LEGAL AFFAIRS AND COMMUNITY SAFETY COMMITTEE

Members present:

Mr PS Russo MP (Chair)
Mr SA Andrew MP
Mr JP Lister MP
Mr JJ McDonald MP
Mrs MF McMahon MP
Ms CP McMillan MP

Staff present:

Ms R Easten (Committee Secretary)
Ms M Westcott (Assistant Committee Secretary)

PUBLIC BRIEFING—INQUIRY INTO THE YOUTH JUSTICE AND OTHER LEGISLATION AMENDMENT BILL 2019

TRANSCRIPT OF PROCEEDINGS

THURSDAY, 27 JUNE 2019

Brisbane

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The committee met at 11.02 am.

CHAIR: Good morning. I declare open this public briefing for the committee's inquiry into the Youth Justice and Other Legislation Amendment Bill 2019. My name is Peter Russo. I am the member for Toohey and chair of the committee. With me here today is Melissa McMahon, member for Macalister. With us via teleconference are James Lister, deputy chair and member for Southern Downs; Jim McDonald, member for Lockyer; and Corrine McMillan, member for Mansfield. Stephen Andrew is an apology as he is with a delegation in Vanuatu with the Speaker.

On 14 June 2019 the Hon. Di Farmer, Minister for Child Safety, Youth and Women and Minister for the Prevention of Domestic and Family Violence, introduced the Youth Justice and Other Legislation Amendment Bill 2019 into parliament. The bill was referred to the committee for examination, with a reporting date of 9 August 2019. The purpose of the briefing today is to assist the committee with its examination of the bill.

The committee's proceedings are proceedings of the Queensland parliament and are subject to the standing rules and orders of the parliament. The proceedings are being recorded by Hansard and broadcast live on the parliament's website. Media may be present and will be subject to my direction at all times. The media rules endorsed by the committee are available from committee staff if required. All those present today should note that it is possible you might be filmed or photographed during the proceedings. These images may be posted on the parliament's website or social media sites. Only the committee and invited officers may participate in the proceedings. As parliamentary proceedings, any person may be excluded from the hearing at my discretion or by order of the committee. I ask everyone present to turn mobiles phones off or to silent mode.

CODD, Assistant Commissioner Brian, State Crime Command, Queensland Police Service

GILES, Ms Megan, Executive Director, Strategic Policy and Legislation, Department of Child Safety, Youth and Women

HEGARTY, Mr Darren, Acting Deputy Director-General, Department of Youth Justice

CHAIR: I invite you to make a brief statement to the committee after which committee members will have some questions for you.

Mr Hegarty: Good morning. I begin by acknowledging the traditional owners of the land on which we meet today and pay my respects to elders past, present and emerging. I thank you for the opportunity to brief you today on the Youth Justice and Other Legislation Amendment Bill 2019. Ms Giles will provide you with an overview of the bill and then we will be happy to take any questions.

Ms Giles: I also acknowledge the traditional owners of the land on which we meet and pay my respects to elders past, present and emerging. I work for the Department of Child Safety, Youth and Women. Policy and Legislation continues to provide services to both the new Department of Youth Justice and the Department of Child Safety, Youth and Women. That explains why I am here today. I will give an overview of the consultation we did in relation to the bill and highlight some of the key provisions. Then we will be able to take questions.

The bill proposes amendments to the Youth Justice Act, the Bail Act, the Police Powers and Responsibilities Act and the Public Guardian Act. It makes amendments in relation to three key areas: reducing the period in which proceedings in the youth justice system are finalised; removing legislative barriers to enable young people to be appropriately released, including on bail; and ensuring appropriate conditions are attached to grants of release.

Other amendments necessary to improve the operation of the youth justice system also form part of the bill. These include an information-sharing framework; clarifying that electronic tracking devices cannot be included as a condition imposed on a child; authorising the use of CCTV technology and body worn cameras in youth detention centres; ensuring the Office of the Public Guardian can exercise child community visitor functions in residential facilities funded by the new Department of

Youth Justice; and providing that, in sentencing a child for the manslaughter of a child under the age of 12 years, courts must treat the defencelessness of the victim and their vulnerability as an aggravating factor.

