



Speech by

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**JUVENILE JUSTICE LEGISLATION AMENDMENT BILL**

**Mrs LAVARCH** (Kurwongbah—ALP) (12.04 p.m.): The Juvenile Justice Legislation Amendment Bill confirms that the Beattie Government and the Minister for Families, Youth and Community Care will deliver sensible, panic-free social policy for the benefit of all Queenslanders. We as a Parliament often send conflicting messages about children. We mostly speak about our need to protect and nurture children, our most precious and most vulnerable resource, yet at other times the message is harsh and uncompromising about treating children as adults and applying the full force of the criminal law to juveniles engaged in criminal behaviour, such as graffiti or property crime.

The conflict between children as the protected and children as a threat to society reached new heights under the administration of the Borbidge/Sheldon Government. The previous Government's schizophrenic approach to children was reflected in many ways. For children as the protected, it can be seen in the make-up of the role of the Children's Commissioner and the legislation which created that office—an office which in broad terms was created with the aim of helping children. That was done, but one eye was kept on public perceptions about children as the perpetrators of antisocial behaviour.

If one looks to the creation of the Office of the Children's Commissioner, one finds that it came as a response to concerns regarding paedophilia and not from a considered policy response to the needs of children more broadly in Queensland society. The office has no statutory requirement to seek views of young people, and I doubt that it has ever been seen by children as being accessible to children, notwithstanding the genuine desire of Commissioner Alford that it be so. An office which is structurally flawed and hastily devised was the coalition's response to the State being the child protector when child abuse concerns were raised.

When it came to juvenile justice issues, the approach became even more chaotic. Wanting to be seen as tough on crime, it took juvenile justice out of the sole administration of the Department of Families, Youth and Community Care and spread it across four agencies. It then made it part of the adult correctional system. What has been the legacy of this approach? It has led to duplication, confusion, organisational conflict, inefficiency and ineffectiveness. Couple this with the amendments to the Criminal Code made by the coalition in the last Parliament, which brought in stiffer penalties for offences commonly committed by young people, together with the police move-on powers which are targeted at young people, and we see our children being treated more harshly than are adult offenders.

There have been reports of children coming into detention centres with bench charge sheets that read "evading a train fare" or "expectorating in public". These changes to the law have not only impacted on the number of young people held on remand as they cannot get watch-house bail but also meant a greater call on Legal Aid, stretching an already under-resourced agency. This is the legacy of the previous Government.

I recently visited the Sir Leslie Wilson Youth Detention Centre. I say as a mother and as a citizen of Queensland that I am not proud of those facilities. It sent shivers down my spine to imagine any child being housed in what can only be said to be third-rate facilities. I must, however, commend the staff at Sir Leslie Wilson and other centres for doing a marvellous job in spite of their surroundings.

One can only ask what led to legislators being so unforgiving and so brutal on our children. Of course, this did not occur in isolation in Queensland. One can look at any country across the Western World and find that legislators have heeded calls to introduce tougher sanctions for young people.

There is a belief that juvenile crime is out of control and that our laws are not punitive enough on young people.

The popular myth commonly believed by many is that young people constitute a disproportionate number of those charged with criminal offences and pose a threat to all. Even the president of the Childrens Court here in Queensland was reported last month as saying that increasing levels of juvenile crime were "symptomatic of a decadent society, a society cracking at its foundations". He called for a moral renaissance and a return to civility to combat the increase in juvenile crime. It is interesting that he blames the lack of good manners in children as leading to crime, but it is utterly disturbing that a person in his position perpetuates the myth that there are increasing levels of crime when all the statistics say otherwise.

If one looks at the official statistics for young offenders in Queensland over the past five years, one will find that cleared juvenile crime as a percentage of all crime increased by only 1%, from 19% to 20%. As pointed out by the Minister in her second-reading speech, juvenile crime is stable rather than escalating dramatically and tends to be non-violent rather than violent. Young offenders constitute only 1% of the entire population of all 10 to 16-year-olds, yet the other 99% are also portrayed in a poor light. If one picks up any research paper or information on juvenile crime and offenders in Queensland, one finds that youth crime, like youth deaths by suicide, alcohol abuse and illicit drug addiction, is for the most part a male problem. There is a vast difference in the statistical levels of most criminal activity between males and females.

In a recent report called *Shattered Lives*, which was prepared on behalf of the Pine Rivers Community Development Office and researched and written by Heath Quinn, it is noted that, if we reduce the extent of young male crime activity down to young female crime levels, we would be describing Australia as a crimeless society. This report looked at the analysis of youth crime—as have many other reports.

The report found that most juvenile offenders are relatively normal youths, with 85% of those who are cautioned by police not coming to the adverse notice of police again. Almost 60% of young people who come before the courts do not come to the adverse notice of police again, and 75% of those who appear in court do so only once or twice. Almost all juvenile crime is unplanned, opportunistic and episodic—for example, shoplifting, property damage and indecent language. It concerns public space and good order violations. It is not violent in character—in contrast to adult crime, which is seen as premeditated and much more violent.

Juvenile crime is often committed in small groups, so that while one offence has been committed, several young people have been charged. This group approach serves to increase statistics on the juvenile crime rate, because the number of recorded offences increases with the number of persons charged with that one offence. Much of the crime committed by juveniles is committed by a small number of repetitive offenders. In fact, 3% of young people who appear in court are responsible for nearly 20% of juvenile crime. The preponderance of juvenile offenders, but not the majority of juvenile offences, are dealt with informally by means of a caution by police. However, the number of children being cautioned is decreasing, and this is resulting in more young people appearing in court. This could be a direct result of the changes in the police cautioning laws.

