



## Speech By **Dale Last**

**MEMBER FOR BURDEKIN**

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Record of Proceedings, 20 April 2021

### **YOUTH JUSTICE AND OTHER LEGISLATION AMENDMENT BILL**

 **Mr LAST** (Burdekin—LNP) (6.18 pm): I rise to speak to the Youth Justice and Other Legislation Amendment Bill 2021. I state at the outset that, whilst the LNP will not be opposing this bill, we do have some serious concerns regarding its effectiveness in addressing the current and long-running youth crime problem in this state. I also want to flag to members that I will be introducing amendments to this bill and, not surprisingly, these amendments centre on the application of the Bail Act to all offenders regardless of age. I table a copy of those amendments.

*Tabled paper:* Youth Justice and Other Legislation Amendment Bill 2021, amendments to be moved by Mr Dale Last [517](#).

*Tabled paper:* Youth Justice and Other Legislation Amendment Bill 2021, explanatory notes to Mr Dale Last's amendments [518](#).

*Tabled paper:* Youth Justice and Other Legislation Amendment Bill 2021, statement of compatibility with human rights contained in Mr Dale Last's amendments [519](#).

The reason the opposition will be calling for an amendment to section 29 of the Bail Act is simple: we believe that the provisions of the Bail Act should apply equally to adults and children. At the present time, by virtue of section 392(2)(a) of the Bail Act, children are precluded. That of course has meant that we have juvenile offenders running around the state committing offences at will, disregarding conditions of their bail undertaking and thumbing their noses at the law. Breaching your bail undertaking should be an offence, and if those opposite are serious about addressing the youth crime problem in Queensland they will support this amendment.

This bill falls a long way short of addressing the youth crime issue plaguing this state. I could talk about the need for early intervention, the need for more support for the families of these young offenders, truancy, the gaps in the system at point of release and the poor record in rehabilitating these young offenders, but this bill does not mention any of those initiatives for intervention strategies. What I will say is that there needs to be consequences for actions and there needs to be accountability. Queenslanders expect nothing less, and as the shadow minister for police I will stand up for the victims of crime in this state and I will put on the public record my quest to ensure public safety remains paramount in Queensland.

As we now debate this government's fourth attempt to tackle the issue of youth crime—and others—we need to face facts. Last week I attended the Queensland Police Union's National Youth Crime Symposium. In their cameo appearances at this symposium—that is all it amounted to—both the Minister for Police and the Minister for Youth Justice told those gathered that the problem is under control—and we have heard that again here tonight—that the crime rate is reducing. They alluded to the fact that the issue is a beat-up and that people are overreacting. Many times now I have challenged the Minister for Police—and I will extend the same invitation to the Minister for Youth Justice—to front up in Townsville and tell residents and business owners that they are overreacting or stand up in Cairns and say the crime rate is down and everything is under control.

These facts are taken directly from the Queensland Police Service website. Townsville has seen a 79.7 per cent increase in the number of juveniles charged with unlawful use of a motor vehicle in just one year to the end of 2020. Unlawful entry charges against juveniles in Townsville were up 72 per cent in 2020 as opposed to 2019. In Cairns for the same period the number of juveniles charged with robbery was up 55 per cent. On the Gold Coast unlawful entry charges against juveniles were up 106 per cent. In Ipswich the number of juveniles charged with stealing cars was up 53 per cent and in Logan it was 77 per cent. That is in just one year—hardly a situation that is under control. Most of all, though, let us note that eight Queenslanders have lost their lives as a direct result of youth crime and many, many more are lucky to be alive.

