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Juvenile detention where appropriate – Juvenile Justice (Sentencing Principles) Amendment Bill 2009 (Qld)

Bill:	Juvenile Justice (Sentencing Principles) Amendment Bill 2009 (Qld)
Date of introduction:	3 June 2009
Portfolio:	Private Member's Bill introduced by Mr Lawrence Springborg MP, Deputy Leader of the Opposition, Shadow Attorney-General and Shadow Minister for Trade, Shadow Minister for Industrial Relations
Hansard Reference Second Reading Speech:	Queensland Parliamentary Debates, 3 June 2009, pp 693-694

Xanthe Paltridge
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August 2009

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Inquiries should be addressed to:

Ms Karen Sampford
Team Leader, General Distribution Research Team
Research and Information Service
Queensland Parliamentary Library
Parliament House
George Street, Brisbane QLD 4000

Tel: (07) 3406 7116

Email: Karen.Sampford@parliament.qld.gov.au

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BACKGROUND

INTRODUCTION

Media reports suggest youth violence is on the rise in parts of Queensland and that offenders' sentences are insufficient to deter such behaviour (see for example, Cairns Post, Gold Coast Bulletin, Sunshine Coast Daily).¹ As a result, the [Juvenile Justice Act 1992](#) (Qld) has come under scrutiny due, in part, to section 150(2)(e) which requires a court, when sentencing a juvenile, to have regard to the 'special consideration' that a detention order should be imposed only as a "...last resort and for the shortest appropriate period."

The principle of 'detention as a last resort' has been in operation since 1993 when the [Juvenile Justice Act 1992 \(Qld\)](#) first came into force. According to the Liberal National Party, this requirement of 'detention as a last resort' "...has undermined the sentencing principles of deterrence and community standards that the justice system is expected to deliver" (see the [Explanatory Notes](#) to the Juvenile Justice (Sentencing Principles) Amendment Bill, p 1).

The [Juvenile Justice \(Sentencing Principles\) Amendment Bill 2009](#) (Qld) (the Sentencing Principles Bill) was introduced into the Queensland Parliament as a Private Member's Bill by Mr Springborg MP² on 3 June 2009 to 'strengthen' the sentencing provisions of the [Juvenile Justice Act 1992](#) (Qld) ([Explanatory Notes](#), p 1). The Sentencing Principles Bill seeks to achieve this by removing the principle of 'detention as a last resort' and replacing it with a sentencing principle that grants the court a wider discretion in making detention orders.

REVIEW OF THE JUVENILE JUSTICE ACT 1992 (QLD)

Since its commencement in September 1993, the [Juvenile Justice Act 1992 \(Qld\)](#) has been the subject of a number of reviews and consequent amendments. The most recent review commenced in 2007 and resulted in a new round of proposed amendments as set out in the [Juvenile Justice and Other Acts Amendment Bill 2009](#) (Qld), introduced into Parliament by the Hon Karen Struthers MP³ on 19 May 2009 (click [here](#) for the Bill's status).

Although this Bill seeks to amend the [Juvenile Justice Act 1992 \(Qld\)](#) in relation to a range of youth justice issues including sentencing (such as increasing the mandatory minimum non-parole period for multiple murders), it does not seek to amend the principle of 'detention as a last resort'. An outline of the [Juvenile Justice and Other Acts Amendment Bill 2009](#) (Qld) is provided in the e-Research Brief 2009/15 - *Juvenile Justice and Other Acts Amendment Bill 2009 (Qld): Addressing Matters Raised in the 2007 Juvenile Justice Act Review and Implementing Election Promises on Youth Justice*.

As part of the most recent review, public input was sought on a number of youth justice issues that were raised in a 2007 [Issues Paper](#). A total of 174 submissions were received from a broad range of respondents and summarised in a [Consultation Report](#) that was released in early 2008. The [Consultation Report](#) does not specifically state that the principle of 'detention as a last resort' was raised as an issue of public concern. However, the Report does indicate that (pp 4-5):

- respondents were divided on the issue of sentencing and diversion;
- 124 respondents commented on sentencing and diversionary options, 50 of whom stated that the current range of options were appropriate whilst 56 stated that they were not; and
- 20 respondents called for harsher penalties.

