

LEGAL AFFAIRS AND COMMUNITY SAFETY COMMITTEE

Report No. 58 on the

Youth Justice and Other Legislation Amendment Bill 2014

QUEENSLAND GOVERNMENT RESPONSE

INTRODUCTION

On 11 February 2014, the Youth Justice and Other Legislation Amendment Bill 2014 was introduced into the Queensland Parliament.

Parliament referred the Bill to the Legal Affairs and Community Safety Committee, and asked the Committee to report back by 12 March 2014.

It was foreshadowed during introduction of the Bill that the Government would move further amendments during its consideration in detail to create a new mandatory boot camp sentence order for recidivist motor vehicle offenders in Townsville. Draft legislation to this effect was provided to the Committee on 4 March 2014 for its consideration.

The Chief Magistrate, Judge Tim Carmody QC, also wrote to the Committee in relation to its inquiry to ask it to consider recommending the inclusion of further amendments in the Bill to bring the review and appeal of magistrates' decisions (in either their child or adult jurisdiction) into line with those of judges.

On 12 March 2014, the Committee tabled its Report No. 58 on the Bill.

The Queensland Government response to the Committee's recommendations and other matters raised by it is provided below.

RESPONSE TO RECOMMENDATIONS

Recommendation 1

The Committee recommends the Youth Justice and Other Legislation Amendment Bill 2014 be passed.

Queensland Government response

The Government notes this recommendation.

Point of Clarification

The Committee requests the Attorney-General to detail in his response to this report – the diversionary programs and sentencing options available to offenders by Judicial Officers, government agencies, and other complementary organisations that may be relevant for first offenders or otherwise.

Queensland Government response

The Government recognises that young offenders can get their lives back on track if they are held accountable for their actions and supported to make changes. The amendments in the Bill are one component of a broader reform strategy ultimately aimed at this goal, and focus on holding repeat offenders accountable for their actions and putting in place measures to deter them from future offending.

The other key component of this comprehensive reform strategy is the development and implementation of the *Blueprint for the Future of Youth Justice in Queensland* (the Blueprint), a plan to transform the youth justice system to one that addresses the causes of youth offending and reduces the incidence of children becoming entrenched in a life of offending. The Blueprint will involve the implementation of long term, evidence-based reform and the close engagement of partner agencies and organisations in the delivery of integrated services to at-risk children.

The Blueprint will be structured around the following four reform areas that reflect the key points for intervention:

- Intervening early;
- Preventing a life of crime;
- Holding young offenders accountable; and
- Changing entrenched criminal behaviour.

The factors which can put a young person at risk of entering or remaining in the youth justice system are complex and interrelated, and can include access to education, training and employment opportunities, a safe place to live, access to adequate health services (in particular, mental health and substance misuse services) and parental and community support.

For this reason, Youth Justice will collaborate closely with partner agencies in implementing the Blueprint to ensure young people who are at risk of offending or who have just started to offend are diverted away from the youth justice system and supported to make positive changes in their lives. This will extend the youth justice system beyond its traditional boundaries, involving it in building capacity across Government to better respond to the earliest indications of antisocial behaviour.

The active involvement of the non-government sector will also be critical to the Blueprint's success. Implementation of the Blueprint will therefore involve taking stock of existing government and non-government services to identify what services are required and where, developing minimum standards for new services such as bail support and family support and the recommissioning of youth justice grant funding.

Evidence shows that the most effective way to prevent a young person from offending or becoming entrenched in the youth justice system is to reduce their risk factors and strengthen their protective factors. That is why the Blueprint will focus on guiding implementation of interventions which increase the capacity of service providers to respond early to known risk factors and to strengthen at-risk children's protective factors. This will involve:

- Continued delivery of the successful Early Intervention Youth Boot Camps program. The first camp, on the Gold Coast, is showing early indications of success working with young people to change their behaviour, improve their family relationships and reengage them in education. The Youth Boot Camps at Rockhampton and on the Fraser Coast each held one successful camp in 2013.
- Piloting risk screening and referral to support services for young people who are displaying anti-social and criminogenic behaviours within families and schools and young people coming to the attention of the police.
- Focusing on working with the whole family, with the support of families critical to young people's capacity to lead steady and law-abiding lives.
- Strengthening coordination with child safety services and focusing clearly on parental accountability and support. Addressing the causes of youth offending necessarily involves recognising the strong link between child maltreatment and youth offending, with the trauma of abuse and neglect adversely impacting on a child's development, education and mental health.

