



Speech by  
**Mr DENVER  
BEANLAND**

**MEMBER FOR INDOOROOPIILLY**

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Hansard 12 November 1998

**JUVENILE JUSTICE LEGISLATION AMENDMENT BILL**

**Mr BEANLAND** (Indooroopilly—LP) (11.30 am): On behalf of the Opposition, I rise to oppose the legislation that the Minister has introduced into the House, which relates to the transfer of responsibility for juvenile detention centres from the Corrective Services Commission to the Department of Families, Youth and Community Care.

The coalition opposes this legislation for a number of reasons. The Minister's second-reading speech is 27 pages of rhetoric. It is a 27-page political document that gives no justification or reason for the changes that the Bill proposes. One thing that the second-reading speech did do was to use the word "chaotic" on many occasions, which is exactly what the Minister's speech was. "Chaotic" seems to be a well-used word in her speech. The legislation refers to the transfer of responsibility for three detention centres that operate currently within the State: the detention centre at Oxley, which is Queensland's most important centre, the other Brisbane centre and the Cleveland centre at Townsville.

I do not believe that we have been given any reason or justification for the transfer of responsibility for those centres. The Minister says that the current system is not working well, but she has not spelt out how or why it is not working. Throughout what was a very emotional second-reading speech, we simply heard the Minister screeching. She did not give a detailed or reasoned argument to justify the transfer of those detention centres. Of course, one suspects that the legislation has more to do with Labor Party philosophy than any justifiable reason for the transfer of the centres. The Government made an election commitment to do this, but we should have seen some justification or reasoned argument for transferring responsibility for those detention centres back to the Department of Families, Youth and Community Care.

In the past there were many problems associated with the running of the detention centres by the Department of Families, Youth and Community Care, under its various former names. There were problems with escapes, the training of staff, the rehabilitation of the young people themselves and a general conflict of interest within the department because of its wide range of responsibilities. Indeed, the chief executive of the department has a very wide range of responsibilities in relation to juveniles. With all that we have heard from the Minister on this matter, I would have thought that we might have seen a little more action in relation to juvenile justice than we have seen to date. Labor members have talked a great deal about crime prevention initiatives for young people, but we have heard only one or two matters enunciated by the Minister when discussing her department's budget. However, from listening to the Government, one would have expected a wide-ranging number of initiatives to have already been put in place.

The former coalition Government introduced a number of wide-ranging initiatives, such as the counsellors in schools program, new parenting programs and the police constables in schools program, which the Labor Party attacked us vigorously on but which school principals have welcomed. In fact, many school principals have sought to have police constables placed in their schools. The community youth conferencing and diversionary conferencing programs were trialled by the former Government and have been done away with, even though we proved that they were worthy programs that certainly worked well. They work well in other States and in New Zealand. The anti-graffiti initiative and the urban

renewal program, which were established by the former Minister for Public Works and Housing, have also proved to be extremely successful.

The Government is trying to suggest that there is something terribly wrong with having the Corrective Services Commission run the youth detention centres, but that is not the case at all. Initially, real and justifiable reasons were spelt out for having that body assume responsibility for those centres. If the Minister were truthful, I am sure that she would acknowledge that there were very reasoned arguments to support doing this. However, all we have heard from the Minister is a lot of screeching. She has not done her homework. She has not done the hard yards in relation to this matter.

In her second-reading speech, the Minister said that the former Government portrayed all young people as criminals. I think that one has to have a warped mind to say that, because it certainly was not the case at all. In the case of teenagers and young people——

**Ms Bligh:** Is that teenagers who have offended?

**Mr BEANLAND:** In her second-reading speech, the Minister said that the former Government portrayed all young people as criminals. That is not the case; indeed, it is far from the truth. Only a very small number of young people go off the rails, which is exactly what we said at the time. That is why our initiatives are working and why we believe this proposal is so very wrong. This is a very important issue. The former Government endeavoured to ensure that the small number of people who commit criminal offences are taken off that road. We wanted to make the position quite clear to them.

In its six years in Government, the Labor Party said to juveniles, "Look, it does not matter what you do. You can do no wrong. You have no responsibility to the community or to yourselves, and you get only a slap on the wrist if you commit an offence." That is certainly not the case and we should never portray it as being the case. We are not talking simply about a little shop lifting; we are talking about far more serious crimes. Unfortunately, juveniles have committed some very serious crimes in this State, as evidenced by the increase in the number of murders that are committed by young people. Young people are better educated than ever before and they are certainly maturing at younger ages, and we must give them the message that they do have a responsibility. I stress that the vast majority of juveniles grow up to be excellent citizens, and we see that in the community today. We are talking about a small number of young people who cause disturbances and problems within the community by breaking the laws.

This legislation is ill-conceived, as was the juvenile justice legislation that was introduced in 1992. The former coalition Government substantially amended that legislation to give it some teeth. For the first time, the legislation took into account not only juveniles themselves but also the community, the victims of crime and their families. Those are all important components in this area. The previous juvenile justice legislation in no way recognised the victim at all. In no way did it recognise the family or the community. That recognition was able to be given through a series of amendments.

