

Youth Justice Reform Select Committee inquiry into youth justice reform in Queensland

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PRIVATE SUBMISSION FROM RD PACK-RETIRED DISTRICT COURT JUDGE

I will undoubtedly traverse many matters that have been addressed by the Commission. I put forward a primary submission that in my opinion the variety of issues require supervision from a permanently established body that has ongoing management of numerous separate issues. Its duty broadly would be to design, implement and when appropriate enforce solutions. The body should be apolitical. Everyone who can recall state elections is unable to remember any that did not include the assertion the incumbent government is soft on crime. It is trite to say many of the youth offenders have background facts which have often been ignored before offenders come to the attention of welfare or police services. I use this merely as an example- is there not a case to suggest a body not distracted by political issues might be able to suggest improvements? I am sure there is no one solution for improvement that fits all. The issue is complex. What has relevance in one part of the state will have little relevance in another or other parts of the state. Whatever one's political colour, it can be safely assumed it is common ground that reducing criminal activity is necessary and that a need for improvement should not be an issue. So would the community be best served with a body that has ongoing responsibility.

I am inclined to think such a body would have a better capacity to deal directly with the very many organisations involved with trying to assist vulnerable youth. One such organisation is Ruby's House (now operating for 30 years). Young people aged 10-17 years are involved upon referral from families, schools, police, medical professionals, and government service providers. It is said that this has been successful in the maintenance of family stability. I know a retired Judge living in Cairns who acts as a mentor. There needs to be an overview of what services are available and where, with a sufficient contact to be aware of closure or expanded services.

I should record that in the 12.5 years on the Bench, I of course considered custodial sentences for juveniles and was therefore required to seek a pre-sentence report. The difficulty in imposing a custodial sentence is that every one of the reports I received recommended against a custodial sentence. I have been retired for 13 years, so if this is relevant, statistically up to date particularity could no doubt be obtained from the Chief Judge. It is not the sort of statistic that is not likely to have been recorded.

There is little or no point in changing last resort legislation before there is a capacity to accommodate those offenders -I share the opinion of many that unoccupied space in watchhouses is not the solution.

There may well be a need to enhance the knowledge of judicial officers on sentencing options. How are youthful offenders with intellectual disabilities treated? How are drug dependent offenders treated? Has the Commission been informed of the open-door policy at Nhulunbuy where offenders who demonstrate some attraction to obtaining employment are able to do so. If employed, they pay some of their income to the government for board and lodging. Some remain in employment upon completion of their sentence.

Detention where a prisoner is provided with an opportunity to obtain a skill to enhance employment prospects and placements is obviously desirable. The Townsville Prison at one time offered trade courses. Prisoners on release returning to Communities with qualifications could only help those Communities.

I do not agree that there is no place for “boot camps”. There needs to be some kind of certification that a course of that kind-known to be onerous has been completed successfully. There should be a process to identify perhaps only a small number of suitable candidates and a process that allows some competence in rural work. Some anecdotal evidence suggests there has been failure because of alcohol consumption and gambling with ringers after a day’s work. Candidates should not be selected on racial grounds.

One often hears opinions expressed that parents should be required to attend court. Those commentators may not be aware that often both parents are in prison. Advice should be available as to the practicality of a parent/guardian attending court. Interested parties will no doubt attend. Lack of supervision is obviously the proximate cause of juvenile offending. Should not Courts be empowered to make parents/carers responsible for defined duties in appropriate cases?

Personal experience includes that I had a mobile phone stolen. I decided to report it at the Townsville police station. There was a lady at the desk but only 1 officer to receive complaints on that Saturday afternoon at the city station in Townsville. He was already occupied with a complaint, and I was unable to obtain any even broad estimate as to how long it would be before a complainant waiting would be attended to, Thus I left, clear explanation-understaffing. But it gets worse. I soon after by state wide telephone reported the offence. It was with my son’s technical competence that I could advise where the mobile phone was located 2 days later and provide a precise address to which the mobile phone had been moved. Later I had a third address. No report of any kind has been given to me. This is a common experience. Only explanation -inadequate staffing. Beneficiaries-offenders.

The committee should not be recommending greater media presence in the Childrens Court. The Premier and Police Union have recently been critical of a Magistrate who excluded the media from a hearing when a 16 year old was before the Court. The case had an association with a particularly grues16-year-oldof a grandmother in the presence of a child. What was published was that the 16-year-old had handed himself into Police after which others were charged. It was said the 16-year-old was not implicated in the murder. Importantly the extent of assistance to the Police was not described. One would not require a crystal ball or clairvoyance to foresee the degree of assistance might well be placed before the Magistrate and could have a bearing on the safety of the child if described. The Magistrate had discretion and prima facie it was exercised properly. There needs to be a recommended lesson on the separation of powers.

I do not envy the Committee’s task in formulating recommendations. I am aware I have barely scratched the surface but nonetheless feel content in at least offering some contribution.

Bob Pack OAM

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