



Minister for Children and Youth Justice Minister for Multicultural Affairs

Our reference: CYJMA 05341-2021

30 September 2021

Mr Neil Laurie
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Dear Mr Laurie

I refer to petition 3528-21 tabled in the Legislative Assembly on 31 August 2021, requesting further reform to the youth justice system and relevant Queensland Legislation to better reflect the expectations of residents in the electorate of Burleigh.

I would like to assure the petitioners the Queensland Government is committed to protecting community safety across Queensland. All Queenslanders deserve to feel safe in their homes, workplaces and communities.

The Queensland Government has invested over \$550 million since 2017 in new youth detention centres, staffing, extra beds and early intervention programs across the whole sector. An additional \$98.4 million was also provided in the 2021-22 State Budget to deliver enhanced and extended interventions and initiatives focused on reducing offending and holding repeat young offenders accountable for their behaviour.

The *Working Together Changing the Story: Youth Justice Strategy 2019-2023* supports this record investment by providing a framework for preventing and responding to youth crime with a balanced approach to intervene early and divert young people away from court and custody, except where necessary to protect community safety and prevent reoffending. The former Police Commissioner Mr Bob Atkinson AO recommended these four pillars in his 2018 *Report on Youth Justice*.

Overall, we are seeing the number of young people committing offences in Queensland reducing significantly, down by 30 per cent in the last 10 years. However, the Government appreciates that there is a core group of serious repeat offenders who continue to put the community at risk.

Building on the five-point plan which was announced in March 2020, the Palaszczuk Government has strengthened accountability through further amendments to the *Youth Justice Act 1992* (Youth Justice Act) that took effect on 30 April 2021, including:

- Courts can require electronic monitoring devices as a condition of bail for high risk youth offenders aged 16 and 17 years.
- Presumption against bail for young offenders arrested for committing further serious offences while on bail.
- Courts can require parents and guardians to commit that bail conditions will be complied with before their child is released.
- A new principle in the Youth Justice Act stresses that the community must be protected from repeat youth offenders.
- Legislation made clear that offending while on bail is an aggravating circumstance at sentencing, which may lead to a tougher sentence.

In response to the specific requests contained in the petition:

1. There is no 'catch and release' policy in Queensland for young people and amendments to the Youth Justice Act in April this year imply a presumption *against* bail for certain offences including assault, attempted robbery, unauthorised use of a motor vehicle or when a child is on bail for an indictable offence.

Police data reports that between 30 April 2021 and 24 August 2021, police arrested and held in custody 738 young people with an objection to bail. Of these, 512 applied to the Court for bail and 277 had bail refused and were remanded in detention. Youth Detention Centres have seen an increase in custody numbers of more than 100 young people compared to this time last year.

Additionally, there have been more than 600 instances in which parents and guardians have given the Court assurances they would ensure their child complied with bail conditions. These are the toughest youth bail laws in Australia.

Under the Youth Justice Act, if a child enters a plea of guilty for an offence in a proceeding before the Court or a finding of guilt for an offence is made against the child before a Court, the Court must consider referring the offence to the chief executive for a restorative justice process instead of sentencing the child [section 162(1) and (2) of the Youth Justice Act]. There is no minimum number of offences that must occur before a Court can refer a young person for a restorative justice process.

2. Young people do not have access to social media or mobile phones while they are in detention. Access to iPads and tablets are limited to educational or therapeutic intervention purposes only. During the day, when young people are involved in schooling and programs, they do not have access to televisions. Outside of these times, televisions with restricted access to free-to-air programming or, at times, DVDs selected for their appropriateness, are provided for recreational viewing. If the young person breaks the rules, their television privileges can be revoked.
3. The Department of Children, Youth Justice and Multicultural Affairs commissions several diversion programs and services aimed at reducing reoffending. As outlined above, the Court can refer a young person to a restorative justice process instead of sentencing the young person. A restorative justice conference places a young person who committed a crime face-to-face with the person or people affected by it. Participants discuss what happened, the impact of the crime and what the young person can do to start making things right. On average, 90 per cent of victims who have participated in a conference have been satisfied with the outcome. Research on the effectiveness of restorative justice conferencing in Queensland shows for young offenders who have attended a conference, 77 per cent either did not reoffend or reduced offending magnitude in the six months after the conference.

Aboriginal and Torres Strait Islander young people who are repeat offenders with high and complex needs can be referred to diversion programs such as On Country, which runs for six to eight weeks and is an immersive cultural program incorporating, mentoring and intensive case work support.

Community Youth Response is another diversion program that provides alternative pathways to support young people. The program's emphasis is on after-hours support, Aboriginal and Torres Strait Islander cultural mentoring, bridging to flexi-school and family-focused integrated case management for young people aged 10–15 years who are at high risk of reoffending.

4. As part of the transition from detention process, case workers and other support officers will work with the young person to ensure a successful transition back into the community. Child safety officers are only involved in this process if the young person has a current child protection order.
5. Victim Assist Queensland (VAQ), a unit within the Department of Justice and Attorney-General, was established to assist victims of acts of violence committed in Queensland. VAQ can provide referral to specialist services such as counselling, as well as access to financial assistance under the *Victims of Crime Assistance Act 2009*.

The financial assistance scheme was set up to assist victims by paying for the goods and services associated with their recovery from physical and psychological injuries caused by an act of violence. In most cases, the act of violence should be reported to police but there is no need for the offender to be convicted or charged for the victim to be eligible for assistance.

6. In limited circumstances where a child is found guilty of a personal or property offence and compensation for the offence is to be paid, the Youth Justice Act allows an order to be made against a parent if the Court deems their parenting (or lack of supervision) contributed to the offending and subsequent loss to the victim. In these circumstances, the Court can call on a parent to show cause as to why they should not pay the compensation. The Court may make an order requiring the parent to pay compensation to a maximum amount of 67 penalty units (Youth Justice Act Pt. 7 Div. 16).

There would be no legal grounds to economically or criminally penalise parents arbitrarily for offences they did not commit or contribute to. This would be inconsistent with fundamental legal and human rights and impact key criminogenic factors.

7. The Department of Children, Youth Justice and Multicultural Affairs offers services to support young people and their families who require additional help. The Integrated Case Management (ICM) Program is an evidence-based, intensive case management framework developed to reduce offending behaviour among serious repeat offenders. The program provides a multi-disciplinary case management response in the provision of family work sessions, offence focused interventions, therapeutic interventions, education and vocational programs, cultural support and pro-social recreational activities. The program holds young people accountable for their offending behaviour, supports pro-social community integration and promotes community safety. Additionally, ICM works to divert siblings from the criminal justice system, improve school engagement and promote pro-social decision making.

Please be assured that I have taken the concerns of the petitioners very seriously. The Department of Children, Youth Justice and Multicultural Affairs is committed to the ongoing review of youth justice policies and programs to ensure they keep communities safe and hold young people to account for their offending behaviour.

The Palaszczuk Government will always act to keep Queenslanders safe. Thank you for taking the time to make me aware of your concerns.

Yours sincerely



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