



Minister for Children and Youth Justice Minister for Multicultural Affairs

Your reference: A966470
Our reference: CYJMA 04813-2022

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30 December 2022

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

Dear Mr Laurie

I refer to petition 3806-22 tabled in the Legislative Assembly on 1 December 2022 titled 'Strengthen laws for violent juvenile offenders'.

Firstly, I want to acknowledge the significant impact of violent offending on victims and the community. My thoughts are with the young victim of the offence identified in the petition along with her family.

I also want to assure the people of Queensland that community safety is a top priority for our government. All Queenslanders have the right to feel safe in their homes and communities, which is why we have strengthened the youth justice legal framework and invested in programs that work to prevent and respond to youth offending through recent reforms.

These changes have been guided by the *Working Together, Changing the Story: Youth Justice Strategy 2019-23* (the Strategy) and the *Youth Justice Strategy Action Plan 2019-2021* and the Five-Point Action Plan. In February 2021, the Queensland Government announced new laws and initiatives to focus on the small cohort of serious repeat offenders who commit about half of all youth offences. These new laws included a presumption against bail for serious repeat offenders who commit a crime while on bail, the ability for courts to seek assurances from parents or guardians before an offender is released and a trial of electronic monitoring devices as a bail condition for high risk repeat offenders.

In all jurisdictions across Australia, police and courts can use their discretion when charging and sentencing young people to address the specific circumstances of each matter.

The use of cautioning by police can prevent young people with early and/or low-level offending from entering or becoming further entrenched in the criminal justice system. This happens for a small proportion of young people in contact with police. For example, about 29 per cent of young people who had contact with the police were cautioned in 2020-21.¹ In deciding what action to take, a police officer must consider their criminal history and all the circumstances surrounding the offence.

¹ Queensland Treasury, www.qgso.qld.gov.au/issues/7856/crime-report-qld-2020-21.pdf

We know cautioning and other diversionary processes, such as restorative justice conferencing, have a positive impact. Research has found that where police divert young people who offend away from the criminal justice system through cautioning and other diversionary measures, this can lead to reduced re-offending.² Accordingly, diversionary options remain an important option for police to administer with discretion.

The judiciary also hold discretionary powers when sentencing children in court, with young people receiving harsher penalties the more serious their offending. The *Youth Justice Act 1992* sets maximum custodial periods, with a Childrens Court Magistrate having the ability to impose periods of detention of up to one year. More serious offences are dealt with in the higher courts, which can impose sentences for longer periods of detention including up to life in certain circumstances.

Since 2017, the Queensland Government has invested more than \$856 million in early and intensive intervention programs to reduce reoffending, and additional youth detention centres, staffing and extra beds. This includes an increase to funding in 2022–23 of \$78.8 million to continue delivery of youth justice strategy reforms that aim to deliver an evidence-based youth justice system that holds young people accountable for their behaviour.

This investment has helped divert young people from offending and reoffending and has provided opportunities for young people to turn their lives around by getting back into education or training to get a job through programs like Transition 2 Success, Multi-Agency Collaborative Panels and Intensive Case Management.

We know these reforms are working to reduce the number of young people in the youth justice system but we also know there is more to be done, particularly in respect of addressing the small proportion of serious repeat offenders who are a risk to community safety.

Unfortunately, there will always be young people who, despite the best intentions of government and numerous supports available, may still break the law. These young people must be held accountable. The Act will continue to be reviewed to ensure it provides the most effective framework, governance and evidence base in addressing youth crime and keeping communities safe.

Thank you for taking the time to raise your concerns about this important community issue.

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

² White, H (2017) www.campbellcollaboration.org/better-evidence/campbell-policy-brief-sentencing-effects-on-re-offending.html