SENTENCING PRINCIPLES UNDER THE JUVENILE JUSTICE ACT 1992 (QLD)

Section 150 of the [Juvenile Justice Act 1992 \(Qld\)](#) provides a set of principles to which a court 'must have regard' when sentencing a juvenile (ss149, 150). A copy of section 150 is provided in **Appendix A**. The court must also have regard to a number of 'special considerations' including:

- s150(2)(b) – *a non-custodial order is better than detention in promoting a child's ability to reintegrate into the community; and*
- s150(2)(e) – *a detention order should be imposed only as a last resort and for the shortest appropriate period.*

This second 'special consideration' listed above is repeated in the Charter of Juvenile Justice Principles – section 17, Schedule 1 of the Act. The principles of the Charter underpin the Act and must be considered by a court when sentencing a juvenile (ss 3 & 150(1)(b)). A copy of the Charter is attached as **Appendix B**.

SENTENCING OPTIONS UNDER THE *JUVENILE JUSTICE ACT 1992*

Part 7 of the [Juvenile Justice Act 1992 \(Qld\)](#) grants judges and magistrates power to impose a range of orders on juveniles convicted of an offence. Below is a brief outline of the main sentencing options (see also the [Department of Communities](#)' website):

In sentencing a juvenile, a court has discretion to grant one or more of the following orders:

- an unsupervised order such as:
 - a reprimand (court warning);
 - a good behaviour order (court order that a youth must be on good behaviour for up to a year); and
 - a fine;
- a supervised order, each subject to juvenile consent, such as:
 - probation (a period of supervision during which a juvenile must abide by the requirements of a probation order and not break the law);
 - a community services order (supervised unpaid community work);
 - an intensive supervision order (intensive supervision of juveniles aged 10-12 performing prescribed activities);
 - a conditional release order (suspension of a detention order subject to the juvenile participating in an intensive program of activities); and
- a detention order;
- a youth justice conference (a meeting of the juvenile with other stakeholders such as the juvenile's family, a police officer, a community representative and the victim); and
- restitution and compensation (the payment of compensation or restitution for property damage/loss incurred or injury suffered by a victim).

JUVENILE JUSTICE (SENTENCING PRINCIPLES) AMENDMENT BILL 2009

PROPOSED AMENDMENTS

The [Sentencing Principles Bill](#) proposes to amend section 150(2)(e) of the [Juvenile Justice Act 1992 \(Qld\)](#), and section 17 of Schedule 1 of the Act by deleting the references to 'last resort' and replacing them with new text as copied below in bold type:

- s150(2)(e) is proposed to read: "*a detention order should be imposed only **where appropriate and for a time that is justified in the circumstances***" (see clause 5 of the Bill).
- s17 of Schedule 1 is proposed to read: "*A child should be detained in custody for an offence, whether on arrest or sentence, only **where appropriate and for a time that is justified in the circumstances***" (see clause 6 of the Bill).

The only other amendment proposed is ancillary to the above two amendments. It concerns the deletion of the note provision in s 13(1)(a) – "*police powers of arrest preserved in particular general circumstances*" (see clause 4 of the Bill). The note draws attention to the principle under the Act of detention as a last resort and for the least time that is justified in the circumstances.

The [Sentencing Principles Bill](#) is the second Bill that the Liberal National Party has introduced into Parliament in an attempt to have references to 'detention as a last resort' removed from the [Juvenile Justice Act 1992 \(Qld\)](#). The first Bill, the [Juvenile Justice \(Sentencing Principles\) Amendment Bill 2008 \(Qld\)](#), lapsed on 23 February 2009 when the Queensland Governor dissolved the Legislative Assembly.⁴

REASONS FOR THE PROPOSED AMENDMENTS

The [Explanatory Notes](#) to the [Sentencing Principles Bill](#) state that the reasons for the Bill are to "...restore balance and community standards in the sentencing of juvenile offenders, in particular serious violent juvenile offenders" (p 1).