Let us for a moment put aside the statistics and the attempts by this government to downplay what can only be described as an epidemic of crime. Let us look at the legislation before this parliament. I attended the committee's public hearing in Townsville. After hearing the evidence presented on that day I fully expected the minister to come into this place today with a fistful of additional amendments that reflect what the community wants to see when it comes to addressing youth crime in this state. Many of these juvenile offenders come from dysfunctional families. Many are under the care and protection of the Department of Child Safety. Some of these young offenders do not have a permanent place of residence. That is right: they live on the streets. How do I know that? Because I was a mentor at the Cleveland Youth Detention Centre and I came to know their stories and the life history of many of these young offenders intimately. It is not a story that is pretty to tell. In many cases it is a horror story for many of these young offenders.

I am not sure what world those opposite are living in, but I can assure you that most of the chronic recidivist offenders, the hardcore group referred to by the minister who are ripping the heart out of this state, are tough nuts. They know the law inside out. They do not care what consequences their actions cause. In some cases they have multiple findings of guilt. Are they going to wear a GPS tracking bracelet? No, they will not. Will they cut the bracelet off? Yes, they will. Let's not forget that the cohort responsible for the majority of crime in this state, the 15-year-olds, are not included in this trial and therefore will not be eligible for GPS tracking. Unlike adult offenders, there is no offence committed if these juvenile offenders cut their bracelets off.

Clearly, the minister needs to provide more clarification on the new section 52AA, the section that refers to GPS tracking. Firstly, we need to ask why less than half of the recidivist offenders aged 17 or under will be eligible for this trial. I note the requirement for a suitability assessment report to be completed prior to the granting of bail with a tracking device condition. The minister needs to clarify what additional resources will be made available to ensure these reports are completed in a timely manner and also advise whether the offender will be held in custody until the report is completed.

Unfortunately, the LNP's questions surrounding the minister's plan for GPS tracking do not stop there. Less than two years ago media reported on issues plaguing the rollout of GPS trackers for domestic violence offenders. Questions were asked about whether they were monitored in real-time, and it was revealed that monitoring was undertaken by a company in England. Furthermore, we saw delays of up to five days to make a unit available for an offender on the Gold Coast—let alone in Townsville. Minister, Queenslanders deserve your assurances that lessons have been learned. They deserve to know what steps have been taken to prevent a recurrence.

Perhaps the most concerning aspect of this particular section is the seriousness of the crime the offender is charged with prior to being eligible for GPS tracking. The majority of Queenslanders are appalled that these amendments mean we will wait for a convicted offender to seriously injure or make serious threats to a person's safety before they are eligible to be tracked. While the legislation refers to section 315A or section 339, among others, many Queenslanders will be—and those on this side of the House are—appalled that those sections refer to actions like choking, suffocating or strangling a person in order to commit an indictable offence. They are not petty offences and must be seen for what they are: well and truly on the serious end of the scale of offending.

It is well worth remembering that those offences that are serious enough to make an offender eligible for GPS tracking—subject, of course, to them being of an eligible age, in an eligible area and deemed suitable via a suitability assessment report—also make an offender eligible for the presumption against bail to apply. What we are seeing here again is the government giving the impression they are taking action whilst in reality we await the alleged commission of a serious offence prior to action being taken to ensure the safety of the community.

As yet another example of what this government sees as a reason to treat offending seriously—or as they refer to it, a prescribed indictable offence—I refer to section 408A(1), namely, unlawful use of a motor vehicle. Moving on to proposed section 48AA(4)(a), does the minister honestly believe that

parents or guardians will notify the chief executive or a police officer of a breach of conditions imposed on a grant of bail for their son or daughter? Further, I ask the minister what repercussions are faced by those people who, in the course of applying for bail, offer this support and then fail to do so. What accountability mechanisms are in place to deal with that situation?

Furthermore, section 48AA(7) states that a lack of accommodation and/or family support cannot be the sole reason for keeping a child in custody. For example—and I know this is the case—a 17-year-old offender living on the streets with no family support can be granted bail and expected to comply with the conditions of that bail undertaking despite having nowhere to live and no family support. Is that not a recipe for disaster?