In March and April this year, the department consulted with stakeholders including legal practitioners, Youth Justice staff, officers from the Department of Justice and Attorney-General, the Director of Public Prosecutions and the Queensland Police Service. The amendments in the bill have been developed and refined with representatives of these groups. The bill has also been informed by suggestions from the Chief Magistrate and Deputy Chief Magistrate. Oversight bodies including the Anti-Discrimination Commission, the Public Guardian, the Crime and Corruption Commission, the Queensland Family and Child Commission and the Office of the Information Commissioner were also consulted on the bill. The Chief Magistrate, Deputy Chief Magistrate and President of the Childrens Court of Queensland were also consulted. Stakeholders indicated broad support for the bill.

I will take you through some of the key clauses. In terms of reducing the period in which proceedings are finalised, clause 20 amends the legislative framework in the Youth Justice Act regarding pre-sentence reports. Sections 203 and 207 of the Youth Justice Act require a court to obtain a pre-sentence report from the chief executive before it can sentence a child to an intensive supervision order or a detention order. A court may also order a pre-sentence report in other circumstances. The bill allows the chief executive to provide further material to be considered with an existing pre-sentence report that was provided to the court within the last six months. In most cases, the provision of additional material complementing an existing pre-sentence report is expected to reduce the time that a child may be held on remand awaiting a sentence.

Clause 42 of the bill strengthens existing section 392 of the Police Powers and Responsibilities Act, as amended. The section will require a police officer who arrests a child to make all reasonable inquiries to promptly contact the child's parent and keep a record of inquiries made to do so when contact could not be made. This builds on existing operational requirements for police to keep records.

Section 421 of the Police Powers and Responsibilities Act provides that a police officer must not question a child in relation to an alleged indictable offence unless a support person is present. A support person includes a parent or guardian, a lawyer or an adult relative or friend of the child. Clause 43 of the bill amends that section to also require police to notify a legal aid organisation for the child. These amendments aim to ensure that an application for bail can be made for the child as soon as possible by enabling and supporting that relevant people including a parent and a lawyer are organised quickly. Clause 13 of the bill requires a child who is arrested and in custody to be brought before the Childrens Court as soon as practicable and within 24 hours of arrest. This is designed to limit the time a young person spends in custody awaiting an appearance.

Turning now to the provisions that remove legislative barriers to enable young people to be appropriately granted bail, we heard from stakeholders that the existing bail decision-making framework for children is confusing and difficult to apply. This is because the Bail Act applies, subject to the Youth Justice Act. It can be difficult to work out which provisions or parts of provisions apply in an individual case. The bill aims to clarify the decision-making framework. Clause 10 of the bill amends section 48 of the Youth Justice Act to provide a clear presumption of release. This presumption can be rebutted when there is an unacceptable risk that a child will: fail to appear in court, commit an offence, endanger the safety or welfare of a person, or interfere with a witness or obstruct the course of justice.

The concept of ‘unacceptable risk’ exists in the current section 48 of the Youth Justice Act and is not new. The new section 48AA provides guidance to decision-makers about what a police officer or a court should consider when working out if there is an unacceptable risk. For example, when deciding whether there is an unacceptable risk that a child may commit an offence if released on bail, the nature and seriousness of the anticipated offence and likely impact on a victim and the community must be considered. Children are impulsive and may not consider the consequences of their behaviour. There might be a risk that a child may commit a minor offence on bail but this may not be sufficient to justify remanding the child in custody.

The bill makes it clear that a court or police officer must not decide there is an unacceptable risk only because the child does not have accommodation or family support. Detention is not an alternative accommodation option for a child. Currently, if a court does not have enough information to decide whether a child should be released then it must keep the child in custody while information is gathered. The bill amends this so that a court may release the child while this occurs.

New section 48AD is a significant new insertion. It provides that even if there is an unacceptable risk of one of the matters in section 48, provided the community will still be safe, a court or police officer may still release the child in certain circumstances. This recognises that for some children it may not be appropriate to remand them in detention. This includes, for example, children under the age of 14 and those who need medical assessment, treatment or disability supports.

We also heard that when children are released they are often subjected to intensive conditions that may not be necessary to manage the risks in an individual case. Many of the children who come into contact with the youth justice system have had limited structure and supervision in their lives. For some young people, intensive bail conditions are more likely to be breached, resulting in remand and detention. Clauses 15 and 16 of the bill amend the Youth Justice Act to require conditions to be tailored, appropriate and targeted to manage the actual risks for an individual child.

Importantly, the new section 52A provides that a condition must not involve undue management or supervision of the child, having regard to the child's age, maturity, cognitive ability and developmental needs, health and any disability as well as the child's home environment and ability to comply with the condition. The amendments require the court or police officer to specify the duration that a condition applies. This must be no longer than is necessary to mitigate the identified risk.