Juvenile sentencing statistics showing low detention rates in relation to serious crimes are cited in the [Explanatory Notes](#) in support of tougher sentencing of juvenile offenders (p 1):

- In 2007/08, only 9 out of 26 juveniles convicted of rape were sentenced to detention; none of the 35 juveniles convicted of producing or supplying dangerous drugs were sentenced to detention; and only 33 out of 147 convicted violent robbers were sentenced to detention;
- In 2006/07, only 3 out of 14 juveniles convicted of rape were sentenced to detention; and
- In 2005/06, only 5 out of 23 juveniles convicted of rape were sentenced to detention.

In his [Second Reading Speech \(p 694\)](#), Mr Springborg MP argues that:

...courts should not be held to this statement of 'detention as a last resort' when they are dealing with extremely violent or habitual juvenile offenders.

Speaking more generally on the issue of youth crime, Mr Springborg MP quotes the Australian Bureau of Statistics in stating that only 5% of juvenile offenders were given detention in 2008 ([Second Reading Speech](#), p 694). He further observes that (p 694):

- "...*violence is concentrated among young people...*" (citing observations made at the Griffith University symposium on youth violence in mid 2008);
- "...*youth violence is on the rise...*" (noting findings from an analysis of police crime statistics by Queensland Professor Paul Mazerolle of Griffith University); and
- juvenile detention is a "...*revolving door...*" (citing findings from a 2007 survey of young people in detention by the Commissioner for Children and Young People and Child Guardian⁵):
 - almost 75% of the 81 juvenile detainees that were surveyed had previously been detained with most having been detained, on average, 5 or more times; and
 - the average length of detention for over half of the juveniles was less than 3 months.

Mr Springborg MP also states that effective rehabilitation and deterrence (especially in relation to violent and repeat juvenile offenders) may necessitate more frequent use of sentences of detention and these periods of detention may need to be of greater length ([Second Reading Speech](#), p 694):

[p]eriods of detention need to be proportionate to the crime and for a period of time that ensures the offender is able to access and complete meaningful rehabilitation programs.

IEWS ON 'DETENTION AS A LAST RESORT'

Whilst there are strong calls from some parts of the community for tougher sentencing of juveniles (see for example, various newspaper articles at the end of this Brief), the issue is divisive, with other parts of the community opposing this approach. For example, the [Queensland Council of Social Service](#) and the [Youth Affairs Network Qld](#) do not support the proposal to remove the principle of 'detention as a last resort': [State election report card reveals major concerns about juvenile justice and efficiency dividend](#) (2009); [LNP Risking Community Safety](#) (2009).

[Mission Australia](#) has called upon State and Territory governments to set targets to reduce detention rates and expand diversionary programs: [Australia's approach to Juvenile Justice must change](#) (2009). According to Mission Australia, diversionary programs result in savings of up to 50 times that of keeping a young person in custody (in Queensland, it can cost more than \$200,000 a year to keep a juvenile in custody for 12 months⁶); and can reduce recidivism by more than half; and reduce serious offences by close to two-thirds: [Australia's approach to Juvenile Justice must change](#) (2009).

JUVENILES IN DETENTION IN AUSTRALIA

In Queensland, there are two detention centres – the Brisbane Youth Detention Centre (Wacol) and the Cleveland Youth Detention Centre (Townsville). According to an Australian Institute of Criminology publication entitled [Juveniles in detention in Australia, 1981-2007](#) (Technical and Background Paper No 26, July 2009), as at 30 June 2007, there were 152 juveniles detained in Queensland (p13).⁷ Only New South Wales had more detainees at 279, with the other states having less: Victoria at 49; Western Australia at 139; South Australia at 60; Tasmania at 16; Northern Territory at 34 and the Australian Capital Territory at 13 (p 13).

The same report reveals that there has been a general decline in the national detention rate of juveniles over the period spanning 1981-2007 (p 8). However, a slight increase in the rate is evident since 2004 (p 8). Specifically, in Queensland, the number of juvenile detainees per 100,000 population trended generally downwards from 32.9 in 1981 to 24.9 in 1994 until 1995 when it abruptly peaked at 35.1. The rate of detention then headed again in a general downward trend until fairly recently when it reached 29.9 juvenile detainees per 100,000 population in 2006 and 32.3 in 2007 (pp 13-14).