Part of that overall program involved putting the juvenile justice system within the Corrective Services Commission, the staff of which are well trained in running prisons for adults and detention centres for juveniles. It has expertise in this area across-the-board. Unfortunately, these days many 18-year-olds and 19-year-olds are entering the prison system. One finds that younger offenders are more likely to commit violent offences. One has only to look at the age groupings within the Corrective Services Commission annual reports to see that there is a greater likelihood that young adults in the prison system are being detained because they committed violent offences. The Corrective Services Commission has a range of programs, skills and training which I believe holds it in good stead to run detention centres. I think it is fair to say that it was running them very effectively indeed.

Another point that I should make, and on which I have touched briefly already, concerning the former juvenile justice legislation is the issue of making offenders accept some responsibility. This issue highlights one of the problems associated with the transfer of the running of these detention centres. Young people in the community have a responsibility to society as a whole, to themselves and of course to their friends, families and victims. Even the previous legislation failed to give the courts the power to make parents appear in court with an alleged juvenile offender. The courts were powerless to get a parent, be it the father or the mother, to go to court with an alleged offender. That is something for which the courts had been asking for some time. That still had not been done. There was a great fuss when that proposal came into this place. Members of the Labor Party felt that that should not be done.

We have to ensure that any legislation we put forward does not just look at the offender in isolation but looks at the whole of the community, including the victims and the way in which they were treated under the previous legislation compared with the way they are treated now. We now have community/youth, or diversionary, conferencing in which the offender sits down with the victim, an independent mediator, the police and anyone else whom the offender wants to bring along—perhaps their friends and family; parents are certainly encouraged to go along—and they discuss what led to their allegedly committing an offence. That involves alleged offenders entering into a binding

agreement with their victims. That conferencing process is working well and compensation is being paid in one form or another. For the very first time, the alleged offender is having to face the victim. Surely that has to be of benefit to everyone and will help to deter young people from any future life of crime. That process instils in their mind the effects of the criminal act allegedly carried out on their victim's life and family. In many cases, the victims are left worse off than the alleged offenders.

A number of worthwhile programs were facilitated under this legislation, which has been amended in many ways to provide balance in the juvenile justice system. I fear that we will lose that balance upon the transfer of the responsibility for detention centres back to the Department of Families, Youth and Community Care. We acknowledge that the chief executive officer of the Department of Families, Youth and Community Care has a range of responsibilities, many of which would conflict with this area. There are appeal provisions and so forth in respect of juveniles for which the chief executive officer is responsible. That leads to conflicts in respect of the responsibilities of the director-general, who has to arbitrate on a range of matters. Adding detention centres to that range of responsibilities will lead to conflicts.

We are talking about three detention centres: the John Oxley Youth Detention Centre in the outer suburbs of Brisbane, the Sir Leslie Wilson Youth Detention Centre in the inner suburbs of Brisbane, and the Cleveland Youth Detention Centre at Townsville. We are talking not only about the centres but also the staff. One of the problems under the former Labor Government was the lack of provision for appropriate staff training. I would like the Minister to give me some indication of what programs the department will put in place to ensure that adequate and appropriate training and education of staff will continue. That did not occur previously and was one of the major problems and issues that came to the fore when the department handled this area. No indication was given in the Minister's second-reading speech of the types of issues that the department will look at and the way in which training programs for staff will be put in place.

Staff training is one of the major issues in respect of the transfer of responsibility for these detention centres. Another issue is the programs that will be put in place for young offenders. We want to ensure that these programs are maintained after the transition and are built upon. The Minister cannot deny that the programs within these detention centres were not up to scratch when this responsibility rested with the Department of Families previously. That was revealed on a number of occasions. There was a lack of programs for young people across-the-board. That surfaced as a major issue on a number of occasions. That was drawn to the public's attention through the court processes in this State.

We all remember the fiasco that occurred in relation to the Westbrook centre, which led to its closure under the former Goss Labor Government. The issues at that time were a lack of appropriate training for the staff and the inefficient management of that detention centre. The whole matter got out of hand. There were fires, a whole range of problems and a great fiasco occurred. We certainly do not want that to occur again. The transfer of the majority of those prisoners to the John Oxley Centre caused a number of problems that, for some time, led to prisoners escaping from that centre. Additional programs were then put in place to ensure that that could not occur.

We need to ensure that rehabilitation programs and other programs generally for young people are continued and built upon. Secondly, we need to ensure that staff receive appropriate training and that the existing programs under the Corrective Services Commission continue.

I notice that there is funding within this year's Budget for additional moneys—moneys that were previously earmarked under the former coalition Government and that had not been spent because of elections and so forth—for detention centres. I appreciate that it takes time and planning to allocate funds. A lot of planning needs to take place in relation to these centres before construction work occurs. I am looking forward to that occurring this financial year, because expansions are required at a couple of these centres and new centres need to be constructed.

The other area that I want to touch on in particular concerns the lack of expertise generally within the Department of Families, Youth and Community Care to operate these detention centres. We are not only talking about the staff who operate these centres but also general administrative and operational staff at senior levels within the Department of Families, Youth and Community Care. I would like some indication of what transfers of staff will take place to ensure that appropriate senior staff are in place at these detention centres to handle issues as they arise on a day-to-day basis.