One can only ask: what are the reasons for the discrepancy between public perceptions and what is actually occurring? Many researchers and academics have also looked at this question and have concluded that the media are chiefly to blame for false public perceptions regarding criminal justice issues. They have found that, where young offenders are concerned, the media typically portray youth activity of any kind in a wholly negative light and sensationalise rare incidents of youth violence by reporting them repeatedly over a number of days. The example I want to use today comes from last Sunday's *Sunday Mail*. "Where are your kids?" is the headline, and it is reported over a number of pages. The report talks about 11-year-olds, but it has photographs of what appear to me to be probably young adults who are over the age of 18, doing what we all did when we were that age.

Another example I want to use today is my local newspaper, the *Northern Times*, which ran a report on 3 October with the headline "Taxi black ban". The leading paragraph is—

"Taxi drivers are black-banning the Kallangur Hotel at night because of attacks by young ferals."

Is it not interesting how they refer to these young people as "young ferals"? There actually was a positive news story about some young people who had won awards in the Caboolture Shire. That appeared on page 16, and they were referred to as "pupils". So that just shows how the media sensationalises stories about young people.

A survey conducted in Western Australia in 1996 found that 64% of newspaper articles about youth were predominantly about crime, and especially young men and crime. For articles about Aboriginal young people, this figure rose to 84%. It also found that Aboriginal people were the only group who had their ethnicity or racial background mentioned in newspaper reports if they were arrested

or convicted of an offence. The conclusion drawn by the researchers was that the media overwhelmingly represents young people as male and criminal. For young women, it was found that their representation in the media was significantly different. Whilst young women are also involved in crime, their role as perpetrator was vastly outweighed by the reporting of their position as victim. Yet young men are victims of crime, too.

All evidence presented on reporting on youth in the media is that that dominant representation of young people is as a threat. The selectivity of the media representations of crime often suggests crime waves. A publication called *Crime and Social Control* by Rob White and Santina Perrone had this comment to make—

"By choosing to focus upon certain events, customarily serious street crimes, the media is able to influence public perceptions of crime trends. That is, by increasing social awareness of a certain type of crime, the impression is given there is widespread commission of that crime. In a comprehensive analysis of media news content however, Ericson"—

in his 1991 research—

"... found that 90% of crime stories were presented in the absence of substantiating evidence."

I have a good example of that here today. It appeared in the *Southern Star* newspaper. The headline is "Teen crime wave". It states that children as young as 12 are committing serious crimes and police are worried by the trend. It quotes a Detective Sergeant Mick McKay as being alarmed by the recent rise in youth crime and, in particular, baby offences committed in the Brisbane south region. That report was dated 26 August this year. When one looks at the facts, one finds that the number of district young children aged 10 to 17 years who appeared in court from the Brisbane southern region in 1996-97 was 890. In 1997-98, the figure was identical: 890. In relation to what was termed "baby" criminals, there has actually been a decrease in the number of young people under 15 years of age who appeared in court for offences. But of course, none of this is new. Throughout time, young people have been portrayed in this light.

I want to take members to an example that occurred in New South Wales in 1892—over 100 years ago. A wave of panic swept through New South Wales about the pushes of larrikins. It culminated in a heated parliamentary debate over the Disorderly Conduct Suppression Bill, which was more popularly referred to as the anti-larrikin Bill. The Government of New South Wales at the time described larrikinism as a national nuisance. But by calling it a national nuisance, he actually incensed the editor of the *Newcastle* newspaper, who added to the outrage in these terms—

"To designate larrikinism as merely a nuisance is, however, on second thoughts a misnomer, as the misconduct of bands of young men travelling the streets and public places of Australia in search of amusement and recreation at the expense of other people's comfort and liberty has now denigrated into crime of so dangerous a character as to call for legislation other than that which is being now provided."

That was 100 years ago. Things have not changed at all.

I am certain that even ancient civilisations saw their young as delinquent, not respecting their elders, and tut-tutted about what would become of us all. It can be noted, however, that the media is a two-way street. Newspapers print articles about young people and crime because people like to read them. The call has now been made for the need to pay attention to the desires and appetites of that audience which is satisfied by reading reports of youth crime, not just the motivations of the news outlets which print them.

Whether or not the media actually shape public perceptions of crime and/or whether they merely reflect and reinforce those perceptions is debatable. Nonetheless, the impact of media crime representations on law making, law enforcement and policy decisions is tangible. It can be traced through reports on crime waves resulting in public moral panic and a heightened fear of crime. These in turn impact on Government by a public outcry demanding a response and tougher law and order initiatives.

Of course, it would be an insult to the electorate to tell them their views are wrong. Their perceptions, though artificially created by the media, are nonetheless real and are accompanied by genuine fear. I acknowledge and accept that. I believe that if we are all better informed about youth crime and what are successful responses to youthful offending—if we hear more of the good news stories—then the public will be inclined towards making more enlightened demands on Government. The demand should be for alleviating the conditions that promote offending behaviour among young people rather than tougher penalties.

There is a society in Ontario, Canada, called the John Howard Society. I can tell honourable members that the views of that society are far different from the views of the Prime Minister, John Howard. In 1994 they put a position paper to the Canadian Government that held the view that—

"... we cannot afford to be manipulated into promoting harsh solutions for fictional problems. Panic-free social policy would use resources largely wasted in enforcement and punishment systems to promote healthier environments and hopeful opportunities for our youth."

I agree with those sentiments.

I commend the Minister for her approach and leadership in striking the right balance between public demands and panic-free social policy. The goal now is to improve public knowledge of the criminal justice system while respecting and addressing very real fears. Hopefully, that can be done through a better-informed media accompanied by more accurate media reports and a check on the language the media use when reporting crime, especially youth crime. I support the Bill.

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