INTERSTATE LEGISLATION

Across Australia, juvenile detention is generally treated by the courts as a 'last resort': [Juveniles in detention in Australia, 1981-2007](#) (2009, pp 6-7). The principle of 'detention as a last resort' is present in a number of interstate Acts, for example:

- section 133G of the [Crimes \(Sentencing\) Act 2005](#) (ACT)
- section 5 of the [Crimes \(Sentencing Procedure\) Act 1999](#) (NSW)⁸
- sections 4 & 81 of the [Youth Justice Act](#) (NT)
- section 5 of the [Youth Justice Act 1997](#) (TAS)
- sections 410(1)(c) & 412(1)(c) of the [Children, Youth and Families Act 2005](#) (VIC)⁹
- sections 7 & 120 of the [Young Offenders Act 1994](#) (WA)

In South Australia, section 23(4) of the [Young Offenders Act 1993](#) states that:

A sentence of detention must not be imposed for an offence unless the Court is satisfied that, because of the gravity or circumstances of the offence, or because the offence is part of a pattern of repeated offending, a sentence of a non-custodial nature would be inadequate.

Despite this provision, the SA Office of Guardian for Children and Young People (the statutory body acting as an advocate for the interests of children under the guardianship or in the custody of the Minister for Families and Communities) supported the idea of incorporating the principle of 'detention as a last resort' into the *Young Offenders Act 1993*: [Response to Commissioner for Social Inclusion: Serious Repeat Young Offenders](#), 2007 (para 4.3-4.4).¹⁰

INTERNATIONAL CONVENTIONS

The United Nations (UN) has developed rules and guidelines dealing with various aspects of juvenile justice and juvenile rights. On the specific issue of juvenile detention, Article 37(b) of the [United Nations Convention on the Rights of the Child \(1989\)](#), which came into force in Australia in 1991, enshrines the principle of 'detention as a last resort'. Other UN conventions also contain the principle, for example:¹¹

- [United Nations Standard Minimum Rules for the Administration of Juvenile Justice \(The Beijing Rules\) \(1985\)](#), Rule 19.1;
- [United Nations Guidelines for the Prevention of Juvenile Delinquency \(The Riyadh Guidelines\) \(1990\)](#), Guideline 46; and
- [United Nations Rules for the Protection of Juveniles Deprived of their Liberty \(1990\)](#), Rules 1 & 2.

APPENDIX A

JUVENILE JUSTICE SENTENCING PRINCIPLES UNDER THE *JUVENILE JUSTICE ACT 1992*, (s150)

- (1) In sentencing a child for an offence, a court must have regard to —
- (a) subject to this Act, the general principles applying to the sentencing of all persons; and
 - (b) the juvenile justice principles; and
 - (c) the special considerations stated in subsection (2); and
 - (d) the nature and seriousness of the offence; and
 - (e) the child's previous offending history; and
 - (f) any information about the child, including a pre-sentence report, provided to assist the court in making a determination; and
 - (g) if the child is an Aboriginal or Torres Strait Islander person—any submissions made by a representative of the community justice group in the child's community that are relevant to sentencing the child, including, for example—
 - i. the child's relationship to the child's community; or
 - ii. any cultural considerations; or
 - iii. any considerations relating to programs and services established for offenders in which the community justice group participates; and
 - (h) any impact of the offence on a victim; and
 - (i) a sentence imposed on the child that has not been completed; and
 - (j) a sentence that the child is liable to have imposed because of the revocation of any order under this Act for the breach of conditions by the child; and
 - (k) the fitting proportion between the sentence and the offence.
- (2) Special considerations are that—
- (a) a child's age is a mitigating factor in determining whether or not to impose a penalty, and the nature of a penalty imposed; and
 - (b) a non-custodial order is better than detention in promoting a child's ability to reintegrate into the
 - (a) community; and
 - (b) the rehabilitation of a child found guilty of an offence is greatly assisted by—
 - (i) the child's family; and
 - (ii) opportunities to engage in educational programs and employment; and
 - (c) a child who has no apparent family support, or opportunities to engage in educational programs and employment, should not receive a more severe sentence because of the lack of support or opportunity; and
 - (d) a detention order should be imposed only as a last resort and for the shortest appropriate period.
- (3) In sentencing a child for an offence, a court may receive any information it considers appropriate to enable it to impose the proper sentence or make a proper order in connection with the sentence.
- (4) If required by the court for subsection (1)(g), the representative must advise the court whether—
- (a) any member of the community justice group that is responsible for the submission is related to the offender or the victim; or
 - (b) there are any circumstances that give rise to a conflict of interest between any member of the community justice group that is responsible for the submission and the child or victim.