The amendments to schedule 4 of the Youth Justice Act illustrate perfectly where these amendments fall short. We can no longer believe that these recidivist young offenders are not aware of the consequences of their actions and the law as it relates to them. As Mr David Fletcher said at the committee hearing in Mount Isa, ‘These kids are not dumb. They know their rights and they know what they can get away with.’

If this minister and this government think for one second that deeming only the driver of a stolen vehicle guilty of a prescribed indictable offence is appropriate, then they have confirmed how out of touch they really are. Remember, we are referring to offenders who have already been convicted of an offence. It beggars belief that where someone sits in a stolen vehicle determines whether they are a risk to the community, but sadly that is the reality of the legislation we are debating here today.

There is a very good reason for moving the amendments in my name here today. Despite repeated calls from submitters and witnesses during the committee process, the minister has ignored the need for the provisions of the Bail Act as they relate to bail to apply to juvenile offenders. One only has to read the testimony of Mr Brett Geisler at the Townsville hearing. Here we have a former police officer who, in his words, lost the lady who may have been the mother to his grandchildren. As Mr Geiszler said—

Breach of bail needs to be restored as a criminal offence immediately, and it needs to be a serious criminal offence that carries incarceration. We are not talking about kids who have not been given a chance. As a police officer, I cautioned kids time and time again before I went to a power of arrest. Once they go before the court, they are then admonished and discharged once, twice or maybe three or four times before even a conviction is recorded. Then we start the process of, ‘Okay, now we have a conviction,’ and some of the more serious matters like presumption against bail can even start to apply. This legislation goes nowhere near far enough to making our community safe because the police right now know these offenders are out on the streets. They know the recidivist offenders.

The question for the minister is: why must we wait for more people to be hurt, for more stolen cars to be driven at high speed on our roads and for more robberies before there is even the slightest chance that there will be a presumption against bail or the use of GPS tracking if bail is granted?

I move on to the other main areas of this bill. In broad terms, the LNP supports the amendments to the Police Powers and Responsibilities Act 2000 for the purposes of addressing hooning offences. Just like the youth crime epidemic, serious hooning is something that our community has had enough of. It is a fact that this year we are on track to see more people lose their lives on our roads than ever before, and I support steps to crack down on dangerous behaviour that puts lives at risk.

One aspect of the amendments relating to hooning is the creation of an offence for failing to provide information relating to the identity of a driver of a vehicle or information that may assist with the identification of the driver. The maximum penalty for this offence is 100 penalty units or \$13,345 using the value set in July 2020, as it should be.

When it comes to amendments focused on allowing a trial of handheld scanners, the LNP also offers its support. This is particularly relevant when you read in today’s paper that a 10-year-old was found out in public with a knife. We have scanning for knives and other similar items introduced at airports. As legislators, we need to ensure our police officers have the powers and the authority to address what is becoming a growing problem in all of our communities. I would add, however, that this problem is not unique to the Gold Coast; it is occurring across the state. The question I would like answered by the minister is: why was the trial not extended to all the safe night precincts across Queensland?

Earlier I referred to crime statistics sourced from the Queensland Police Service website, and those statistics tell a sorry story. Here is a sobering statistic: 4,111 juveniles were charged with unlawful use of a motor vehicle in the local government areas of Townsville, Sunshine Coast, Logan, Ipswich, Gold Coast, Cairns and Brisbane in 2020, during the COVID pandemic, and those opposite would have us believe that they are on top of it. There is a 13-year-old juvenile offender in Townsville right now with 130 matters against him—I repeat: 130. As a senior detective said to me, ‘Custody of these young

offenders gives the community respite because there are no other programs out there that can prevent these offenders from committing further crimes.' Isn't it a disgrace that in this day and age we have to rely on these kids being locked up to give the community respite?

As a former police officer, I know that cars are rarely stolen by one person, so let us use the number of 1,500 stolen vehicles in those locations last year. Just yesterday a well-respected insurance industry figure told me that the average value of an insurance claim for a stolen vehicle was \$20,000. Using those figures, there is \$30 million of economic damage to the Queensland economy, and that is assuming that all owners are insured, and sadly many are not.

