Speech by

Hon. ANNA BLIGH

MEMBER FOR SOUTH BRISBANE

Hansard 6 August 1998

JUVENILE JUSTICE LEGISLATION AMENDMENT BILL

Hon. A. M. BLIGH (South Brisbane—ALP) (Minister for Families, Youth and Community Care and Minister for Disability Services) (12.46 p.m.): I move—

"That the Bill be now read a second time."

It is with a great deal of pleasure that I rise to introduce the Juvenile Justice Legislation Amendment Bill 1998. This Bill enables the transfer of the responsibility of youth detention centres from the Queensland Corrective Services Commission to the Department of Families, Youth and Community Care. This Bill enables the final step to be taken to reintegrate the full juvenile justice program within the Department of Families, Youth and Community Care.

On proclamation of the legislation, youth detention centres will be integrated with policy, legislation, program development, crime prevention, court services, bail support and community based youth corrections as a unified program within the Department of Families, Youth and Community Care. It replaces the previous Government's chaotic and ineffective four agency system which was responsible for the management and administration of the juvenile justice system in Queensland.

The Bill contains the provisions to ensure the administrative transfer of detention centres, the detention centre staff and related management and administration from the commission. It amends the Corrective Services (Administration) Act 1998 by removing all the provisions relating to the administration of detention centres and amends the Juvenile Justice Act 1992 by inserting provisions relating to the administration of detention centres. The Bill amends the terminology in both Acts to maintain operational consistency.

Juvenile crime is a matter of immense community interest and concern. Just prior to 30 June 1998, 2,057 young people were involved in the Queensland juvenile justice system, either remanded in custody or were subject to supervised custodial or community-based orders. These young people place significant demands on the juvenile justice system, including the police, the courts, the judiciary and service agencies. The cost to the community and the impact on victims is substantial.

The causes of crime stem from a complex set of interrelated environmental, situational and personal factors. Many young people perceive a lack of opportunity in life. They can also experience difficulties with, and alienation from, the demands and responsibilities of busy modern living, exposure to illicit drugs, alcohol abuse, unemployment, health issues, homelessness and family breakdown. These are all contributing factors.

There seems to be a public perception, fuelled by cheap political point scoring, that a juvenile crime wave exists or that juvenile crime is out of control. The community, particularly our more vulnerable members, is being frightened into believing that the problem is far worse than it in fact is. The empirical data simply does not support this view. Juvenile crime is stable rather than escalating dramatically, and it tends to be non-violent rather than violent. In 1991-92, 19% of all cleared crime in Queensland involved juvenile offenders. The comparable figure for 1996-97 was 20%. Further, approximately 11 in every 1,000 young offenders aged 10 to 16 years appear in court in any given year, representing only 1% of people in this age group.

To portray all young people as criminal—something the previous Government did at vast expense to the taxpayer—is both untruthful and unethical. Young people and the community in general deserve better. In the period 1987-88 to 1995-96, offences against the person, commonly referred to as "violent" offences, comprised less than 15% of total appearances of children before courts. This represents 12% of all proven offences by juveniles. Research also shows that young people are more likely to be victims rather than perpetrators of crime. In 1996/97, young people aged 10 to 14 years comprised 11.5% of victims of crimes committed against the person and 8.9% of all offenders.

The challenge for legislators and administrators is to develop a system that balances the need to respond effectively and firmly to offending, whilst also providing opportunities to assist young people to develop into responsible adults who contribute in a positive way to their communities. Broad-ranging strategies are needed to address the causes of crime, provide crime prevention programs and effective sentencing, and ensure that genuine opportunities exist for young offenders to lead law-abiding lives. The responses must, of course, recognise the rights of victims and the community's right to safety and security.

The Juvenile Justice Act 1992 was proclaimed on 1 September 1993. The legislation provided a modern and effective basis for the administration of juvenile justice after years of neglect and inertia by the previous Government. It established a specific code for the sentencing of young offenders, but in particular struck a balance between holding young offenders accountable and responsible for their actions whilst providing opportunities for their rehabilitation and reintegration into the community.