APPENDIX B

CHARTER OF JUVENILE JUSTICE PRINCIPLES – SCHEDULE 1 OF THE *JUVENILE JUSTICE ACT 1992*

1. The community should be protected from offences.
2. The youth justice system should uphold the rights of children, keep them safe and promote their physical and mental wellbeing.
3. A child being dealt with under this Act should be—
 - (a) treated with respect and dignity, including while the child is in custody; and
 - (b) encouraged to treat others with respect and dignity, including courts, persons administering this Act and other children being dealt with under this Act.
4. Because a child tends to be vulnerable in dealings with a person in authority, a child should be given the special protection allowed by this Act during an investigation or proceeding in relation to an offence committed, or allegedly committed, by the child.
5. If a child commits an offence, the child should be treated in a way that diverts the child from the courts' criminal justice system, unless the nature of the offence and the child's criminal history indicate that a proceeding for the offence should be started.
6. A child being dealt with under this Act should have procedures and other matters explained to the child in a way the child understands.
7. If a proceeding is started against a child for an offence—
 - (a) the proceeding should be conducted in a fair, just and timely way; and
 - (b) the child should be given the opportunity to participate in and understand the proceeding.
8. A child who commits an offence should be—
 - (a) held accountable and encouraged to accept responsibility for the offending behaviour; and
 - (b) dealt with in a way that will give the child the opportunity to develop in responsible, beneficial and socially acceptable ways; and
 - (c) dealt with in a way that strengthens the child's family.
9. A victim of an offence committed by a child should be given the opportunity to participate in the process of dealing with the child for the offence in a way allowed by the law.
10. A parent of a child should be encouraged to fulfil the parent's responsibility for the care and supervision of the child, and supported in the parent's efforts to fulfil this responsibility.
11. A decision affecting a child should, if practicable, be made and implemented within a timeframe appropriate to the child's sense of time.
12. A person making a decision relating to a child under this Act should consider the child's age, maturity and, where appropriate, cultural and religious beliefs and practices.
13. If practicable, a child of Aboriginal or Torres Strait Islander background should be dealt with in a way that involves the child's community.
14. Programs and services established under this Act for children should—
 - (a) be culturally appropriate; and
 - (b) promote their health and self respect; and
 - (c) foster their sense of responsibility; and
 - (d) encourage attitudes and the development of skills that will help the children to develop their potential as members of society.
15. A child being dealt with under this Act should have access to legal and other support services, including services concerned with advocacy and interpretation.
16. A child should be dealt with under this Act in a way that allows the child to be reintegrated into the community.

17. A child should be detained in custody for an offence, whether on arrest or sentence, only as a last resort and for the least time that is justified in the circumstances.
18. A child detained in custody should only be held in a facility suitable for children.
19. While a child is in detention, contacts should be fostered between the child and the community.
20. A child who is detained in a detention centre under this Act—
- (a) should be provided with a safe and stable living environment; and
 - (b) should be helped to maintain relationships with the child's family and community; and
 - (c) should be consulted about, and allowed to take part in making, decisions affecting the child's life (having regard to the child's age or ability to understand), particularly decisions about—
 - (i) the child's participation in programs at the detention centre; and
 - (ii) contact with the child's family; and
 - (iii) the child's health; and
 - (iv) the child's schooling; and
 - (d) should be given information about decisions and plans about the child's future while in the chief executive's custody (having regard to the child's age or ability to understand and the security and safety of the child, other persons and property); and
 - (e) should be given privacy that is appropriate in the circumstances including, for example, privacy in relation to the child's personal information; and
 - (f) should have access to dental, medical and therapeutic services necessary to meet the child's needs; and
 - (g) should have access to education appropriate to the child's age and development; and
 - (h) should receive appropriate help in making the transition from being in detention to independence.