The Blueprint will also identify strategies to further improve the efficiency of the youth justice system and provide more tools to courts to ensure that consequences for breaking the law are relevant for young offenders and are delivered swiftly. A key focus of the youth justice system will continue to be on equipping the courts, youth justice services and police to deliver programs and interventions to young offenders which are immediate and appropriately adapted to the developmental needs, circumstances and offending behaviour of the young person.

Efforts to support children on bail will continue. Work is being undertaken to trial the Queensland Court Referral Initiative in the Childrens Court to reduce the incidence of reoffending while on bail. Under this initiative, young people subject to bail will be subject to more timely and increased assessment of risks and needs and will have access to enhanced coordinated intervention. Additionally, the Conditional Bail Program and other new initiatives (including the introduction of increased bail accommodation and a bail support hotline) will be assessed and explored to ensure their efficacy in reducing offending by young people on bail.

Ongoing investment in youth justice will be guided by the need to support delivery of innovative and locally responsive services. Public funding will be targeted in the areas of highest need and towards the most effective services which can demonstrate good outcomes

for young people and families and deliver value for money. Further, the Blueprint will deliver a contestability process to test the most appropriate way to ensure youth justice services, including youth detention centres, are high quality and cost-effective. Ensuring services are delivered by youth detention centres and youth justice service centres as efficiently as possible will free up more resources to invest in appropriate early intervention and diversion initiatives.

A key focus of the Blueprint will also be on the implementation or intensification of appropriate restorative justice measures. For example, the Blueprint will seek to refocus the Youth Justice Conferencing program to enable greater contribution by victims to the process and equip facilitators to assess and respond to the causes of offending. Further, Youth Justice will work with partner agencies to explore including youth justice court outcomes as a trigger for the Family Responsibilities Commission to engage young offenders and their families who reside in one of the four Cape York Welfare Reform communities (Aurukun, Coen, Hope Vale and Mossman Gorge).

Recommendation 2

The Committee recommends the proposed amendments circulated by the Attorney-General and Minister for Justice to deal with recidivist vehicle offenders in Townville be included in the Bill and that amendments be made in the consideration in detail stage of the Bill's progression through the Legislative Assembly.

Queensland Government response

The Government accepts this recommendation.

Matter for Consideration

The Committee requests the Attorney-General and Minister for Justice note the proposal of the Chief Magistrate relating to bringing the appeal and review of Magistrates' decisions in line with those of Judges; and consider making appropriate amendments to the Youth Justice Act only, when the Bill progresses through the Legislative Assembly.

Queensland Government response

The Government notes the Chief Magistrate's proposal relating to bringing the appeal and review of magistrates' decision in line with those of judges.

Full implementation of the Chief Magistrate's proposal would involve the following two elements:

1. Omitting sentence reviews from the *Youth Justice Act 1992* and focusing on appeals as the applicable mechanism through which magistrates' sentencing and other decisions in relation to children may be subject to judicial oversight.

2. Adjusting the provisions of the *Justices Act 1886* dealing with appeals of conviction and sentence decisions of magistrates to bring these into line with provisions applying to decisions of the Supreme and District Courts. The provisions of the Justices Act govern the appeal of magistrates' decisions made in both their adult and child jurisdictions

The Government accepts the Chief Magistrate's view that this proposal would promote efficiency in the administration of the courts system.

The Government accepts the Committee's recommendation that consideration be given to making appropriate amendments to the Youth Justice Act when the Bill progresses through the Legislative Assembly, and that any amendments to the Justices Act be progressed at a later time.