The legislation was also clear about young offenders' rights and responsibilities whilst in contact with the juvenile justice system and the importance of the child's family and culture in responding to the young person's involvement in the system. In short, it was landmark legislation that provided Queensland with the most up-to-date juvenile justice policy framework. Importantly, the Goss Government also realised the need for the administration of the legislation to be undertaken in a coordinated and integrated fashion. As a result, the then Department of Family Services and Aboriginal and Islander Affairs had total responsibility for the administration of the juvenile justice program. The location of the function of juvenile justice in one agency was consistent with the system operated by most other States or Territories in Australia at the time. In the ensuing period to 1995, the Government identified a number of difficulties in the system. It moved quickly to remove these problems in the system when, in August 1995, it announced the creation of the Office of Juvenile Justice. The office commenced a total overhaul of the juvenile detention centre program and began initiatives to enhance the program responses to young offenders on community-based orders. The implementation of this strategy was well on its way in the six months after the 1995 election when it was stopped dead.

For its part, in the lead-up to the 1995 State election the coalition adopted a base law and order fear campaign. It launched into a law and order auction, promising a "get tough" approach to juvenile offending, including increasing and extending sentencing without any type of proper assessment of issues facing youth in our society generally, and young offenders in particular. This shallow gimmick, no deeper than the crude and alarmist posters plastered on Brisbane buses and billboards, funded by the taxpayer, was soon transposed into the systematic destruction of an effective and integrated juvenile justice system.

Between February and October 1996, a number of administrative arrangement orders were made which, with the proclamation of the Juvenile Justice Legislation Amendment Act 1996, created a chaotic tripartite system to manage and administer the juvenile justice system in Queensland.

The Department of Justice was given responsibility for policy, legislation, program coordination and research and some community corrections responsibilities such as community conferencing. The Department of Families, Youth and Community Care assumed responsibility for community-based youth corrections, court services and program development.

Finally, Queensland Corrective Services Commission was given responsibility for the management and administration of youth detention centres. Under this arrangement, a highly complex and inter-related program was dispersed across three Government agencies. This inevitably led to program ineffectiveness, organisational conflict, duplication of costs and resources, jurisdictional disputes, stakeholder confusion and a far poorer service to clients and the community.

If this situation was not chaotic enough, the coalition Government decided to exacerbate the situation in September 1997. At this point, the coalition split the juvenile detention program between the newly created Government owned corporation, Queensland Corrections, and the Queensland Corrective Services Commission. The commission held responsibility for policy, legislation, security auditing and regulation, whilst Queensland Corrections was given responsibility for the day-to-day management and operations of the centres.

The juvenile justice program was now dispersed across four Government agencies, causing further disharmony and ineffectiveness. Those familiar with modern day public administration will quickly grasp the recklessness and stupidity of this arrangement. Accordingly, this Government, as part of its

1998 election campaign, announced in its policy "Juvenile Justice—a Balanced Approach" that it would, as a first step, move immediately to return portfolio responsibility for juvenile justice to the Department of Families, Youth and Community Care. I seek leave to have the remainder of the second-reading speech be incorporated in Hansard.

Leave granted.

Although it was obvious to this Government that the coalition's dispersed juvenile justice system was unworkable, the former Attorney-General's own evaluation of the Juvenile Justice Act 1992 revealed inherent problems and inefficiencies in the system. The evaluation of the Juvenile Justice Act 1992, conducted by the Juvenile Justice Branch, Department of Justice between September 1997 and March 1998, is a saga in itself. As well as being critical of the results of the coalition's action to disperse the juvenile justice program as indicated in chapter 3 of the evaluation, it became an exercise in deceit by the then Government to cover up the failings of the system.

The first draft of the evaluation, containing two volumes, was made available to Government agency stakeholders in December 1997 for comment. Following receipt of feedback, a consultant was employed to deal with the stakeholder criticisms of the way in which the tripartite system was operating, as contained in the report. A second report comprising 13 separate parts was compiled and again circulated to Government stakeholders in February 1998. The second revised report identified the problem areas in the system and included recommendations to resolve the highlighted issues. This provoked an impasse between the relevant agencies. In March 1998, the previous Government then decided, as a means of resolving the impasse, to reduce the 13 part second report to a one volume watered down draft discussion paper minus the recommendations.

Despite the change to the evaluation designed to cover up its failings, the previous Government was unable, in the ensuing months, to take the report any further. At the change of Government in June 1998, the evaluation report sat on a shelf gathering the dust of inaction.