Example for paragraph (h)—help in gaining access to training or finding suitable employment

LINKS TO FURTHER READING

LEGISLATION, EXPLANATORY NOTES, SECOND READING SPEECHES

Queensland

- [Juvenile Justice \(Sentencing Principles\) Amendment Bill 2009](#) (Qld); [Explanatory Notes](#); [Second Reading Speech](#) (pp 693-694)
- [Juvenile Justice \(Sentencing Principles\) Amendment Bill 2008](#) (Qld); [Explanatory Notes](#); [Second Reading Speech](#) (p 3185-3186)
- [Juvenile Justice and Other Acts Amendment Bill 2009](#) (Qld); [Explanatory Notes](#); [Second Reading Speech](#) (pp 306-7)
- [Juvenile Justice Act 1992](#) (Qld); [Second Reading Speech](#) (pp 6031-6093)
-

Interstate

- [Crimes \(Sentencing\) Act 2005](#) (ACT)
- [Crimes \(Sentencing Procedure\) Act 1999](#) (NSW)
- [Youth Justice Act](#) (NT)
- [Youth Offenders Act 1993](#) (SA)
- [Youth Justice Act 1997](#) (TAS)
- [Children, Youth and Families Act 2000](#) (VIC)
- [Young Offenders Act 1994](#) (WA)

INTERNATIONAL

- [United Nations Convention on the Rights of the Child \(1989\)](#)
- [United Nations Standard Minimum Rules for the Administration of Juvenile Justice](#) (The Beijing Rules)
- [United Nations Guidelines for the Prevention of Juvenile Delinquency](#) (The Riyadh Guidelines)
- [United Nations Rules for the Protection of Juveniles Deprived of their Liberty](#)

MINISTERIAL MEDIA STATEMENTS

- Queensland Ministerial Media Statements: [16 June 2009](#); [3 June 2009](#); [19 May 2009](#)

GOVERNMENT PUBLICATIONS, INQUIRIES AND WEBSITES

Queensland

- Department of Communities:
 - [Review of the Juvenile Justice Act 1992](#) (website)
 - [Review of the Juvenile Justice Act 1992 Issues Paper 2007](#)
 - [Review of the Juvenile Justice Act 1992 Consultation Report](#), 2008
 - [About Youth Justice](#) (website)
 - [Youth Justice Services](#) (website)
 - [Types of Sentences](#) (website)
 - [Youth Justice Conferencing](#) (website)
- Department of Families, [Securing the care: a summary of the evaluations of Youth Detention Services in Queensland](#) (undated)
- Professor Paul Mazerolle and Dr Jennifer Sanderson, [Understanding Remand in the Juvenile Justice](#)

[System in Queensland](#), March 2008 (report commissioned by the Queensland Department of Communities)

New South Wales

- [Inquiry into Youth Violence in New South Wales](#) (referred April 1993):
 - [Final Report, Youth Violence in New South Wales](#), September 1995
 - [Government Response](#), June 1996
- [Juvenile Justice Advisory Council](#) (provides independent advice to the NSW Government on juvenile justice policy and related youth, welfare and legal issues):
 - [Juvenile justice in NSW - a snapshot](#) (undated) (website)
 - [Briefing Paper - Outings and Leave](#), July 2005
- Victims of Crime Bureau, Criminal Law Review Division, Attorney-General's Department of NSW and NSW Sentencing Council, [Sentencing Information Package](#), revised July 2007
- [New South Wales Sentencing Council](#) (website)