I mentioned that they are somewhat different. We have justice issues coming to the fore here that need to be handled and we certainly do not want to get into some of the fiascos that have occurred previously. We only have to remind ourselves of the Heiner documents fiasco, but I am not going to go into that today; there has been enough discussion about that. We want to avoid those sorts of situations occurring in the future, and that can only be achieved when we have proper processes, programs and senior officers in place to ensure that they do not occur in the first instance, and I want to emphasise that. It is not much use saying, "We will set up inquiries properly or do this

properly", because the issue here is to ensure that the problems do not occur in the first place, and I think we all agree on that. I just want to make sure that those programs and functions are put in place. That is terribly important in this area.

I have touched upon the fact that the chief executive officer, the director-general, has a number of responsibilities in relation to the current legislation—the Children's Services Act—and they will be extended somewhat when the Child Protection Bill is passed. I accept that the Minister is extending some responsibilities there. The issue here, though, is the conflict in a number of areas that will occur because of the appeal provisions and so forth. We see this in the adult area in that the Minister for Justice and Attorney-General has responsibility over the Criminal Code and the Minister for Police and Corrective Services looks after the area of corrections. We do not for a moment contemplate putting the police portfolio together with the justice portfolio. We keep the justice side separate; we keep the courts separate.

I do think that there is an issue here of separation of some of the issues that will come up. The separation of some of the powers and interests that the chief executive officer is going to be confronted with is quite a significant issue. He or she will have to weigh up a number of quite important issues, whereas previously the decision making on those issues was separated. There is no getting away from that. There is no way in which we will be able to overcome those types of situations as they occur.

I think I have touched upon rehabilitation programs. I have a note here about anger management programs, literacy programs and others, but I think we have covered those important areas. We need to ensure that those programs continue for young people. At the end of the day, I am sure that all of us in this place want to ensure that young people are rehabilitated, do go on to play a role in society and do not end up in a life of crime. We have to make sure that they accept their responsibilities and take responsibility for their actions. We need to have programs in place to do just that.

I want to ensure that the Concerned Persons Register, which the Corrective Services Commission is running, continues. I know that victims out there like to be able to gain access to various matters in relation to offenders—where offenders go and that sort of thing—but we have to ensure that the changes in this legislation will in no way interfere with that process. I think section 226 of the Act covers some of those things. I want to ensure that the information in the Concerned Persons Register will still continue in relation to those particular matters.

There is a growing range of problems out there in the community for young people as they face the greater complexities of society, and of course alcohol is one of those. It is terribly important for us not to lose sight of the issues that are coming to the fore every day. Therefore, these things are terribly important in relation to the transfer of these detention centres—and the coalition is opposed to that because we have seen no justification for it. Although the Minister says that the current system is chaotic, I do not believe that that is the case. I believe it is set out very clearly. The fact that it was chaotic was never brought to my attention or the attention of other Ministers, particularly the Minister for Families and the Minister for Corrective Services. In fact, the system seemed to be very effective, indeed, with each area being responsible and the Minister for Justice having overall responsibility for the legislation. At the end of the day, it is a justice piece of legislation, with the Minister for Families looking after the side which relates to that portfolio and, of course, the Minister for Corrective Services looking after the side which deals with that portfolio, and the responsibility for juvenile justice issues was separated from the responsibility for adult issues.

I do believe that we need to acknowledge the fact that many of these young people today—whether they are 14, 15 or 16—know full well what their responsibilities and their roles in society are. They are maturing much younger. There are some very fundamental issues today. Of course, the principles of justice apply whether they are for adult or for juvenile offenders, and I do not think that we should lose sight of that. There is not much point in saying, "Yes, they are juveniles. They do not know what they are doing. They are not responsible for their actions", because, unfortunately, most of them do know what they are doing, although from time to time they might be misguided or encouraged to do some of these things by others, including adults. Nevertheless, they certainly are aware of their responsibilities. They are seeing and hearing about them daily from their peers and through media outlets. I believe that they certainly recognise that they are doing something that is seriously wrong in society. Sure, some of them come from a background of social disturbances but, as a number of them have put so aptly to me, that does not necessarily give them a right to go out there, commit offences and break the laws of this State. I do believe that they are very aware of those laws; certainly the vast majority of them are.

We do not want to get into a situation in which we are running the operation and simply saying, "It is tough, but they are juveniles and they have to be excused for their actions", because that is simply not enough. We have seen the Labor Party address that sort of issue in the past with that sort of argument: they are juveniles, they have to be excused. Certainly, we have to treat juveniles differently, but at the end of the day the offence committed against a victim is just as serious whether it is

committed by a juvenile or an adult; the outcome of that offence is the same, and we should not lose sight of that.

Therefore, I am disappointed that, after 27 pages of the Minister's second-reading speech, it appears that she is simply a captive of the system and is not prepared to make the hard decision to retain the juvenile justice detention centres within the Corrective Services portfolio, which I believe is in the interests of all Queenslanders.

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