The process also deceived some 80 stakeholder groups who earnestly had contributed to the evaluation in the expectation that their contribution would be dealt with honestly and professionally. The previous Government failed these stakeholders and the public of Queensland as it did the clients of the juvenile justice system.

Despite the inaction of the coalition, this Government has already moved to address problems identified in the report relating to the dispersement of the program by integrating the juvenile justice program and through the development of an enhanced and refocused juvenile justice program. Further, I am taking action to advance those parts of the evaluation that were not watered down by the coalition. I will ensure a detailed analysis is made of the recommendations so that appropriate action is taken. I will make the full documentation associated with this evaluation available in the department's library for those who might be interested.

The Government has moved quickly to honour its election commitment to reintegrate the juvenile justice program within my portfolio. By Public Service Departmental Arrangements Notice (No. 3) 1998 of 29 June 1998, the policy, legislation, research and community conferencing program components of the Department of Justice were integrated into the Department of Families, Youth and Community Care.

The final step to integrate youth detention centres through this legislation with other program components will complete the program continuity and coordination required in the juvenile justice system.

The integrated system has many structural and strategic advantages. It will be much more cost efficient by avoiding duplication of resources associated with the management of the program by four agencies. It will also avoid the time-consuming organisational and cultural conflicts associated with multi-agency management. The integrated system will provide a coordinated and effective program.

I mentioned earlier in my speech that a total of 2,057 young people were involved with the juvenile justice system in Queensland just prior to 30 June 1998. One hundred and fifty-six young people—7.6% of the total—were in secure custody. About 10% of the 2,057 young people were the subject of official child abuse concerns in that they were either on child protection orders or remanded in the temporary custody of the Director-General of the Department of Families, Youth and Community Care. Twenty-two of the 156 people—or 14%—had a protective order.

In the integrated system, children on dual juvenile justice and care and protection orders will be responded to in a holistic way with particular attention given to the possible connection of the protective issues with the young person's offending. Effective case management and planning will be made possible through the coordination of juvenile justice and child protective resources at the service point for the young person and the family. The integrated program will avoid the possibility of one agency knocking on the back door and another on the front door of the family home, as could be the case in the coalition's confused, multi-agency control of the juvenile justice program.

The integration of the juvenile justice program is only part of the Government's more balanced approach to juvenile justice. The Government is aware of the complex demands and responsibilities facing young people in today's society. We will not use an opportunistic law and order fear campaign to tackle young people's problems and offending. We recognise that only 1% of Queenslanders aged 10 to 16 years appear in court in any one year and that most are law-abiding citizens. We will not demonise youth, nor will we use them as scapegoats for the failures in the system to provide them with proper services or opportunities in the areas of health, education and employment.

Much has been said about the need to tackle the tragedy of youth suicide. A bipartisan approach is required to affirm young people as valued citizens with both rights and responsibilities. Unless we can achieve this consensus, I fear we will not reduce the unacceptably high youth suicide rate. Since 1964, the suicide rate for 15 to 24-year-old Queensland males has risen from approximately 12 per 100,000 to 29.5 per 100,000 in 1995. The female rate has remained relatively stable at six per 100,000. In the period 1990 to 1995, 551 young Queensland people aged 15—24 years completed suicide. The overall Queensland suicide rate in 1995 is 17% higher than the national average of 25.3 per 100,000 of young people aged 15—24 years.

The suicide rate for indigenous males aged 15—24 years is at least three times that of 15 to 24-year-old males. The completed suicide rate for Aboriginal and Torres Strait Islander males aged 15—24 years is 112.5 per 100,000 compared with 30.8 per 100,000 males. The indigenous female suicide rate for this age group is similar to the Queensland average.

The coalition's negative stereotyping and response to youth problems have left Queensland with a disgraceful juvenile crime record. On 22 April 1998, with the exception of the Northern Territory, Queensland had the highest rate of young people in the juvenile justice system in Australia and New Zealand, involving 556 young people in every 100,000 young people aged 10 to 17 years.

On the same date, Queensland had the highest rate per 100,000 of young people in custody, involving 59 young persons in every 100,000 young people aged 10 to 17 years. This far outnumbered a conservative State like Victoria where the rate was 14 young persons in every 100,000 young persons. This rate is 314% lower than Queensland's rate, or alternatively, the Queensland rate is four times higher than the Victorian rate. Is it because Victoria has a massively lower rate of juvenile offence rates? I think not! If the conservative Kennett Government can find means to respond to juvenile crime other than by incarceration, then surely the coalition's "lock them up and throw away the key" mentality does nothing more than to serve as an indictment on its narrow-minded and punitive approach to Queensland's young people. This is why through integration and an enhanced and refocused juvenile justice system, youth crime and, most importantly, the causes of crime, will be tackled in a proactive and effective manner.