South Australia

- [Office of Guardian for Children and Young People](#) (website):
 - [Response to Commissioner for Social Inclusion: Serious Repeat Young Offenders](#), March 2007
 - [Let's exhaust alternatives to jail for young people](#), first published in the Advertiser, March 2007
- Parliamentary Select Committee on the Youth Justice System, Parliament of South Australia, [Report of the Select Committee on the Youth Justice System](#), July 2005

Victoria

- Drugs and Crime Prevention Committee:
 - [Inquiry into Justice and Crime Strategies in High Volume Crimes such as breaking and entering, which often involve young people](#), Terms of Reference (referred March 2007)
 - [Inquiry into Justice and Crime Strategies in High Volume Offending by Young People](#), Discussion Paper, August 2008
- Childrens' Court of Victoria, [Sentencing](#), last updated 2009 (comprehensive outline of sentencing in Victoria)

Commonwealth

- [Royal Commission into Aboriginal Deaths in Custody](#), 15 April 1991

OTHER PUBLICATIONS

- Australian Institute of Criminology:
 - Natalie Taylor, [Juveniles in detention in Australia, 1981-2007](#), Technical and Background Paper No 26, July 2009
 - Lucy Snowball, [Diversion of Indigenous juvenile offenders](#), Trends & Issues in Crime and Criminal Justice, No 355, June 2008
- Australian Human Rights Commission, [Human Rights Brief No 2: Sentencing Juvenile Offenders](#)
- [Mission Australia](#), [Australia's approach to Juvenile Justice must change](#), 16 June 2009
- [National Indigenous Drug and Alcohol Committee](#) (indigenous stakeholder group established to assist the Australian National Council on Drugs [the principal advisory council to the Australian Government on alcohol and other drugs policy] to advise the Australian Government on policy in relation to alcohol and other drug policies), [Bridges and barriers addressing Indigenous incarceration and health](#), 2009
- Queensland Council of Social Service, [State election report card reveals major concerns about](#)

[juvenile justice and efficiency dividend](#), March 19, 2009 (media release)

- Lucy Snowball, [Juvenile diversion and Indigenous offenders: a study examining juvenile offenders in Western Australia, South Australia and New South Wales](#), January 2008 (commissioned by the Criminology Research Council. This was a collaborative project involving the NSW Bureau of Crime Statistics and Research (BOCSAR), the South Australian Office of Crime Statistics and Research (OCSAR) and the University of Western Australia's Crime Research Centre, University of Western Australia)
- Stateline, [Youth Violence](#), 11 July 2008 (transcript)
- [Youth Affairs Network Qld](#) (peak community youth affairs organisation in Queensland, representing individuals and organisations from Queensland's youth sector), [LNP Risking Community Safety](#), 11 February 2009

OTHER WEBSITES

- [Australian Institute of Criminology](#) (hosts a range of publications on the issue of youth justice)
- [Queensland Council of Social Service](#)
- [Queensland Crime and Misconduct Commission](#) (hosts a range of publications on the issue of youth justice)

NEWSPAPER ARTICLES

- "Real justice is not about custody" (Sydney Morning Herald, 7 July 2009)
- "Inquiry into youth violence" (Courier Mail, 26 June 2009);
- "Poverty, booze and jail" (Australian, 25 June 2009)
- "Online brag about escaping jail after filming assault on phone" (Gold Coast Bulletin, 15 June 2009)
- "EAR SAY: Teens not in loop on violence penalties" (Courier Mail, 12 June 2009)
- "Borg bid for more juvenile detention" (Courier Mail, 4 June 2009)
- "Editorial: Sad sign of times" (Sunday Mail, 31 May 2009)
- "Editorial: Kid gloves are off" (Gold Coast Bulletin, 20 May 2009)
- "Curfews for child criminals on way" (Courier Mail, 20 May 2009)
- "Editorial: Gutless four show justice is a joke" (Gold Coast Bulletin, 19 May 2009)
- "Kids out of control: Student felled with 'king hit' and businesses affected" (Gold Coast Bulletin, 13 May 2009)
- "Time for the boot . . . firmly delivered" (Gold Coast Bulletin, 2 May 2009)
- "Nanny state gives teen discipline the big boot" (Gold Coast Bulletin, 25 April 2009)
- "Cleveland expansion to provide 1400 jobs" (Townsville Bulletin, 23 April 2009)
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- "School's in for bad behaviour" (Gold Coast Bulletin, 18 April 2009)
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- "Village Green: Big loss" (Courier Mail, 18 April 2009)
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- "Editorial: Only wills of steel can snap chains" (Gold Coast Bulletin, 31 March 2009)
- "Election 09: Society must resist appetite for revenge over rehabilitation" (Courier Mail, 24 March 2009)
- "Election 09: Blich, Springborg plans 'could breach human rights'" (Brisbanetimes.com.au, 19 March 2009)
- "Election 09: Editorial: Law policy may win the day" (Cairns Post, 17 March 2009)