Clause 18 of the bill inserts a new section 49A that requires police officers to consider alternatives to arrest when responding to young people who breach bail conditions. While breaching a bail condition is not an offence for a child, a child can still be arrested under the Police Powers and Responsibilities Act and returned to custody, for example if they break a curfew that was imposed as a bail condition. New section 59A provides a discretion based framework to guide police in their response to a child who breaches a bail condition and recognises that there is a continuum of breaches. Police will have options to take no action, issue a warning or make an application to vary or revoke a child's bail. Where appropriate, police may still arrest a child who has breached bail. Thank you for your time. We are happy to answer any questions that you may have.

Mr LISTER: Mr Hegarty, am I right in understanding that at the time the work on this bill was commenced by the department your department was not in existence?

Mr Hegarty: Yes, that is correct.

Mr LISTER: When did the government direct that work commence on preparing this bill?

Ms Giles: As part of the youth justice strategy that was released in December of last year the government committed to commence a review of the Youth Justice Act in 2019. Work commenced at the time that strategy was released on that review. Early in the year consultation was undertaken with stakeholders on some preliminary proposals and the decision was made by the government to progress with these priority amendments that are included in the bill at this stage.

Mr McDONALD: I appreciate the presentation. I was a little bit confused by the appointment that was made on 17 May by the Premier of Deputy Police Commissioner Bob Gee as the director-general for the Department of Youth Justice. That happened on 17 May and we have already a piece of legislation regarding that department. I thought it would have been sensible to have the new director-general have a look at it before it came to the parliament. Could you comment on that? Has Deputy Police Commissioner Gee been part of the development of the bill?

CHAIR: Jim, that is not an appropriate question because you are asking a question about policy.

Mr McDONALD: Could I ask—

CHAIR: I am not sure if you can ask, but you can ask a second question.

Mr McDONALD: Subject to your clarification.

CHAIR: Or my ruling.

Mr McDONALD: Has Deputy Commissioner Gee been involved in the development of this bill?

Ms Giles: Absolutely.

Mrs McMAHON: Thank you very much for your work. It is across a number of pieces of legislation and it tries to get different threads together to come up with a streamlined system or an understandable system. I know that it is quite difficult. I am interested in the decision around bail for children. I have some experience as a watch house sergeant with questions of bail. For clarity's sake, with this new section, when bail is being considered what happens when a child has no accommodation? I understand the statistics that we have on children who are currently on remand because of accommodation and their welfare. How will this amendment make decision-making easier? What are the support structures for when someone is considering bail but the child has no accommodation?

Ms Giles: Firstly, I think it is important to clarify that the amendment is that the decision cannot be made that there is an unacceptable risk solely on the basis that a child has no accommodation or family support. That does not mean that a police officer or a court cannot be satisfied that a child is at an unacceptable risk that they will commit a further offence. It is just not solely on the basis of there not being accommodation.

Those provisions were modelled on some amendments in other jurisdictions, including most recently in the Northern Territory. The idea is that there would be other things put in place to arrange accommodation—the idea about contacting a parent early so that work can be done to support a child's family so that the family may be in a better position to accommodate the child. The information-sharing provisions in the legislation are new as well. They are aimed at enabling government and non-government entities that have information about a child to work together before an application for bail is made to put a plan in place. That could include appropriate accommodation for a child.

Mrs McMAHON: Do you have any examples of where the current structure of information sharing has been a barrier to that? Do you have some examples of where the information sharing has not been able to occur so the default position has been, 'We haven't got the information, so we'll keep the child in custody'?

Mr Hegarty: Sure. There is a whole range of examples that we could use, but some that spring to mind immediately relate to a young person who may have been assessed with a disability or a health issue that is impacting on their ability to comply with conditions. That information has not always been available to us via the health practitioners or the disability practitioners. Can I also say that they have not always been at the table for those conversations. That is a different issue. We certainly have circumstances where intellectual functioning and developmental capacity have not been available to the discussions that have informed those bail decisions.

Assistant Commissioner Codd: There are a number of issues of interest to us in terms of operationalisation that are still yet to be clarified. In terms of implementing the legislation, I understand that there is a commitment for those matters to be considered. It is a concern from our perspective that we know that watch house keepers and people who make those decisions are sometimes left in the unenviable position of trying to make decisions about the release on bail. We fully support the notions of the sections that are in the proposed legislation.