Let me share this story with the chamber tonight of a single mum in Townsville last year whose car was stolen. She was a battler doing a great job bringing up her kids, but she could not afford insurance on her car which was stolen and burnt. We can only imagine the difficulties that presented to her in getting kids to school, doing grocery shopping and going about her everyday life. That is the reality of what is occurring in this state at the moment.

The cost of this youth crime epidemic is about more than money, but the illustration gives an indication of the mountain we must climb. We have seen this government flip-flop on youth crime for too long, and those actions have undoubtedly played a part in making the mountain we need to climb grow higher and more difficult. Our communities have been the victims of Labor's amendments to help young people stay out of detention. Every day, Queenslanders have borne the consequences of 'detention as a last resort', and sadly today there are families and friends in this state who have lost loved ones.

Those opposite are talking a big game when it comes to addressing the juvenile crime problem in this state. They can talk about reductions in crime levels and fewer juvenile offenders in the justice system. However, the fact remains that in some areas of this state juvenile crime is still out of control and public safety is at risk.

I remind all members of this House that it took a tragic event that saw three people lose their lives before this government acted. I remind all members of this House that on the same day the government announced these changes the LNP agreed not to oppose those changes but noted that the amendments do not go far enough. Today I stand by those comments. It is obvious that more needs to be done. No longer can we as representatives of our communities stand silent while lives are lost, while people's lives are turned upside down and while, according to this government, just over 300 recidivist young offenders cause so much damage and despair.

If those opposite are fair dinkum about addressing juvenile crime in this state, they will support my amendments, because without holding these young offenders to account we risk more carnage and potentially more lives being lost because there are no consequences for the actions of these recidivist offenders. We have a chance today to take the first step in addressing the youth crime epidemic gripping this state. It is the words of Mr Gary Osman at the Mount Isa committee hearing that sums up where we are and why we must take action. He said—

Complex, historical, evidence based factual data shows the underlying reasons we have record levels of youth crime spiralling out of control. Record arrests, remands, detentions and overcrowded police cells show a complete failure of the justice system to appropriately sentence offenders.

The LNP will not be opposing this bill. However, these amendments are but a small step in what will be a very long journey in addressing youth crime in this state. Queenslanders have had enough. They are sick and tired of their homes being broken into, their motor vehicles being stolen and the dangerous driving on our streets. There is an opportunity here today for the minister to table amendments which show they are serious about addressing youth crime in this state. Time will tell whether those amendments meet the expectations of Queenslanders.

This is a complex problem. This is a problem that is going to take a collaborative approach by all levels of government and all levels within government. I talked about this at the police union symposium last week—about the link between truancy and juvenile crime, about the need for early intervention and the need to work with dysfunctional families. As I said, you could go to any school in this state tomorrow and ask the school principal to identify those kids who are most at risk, those kids who are likely to go down the wrong pathway of a life of crime, and they could point them out to you. Why are we not targeting those kids now? Why are we not working with those families now to divert them from custody? Clearly, what we have been doing up to this point has not worked.

Much more work needs to be done in terms of the supervision and the rehabilitation of these young offenders upon their release from incarceration. You simply cannot release a juvenile offender, particularly one of these chronic young offenders that we refer to, back into their home environment and back onto the street and expect they will suddenly be diverted from pursuing a life of crime.

There is a lot of work that needs to be done up until this point—and this was a key topic that was mentioned at the symposium—in that we need to stop working in silos within this state. There are government departments of education, health, youth justice, child safety and Queensland Police. There are multiple government departments with a role to play in this space and they need to work collaboratively to address this issue. If they do not, we will be standing here in 12 months, two years and three years time talking about the same issues and the same problems in Queensland.

This is not an easy problem to fix and it is going to take some tough decisions. This is a start tonight with this youth justice bill, but it is a very small step, as I said, in what is going to be a long journey in solving this problem.