- “Election 09: Give them the boot: LNP pledges to set up camps for young crims” (Cairns Post, 17 March 2009)
- “Election 09: `We'll jail bad juveniles” (Gold Coast Bulletin, 10 March 2009)
- “Kids terrorise shops: Traders call in the law” (Gold Coast Bulletin, 6 March 2009)
- “Election '09: Bligh promises 'tough' love - Name and shame worst juveniles” (Sunday Mail, 1 March 2009)
- “Youth prison expanding” (Townsville Bulletin, 28 February 2009)
- “Editorial: NZ shows us how to deal with thugs” (Gold Coast Bulletin, 18 February 2009)
- “Tougher penalties call as teen assaults rise” (Cairns Post, 21 January 2009)
- “South Bank not safe: bash victims” (Brisbanetimes.com.au, 20 January 2009)
- “Attackers receive licence to punch” (Sunshine Coast Daily, 16 January 2009)
- “Minister reactivates youth violence taskforce” (Courier Mail, 5 August 2008)

ENDNOTES

- ¹ Note, however, according to the Minister for Community Services and Housing, and Minister for Women, the Honourable Karen Struthers MP, juvenile crime in Queensland has dropped in recent years from 9 offences per 100 young people in 2001 to the present level of 8 offences per 100 young people: [Action to tackle youth crime](#), 3 June 2009, p 1 (Media Release).
- ² Deputy Leader of the Opposition, Shadow Attorney-General, Shadow Minister for Trade and Shadow Minister for Industrial Relations
- ³ Minister for Community Services and Housing and Minister for Women.
- ⁴ Introduced into Parliament on 29 October 2008 by Mr Horan MP, then Shadow Attorney-General, Shadow Minister for Justice and Racing and Shadow Minister for Open Government
- ⁵ Commissioner for Children and Young People and Child Guardian, [Views of Young People in Detention Centres - Queensland 2008](#) (a report by the Commission for Children and Young People and Child Guardian to the Premier of Queensland incorporating the results of a 2007 survey of 81 children in detention).
- ⁶ [Ministerial Media Statement](#), 16 June 2009.
- ⁷ The data from this publication is derived from the Australian Institute of Criminology's Juveniles in Detention Monitoring Program dataset which in turn is compiled from quarterly reports of the relevant juvenile custodial authorities in each Australian jurisdiction.
- ⁸ Section 5 states: “A court must not sentence an offender to imprisonment unless it is satisfied, having considered all possible alternatives, that no penalty other than imprisonment is appropriate.” This section is “...seen as a sentence of ‘last resort’”: New South Wales [Sentencing Information Package](#) (2007, p 9).
- ⁹ Both sections state that a court may make a detention order if “...no other sentence is appropriate”. These sections are seen as “...sentence[s] of last resort...”: Childrens’ Court of Victoria, [Sentencing](#), 2009.
- ¹⁰ In support of the proposition put forward by the Parliamentary Select Committee on the Youth Justice System: Parliament of South Australia, [Report of the Select Committee on the Youth Justice System](#), July 2005, p 4.

¹¹ The rules and guidelines of these conventions have been adopted by the United Nations Committee on the Rights of the Child as “...*filling out...*” the content of the United Nations Convention on the Rights of the Child: Human Rights Commission, [*Human Rights Brief No 2: Sentencing Juvenile Offenders*](#).