What we have not got clarified to date—and we will need to in the practical application of this—is where that leaves the police officers when they have some concern about the release of a child purely because there is not an available guardian or perhaps they are homeless. We still have a duty of care with respect to those people. The issue here is about what alternative arrangements can be made to the undesirable issue of them being kept in a watch house.

We will need to clarify that scenario. I know of stories throughout Queensland—and I am sure you do—of police officers accommodating people in their own homes and them sleeping in police stations. This is an issue that will need to be clarified to enable us to fulfil our duty and support for the notion of not using watch houses for that purpose.

Mr Hegarty: That is very much the work that is in progress with our colleagues from the QPS at the moment. There is a range of after-hours functions particularly that need to be put in place to support these arrangements, not the least of which is a hotline available for police with respect to other provisions. The work that we are doing at the moment is really around several functions that need to be provided after hours, one of which is the ability to put police directly in contact with the network of bail support services that have been funded by the government and are available around the state. At the moment they are disconnected; they are not connected to the police with respect to their availability in those circumstances.

The commitment that we have provided in accordance with the implementation of this bill, should it proceed, is to resolve that issue, connect those vital support services and have them connected to the 24-hour hotline that will be available for police.

CHAIR: Can you tell the committee how the charter of youth justice principles, in particular those provisions to be amended by the bill, impacts on actions in the youth justice space?

Ms Giles: The charter of youth justice principles applies across the administration of the act as a whole. They are principles that also apply across the youth justice system as a whole. The bill proposes a couple of changes to the youth justice principles, including clarifying that proceedings should be dealt with as quickly and as promptly as possible and clarifying that priority should be given to a young person who is held in detention. Those two in particular go to that first objective of the bill in reducing the time it takes for proceedings to be finalised. As I said, they will apply across the youth justice system as operating principles.

Some of the other principles that are new came through consultation with stakeholders making suggestions to us about how the principles could be strengthened and improved. A number of them build on principles that appear in other jurisdictions, including in New South Wales. They include recognising that, as far as possible, a child's engagement in education, training or employment should not be disrupted and, as far as possible, a child should be given the opportunity to stay at home.

There is also a change being made to the current principles, in principle 17, that detention should be a last resort. That was raised by consultation with a representative from the Bar Association who suggested that we should clarify that that principle applies not only to sentence but also to children on remand.

CHAIR: We now have Stephen Andrew on the phone. Thanks for joining us.

Mr LISTER: In looking at clause 13, my understanding is that if a youth is picked up and charged with an offence and they are in custody, they need to be put before the court within 24 hours. I am looking here at the wording which says 'within 24 hours or as soon as possible on the next day the court can be practically constituted'. Can you please tell me what is meant by 'practically constituted'? What are the considerations there?

Ms Giles: Thank you for the question. The considerations are that children need to be brought before a Childrens Court. The next day that a Childrens Court can be practically constituted is what is intended by those provisions. It is intended that that would be within 24 hours, as the provision provides. Of course, that may not be possible if it is a public holiday or if it is in a location where a court is not able to be constituted, on a Sunday for example. It allows for the operational requirements of the courts.

Ms McMILLAN: In relation to children being brought before the Childrens Court, can you explain to the committee when amended section 50 would apply?

Ms Giles: I am just trying to work that out, sorry.

Ms McMILLAN: That is okay. Clause 14 proposes to amend section 50. Have you got it?

Ms Giles: Yes, and then 50(1) (c) says 'section 49 applies in relation to the child, but the child has not been brought before the court in accordance with that section'.

Ms McMILLAN: Yes.

Ms Giles: I think clause 14 is just updating section 50 to take into consideration the necessary changes in the provision flowing on from the amendment to section 49. It is just inserting the relevant section numbers.

Ms McMILLAN: If the bill is passed, how long afterwards is it expected that the detention centre employees would be wearing body worn cameras, and when would those audio recordings be available to us or to the police and public et cetera?

Mr Hegarty: The body worn cameras are currently being trialled in both of the detention centres and we are awaiting some vests and other material to implement along with the legislative amendments that are included here. To answer your question, without being able to put a specific date on it, we would expect operationally to be ready to implement the cameras in the third quarter of this calendar year, so sometime between the end of July and September.

Ms Giles: It is useful to clarify that the provisions in the bill relating to CCTV and body worn cameras are proposed to commence on assent. The recordings and information collected from body worn cameras would be confidential information under the Youth Justice Act. They may be available under a right-to-information request, depending on the nature of that request.