As part of its balanced approach, the Government will be opening three juvenile justice centres in Queensland early in 1999. They will be located at Townsville, Logan City and Ipswich. These centres will service repeat offenders on community-based orders or young people leaving detention centres by providing targeted and focused programs. They will replace the traditional office based program response. The centres will provide counselling and probation services as well as programs to address problems in the areas of education, employment and health. They will provide the balance between having youth accept responsibility for their actions whilst providing real opportunities for their full reintegration into the community. The work of the juvenile justice centres will be complemented by a whole-of-Government approach to provide youth with greater employment opportunities and a say in society, through the creation of regional youth councils.

The balanced approach also recognises the impact that juvenile crime has on its victims. To this end, the refocused juvenile justice program will concentrate on young offenders making amends with their victims where applicable. The integrated and refocused juvenile justice program will be better placed to respond to the overrepresentation of indigenous young people in the juvenile justice system.

Queensland has a poor record in this area. Again, on 22 April 1998, Queensland had the second-highest rate of indigenous overrepresentation in Australia, excluding the Northern Territory. In Queensland the likelihood of an indigenous young person's involvement in the juvenile justice system was 17 times more likely than a non-indigenous person. This sorry record is only exceeded by Western Australia where the rate was 19 rather than 17 times.

The trend concerning overrepresentation, particularly in youth detention centres since 1993, also represents a disturbing picture. Between September 1993 and June 1998, the trend for representation of indigenous young people in detention shows an increase from approximately 50% to approximately 60%, whilst the trend for indigenous representation of young people on remand only has increased from 15% to over 50%. At any one time, the proportion of indigenous young people in youth detention centres can range between 40% and 60%. For the month of June 1998 the proportion was 53%. Compare this with the fact that indigenous young people comprise only 5% of the relevant age group, and the seriousness of the problem is clear.

The structure and program of the juvenile justice centres will be developed in close consultation with the Aboriginal and Torres Strait Islander communities to allow the centres every possibility to develop preventative and rehabilitation programs to assist in addressing the overrepresentation problem. The integrated program within my portfolio will also allow the Government to speedily advance the infrastructure development and capital works program for youth detention centres.

On change of Government in February 1996, the coalition was given well advanced plans for the construction of one new youth detention facility and the extension of another. Designs were drawn and a site was selected and tenders for construction were about to be let.

In the ensuing two and one-quarter years to June 1998, the coalition Government had been unable to build a new detention centre despite escalating numbers and the inadequacies of existing facilities. More than that, in a callous disregard for youth, the site at Wacol earmarked for a new youth detention centre was left underdeveloped as a buffer zone for the construction of adult prisons. The coalition has proven itself unable to balance the needs of the adult and juvenile correctional services. Adults took priority. My department will address this lack of action as a matter of urgency.

Staff currently employed by Queensland Corrections in youth detention centres will be transferred to my department. Importantly, there is provision within this legislation to ensure that all the staff of Queensland Corrections, a Government owned corporation, will retain their accrued service rights on reversion to the Public Service. The new juvenile justice program will enable the Government to take its obligations under international conventions seriously. The major conventions relevant to the juvenile justice legislation are the Convention on the Rights of the Child, Beijing Rules, and the International Convention on Civil and Political Rights. During the evaluation of the Juvenile Justice Act 1992, a number of concerns were raised relating to the compliance of the coalition's 1996 amendment of the Juvenile Justice Act to these conventions. These matters remain unresolved.

As I take this Government's responsibilities under international conventions seriously, I will be moving to respond to these and other issues contained in the evaluation. Today, in introducing the Juvenile Justice Legislation Amendment Bill 1998, the people of Queensland can feel assured that two years of inertia, disunity and a lack of coordination are over. This Bill provides the final step in the reintegration of the juvenile justice program and forms a critical part of an enhanced and refocused juvenile justice program, which strikes a fair balance between holding young offenders accountable for their offending, while providing them with genuine opportunities to reintegrate into the community.

I commend the Bill to the House.