who committed an offence in 2019 was 14 per cent lower than for the same age group in 2018.

Whilst progress is promising, we know that about 10 per cent of young offenders, are responsible for 44 per cent of youth crime, and in some areas nearly 50 per cent. This cohort of offenders almost invariably have complex backgrounds - including for example significant violence in their household, absence of adult role models, neglect of the children, drug use, multi-generational disconnection from work and education, and much worse - and have experienced significant trauma. This is why we need interventions that address the real causes of their offending, in order to create sustained impacts on offending behaviour.

We keep the community safest when, in addition to holding young people accountable for their actions, we apply proven ways to reduce their offending.

The most effective and sustained way to reduce offending is to reduce or eliminate the factors which impact on young people who commit crime, such as those outlined above. However, this takes time and we also need to focus on changing the behaviour of young people who commit offences. Research and practice evidence shows that young people need swift and relevant consequences when they break the law, as well as expert assistance at the earliest opportunity to address the factors that underlie or contribute to their offending.

The Government recently announced a five point action plan to crack down on youth crime in Queensland, including:

1. Tougher action on bail. Offenders posing an unacceptable risk to the community should not get bail.
2. A police blitz on bail, appealing court decisions where appropriate.
3. A 24/7 Police Strike Team involving youth justice workers for high risk offenders.
4. Culture-based rehabilitation for indigenous offenders through new On Country initiatives trialled in Townsville, Cairns and Mount Isa.
5. Empowering local communities in the war on crime with \$2 million for community-based organisations for local community-based solutions.

The Palaszczuk Government has a sustained and long-term plan to address youth offending - now and in the future. *Working Together Changing the Story: Youth Justice Strategy 2019-2023* (the Strategy) was released in December 2018 and provides a framework for government and the community to work together to reduce youth crime and improve community safety. The *Youth Justice Strategy Action Plan 2019-21* (the Action Plan) was released in July 2019 and outlines specific actions to hold children and young people accountable for their actions and support them (and their families) to change their behaviour. You can view the Strategy and Action Plan online at <http://www.youthjustice.qld.gov.au/reform>. Many of the initiatives funded in the 2019 budget and outlined above are directly aimed at implementing key parts of that Strategy.

I note calls to reintroduce repealed section 59A *Youth Justice Act 1992* (section 59A offence). I note that this offence has been referred to as a “breach of bail offence”. Section 59A was not a breach of bail offence. Section 59A made it an offence to be found guilty of an offence whilst subject to a bail undertaking. Evidence proves that this offence was a failure. The former President of the Childrens Court of Queensland, in his 2013-14 annual report had the following to say about the offence and the juvenile justice system more broadly:

The new offence of committing an offence on bail is also unusual..... 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..... An overly punitive juvenile justice system carries the danger of abandoning offending children and condemning them to continuing to offend. That is not to say that offending children should not be punished but any punishment should have as one of its features, the rehabilitation of that child.

The offence did nothing to reduce the rates of young people who offended while on bail and did not act as a deterrent. The Palaszczuk Government is now dealing with the legacy of the many failed LNP juvenile justice policies which were not evidence-based, had a negative impact on breaking the cycle of offending and rehabilitation programs.

Queensland Sentencing Advisory Council (the QSAC)

The Palaszczuk Government recognises that sentences must reflect community expectations and that is why the Government committed to giving Queenslanders a stronger voice in sentencing issues through the reinstatement of the Queensland Sentencing Advisory Council (the QSAC), after it was abolished by the former LNP Government.

The QSAC is an independent statutory body that plays an important role in promoting consistency in sentencing, stimulating balanced public debate on sentencing issues and strengthening public confidence in the justice system by educating and incorporating informed public opinion into the process.

Membership of QSAC comprises legal experts and community advocates with extensive experience in criminal law, domestic and family violence, victims of crime, Aboriginal and Torres Strait Islander justice issues and youth justice. This reflects the Government's awareness of the need to ensure a fair and representative balance of members. Further information can be located at QSAC's website at: <https://www.sentencingcouncil.qld.gov.au/>.

Petitioners may be interested to know that QSAC conducted a sentencing spotlight on sentencing trends in our Courts. QSAC found that the use of custodial penalties in the District and Supreme courts was steady from 2005–06 to 2009–10, but has since

(8)

increased from 71 per cent of cases in 2009–10 to 82 per cent in 2017–18. The use of custodial penalties in Magistrates Courts was steady from 2005–06 to 2009–10, but has since almost doubled from 6 per cent of cases in 2010–11, to 12 per cent in 2017–18.

I hope that this information has been helpful to the petitioners and has demonstrated that the Government is investing in the reforms that are needed to address crime in Townsville and across Queensland. The Palaszczuk Government is committed to tackling crime, including youth crime and breaking the cycle of offending in the long term.

I thank the petitioners for bringing their concerns to the attention of the House.

Yours sincerely

A handwritten signature in blue ink, reading "Yvette D'ATH". The signature is written in a cursive style with a large, looping initial 'Y'.

YVETTE D'ATH MP
Attorney-General and Minister for Justice
Leader of the House