Mr McDONALD: The bill proposes to amend these acts, and one of the goals is to reduce the period in which proceedings in the youth justice system are finalised. I am struggling to find something in the bill that will actually assist in seeing the youth justice system finalised. I understand there is an expedition in terms of getting children before the court in the first instance. I am interested to understand that, but I am also interested in terms of the issue of all suspects and the questioning of children where police are required to notify a legal aid organisation that the child is in custody. Are all accused children automatically eligible for legal aid?

Ms Giles: I will take your first question first. There are a number of things in the bill that go to reducing the time it takes for proceedings to be finalised. The first of those two changes, as I already mentioned, are to the principles in the youth justice charter, so making it clear that proceedings should be finalised promptly and giving priority to young people who are in detention. The second suite of proposals is around the amendments to the Police Powers and Responsibilities Act, so strengthening the existing requirement for police to contact a child's parent and to make reasonable inquiries to do so and contacting a legal aid organisation when a child is in custody. Those things go to enabling parents and lawyers to be put in place promptly so that an application for bail or proceedings can be commenced promptly.

The third thing is the changes to pre-sentence reports. At the moment the legislation requires—the wording is a little bit strange. It is like a double negative. It says they need not be provided within 15 business days to a court after they have been ordered. That is interpreted to mean a minimum of

15 days—which is three weeks, basically—that proceedings have to wait after a child has pleaded guilty before a matter can be brought on for sentence. We have removed that minimum requirement, given the court the discretion to make an order on how quickly those reports should be provided and also enabled a report to not be a whole new report but to be an update of an existing report that a court might have already considered and also to think about whether or not a report is actually required and whether there is some other way the court might better get the information it needs. That is the package of things that go to trying to reduce the time that it takes for a proceeding to be finalised. I have forgotten what your second question was.

Mrs McMAHON: It was in relation to legal aid.

Ms Giles: I understand that children are generally eligible for legal aid, although there might be some nuances depending on whether they are eligible for another application for bail, but the legal aid organisation will not be limited to Legal Aid Queensland. There is currently a definition of 'legal aid organisation' in the Police Powers and Responsibilities Act that includes ATSILS, so the Aboriginal and Torres Strait Islander Legal Service for Aboriginal and Torres Strait Islander people and Legal Aid Queensland for other purposes, and we will define that by regulation so we can, if we need to, include other organisations in that definition.

CHAIR: Does that include YAC?

Ms Giles: We will work that out.

CHAIR: Going back to pre-sentence reports, and perhaps this is getting a little bit too detailed, the explanatory notes state, and you have mentioned it a couple of times already, that there are other ways of obtaining that information. Without putting words in your mouth, can I take from that that the lawyer who is appearing for the young person could basically provide that information because they would have perhaps, on a simple matter, access to that information and also with the department?

Ms Giles: That is correct. We heard during consultation earlier in the year that pre-sentence reports have become almost a matter of course and are perhaps ordered in cases when they are not necessary and that adds to the time that it takes for a matter to be finalised when there could be other ways that a court could get the information that it needs through the examples that you just provided. It could be from the child's legal representative, from a child themselves or from Youth Justice who are present in the proceedings verbally giving information to the court.

CHAIR: Pardon me if I have missed something in the bill or the explanatory notes, but I understand that from a practical point of view sometimes a magistrate will not deal with a matter where, for example, the parent or guardian has not presented to the court. Is there anything in here that will help streamline that issue?

Ms Giles: There are a couple of things that we have been trying to do. One is the strengthened requirements about police contacting parents and reasonable inquiries to do so. Sorry, I have lost my train of thought. I will have to come back to you.

CHAIR: Around that particular issue of parents or guardians being present in the court, is there anything within the bill that would allow, for example, the matter to be dealt with when the lawyer can advise the court that all attempts have been made to contact the parent or guardian or person so that the matters are not delayed in being processed? Magistrates have a tendency to adjourn things which then delays the person charged from progressing through the system but also getting, for want of a better description, out of the system, especially those juveniles who are on remand.

Mr Hegarty: Absolutely, we agree. I think the documentation that the amendments include here with respect to the efforts made by police will be made available to the court to support that process. There are a couple of other initiatives under the youth justice strategy that have been implemented about bringing parents into the fold more frequently, and the notion of the contact with the hotline with respect to the legal representative and the parent also applies in terms of that information being shared with Youth Justice who would be actively doing the follow-up with the parent to get them to court of a morning as well.

Ms Giles: I found my train of thought. There is also an amendment in the bill around when police issue a notice to appear to a child. The current requirement is that the notice to appear has to be returnable to a court that is sitting as soon as possible. What the magistrates raised with us is that they quite often have kids who find it difficult to get to that court because it might be some distance away from where the child actually lives and also parents may find it difficult to get to that court if it is some distance from where they live, particularly if people do not have enough money to catch public transport or get themselves to court. The proposed amendment in the bill requires police to think about not only the timeliness of a court sitting—so where that notice to appear is returnable—but also where it is most accessible to a child and their family to attend.

Mr McDONALD: I appreciate the presentation. I am very interested to understand how the requirements of this bill will change the existing operational dealings with young people on top of the requirements police officers already have in terms of safeguards. There is obviously one clear addition, and I am very interested to hear if there are any incidents where there has been failing by police to provide sufficient safeguards.

Assistant Commissioner Codd: Thank you for the question. I am aware from the explanatory notes that the desire to strengthen the processes around notification apparently came from stakeholders' responses to the effect that that had occurred. Can I assure you that under existing arrangements within our policy settings and operational procedures manuals those things are required to be done already, and the fact is that if they are not done they can constitute a breach of our act that is required to be reported and acted upon. None, to my knowledge, have been brought to that degree.

The requirement for it to be legislative is speaking about strengthening it. I am not aware of how that obliges our officers to do anything other than now making it a breach of legislation because it already exists, and the process that we would adopt in doing it if there was a breach would be by the very same provisions under our act that require a breach of discipline or misconduct to be rectified.

The other side to it is the notion of recording and reporting efforts to do so. That is already done. If it is not done it is not being compliant with our procedures. The problem for us is that it is currently recorded in things such as our custody index on QP9s and in officers' notebooks. It is not currently recorded in a way that easily allows the aggregation and reporting, and to do so through our QPRIME system would be inordinately expensive and a difficult thing to change for something that we are yet to see the impetus for what it might achieve.

Mrs McMAHON: In your opening remarks you made reference to the new clause 15 and 16 and making bail conditions now more suitable and I guess customised to the individual child. You said that there had been instances of intensive bail conditions I think was the term that you used. For the benefit of the committee are there any examples in talking to the stakeholders about what were considered intensive bail conditions that were perhaps excessive for the risk or excessive and imposing for the child and therefore increased the likelihood of a child breaching bail where the bail conditions were inherently unnecessary?

Ms Giles: The one that was often talked about by stakeholders we consulted with was the inclusion of a curfew, particularly when young people do not have a history of offending in the evening or that is not a particular issue for that young person. Certainly what stakeholders told us when we consulted with them was that they have seen increasing intensity in conditions that are put on bail as part of a bail release for a young person and often that there are packages of things that are included almost as a matter of course rather than actually thinking about what the particular risks are for an individual young person and what might be necessary to be put in place for them to reduce the risk of them committing another offence or not appearing in court.

Some of the things also that people talked about were requirements to stay at a particular address, to be there at certain times throughout the day, which can be problematic for a young person whom Youth Justice or other non-government organisations are working with trying to get back into school, engage in a training program or engage in employment. They also talked about conditions being rolled over just as a matter of course every time a young person appears when their matter is called on in court, rather than the court thinking about whether or not those conditions continue to be necessary. That is why we have included the requirement for a time to be placed on conditions. Obviously, if proceedings continue for up to 12 months, for example, those conditions can become, whilst not intensive at the outset, intensive over time.

Mrs McMAHON: Would you say that previously some of those bail conditions would be almost punitive in nature rather than actually addressing the alleged offence or the risk of the behaviour of the child?

Ms Giles: The things that stakeholders talk to us the most about are the things that need to be done to support a young person to stop them reoffending—getting them back into school and engaging in social activities, training or employment. Sometimes conditions put on bail can hamper those efforts to engage in society. Darren, you might want to add something.

Mr Hegarty: The only thing that I would add is that stakeholders regularly reference the cumulative effect of the bail conditions. It is not uncommon for there to be 30 to 32 conditions on one young perpetrator. It is the cumulative effect of those conditions, as opposed to a single condition necessarily being restrictive.

CHAIR: That brings to a conclusion the briefing. Thank you, Mr Hegarty, Ms Giles and Assistant Commissioner Codd for appearing today. Thank you to the secretariat staff and to Hansard. A transcript of these proceedings will be available on the committee's parliamentary web page in due course. I declare this public briefing for the committee's inquiry into the Youth Justice and Other Legislation Amendment Bill 2019 closed.

The committee adjourned at 11.47 am.