



Speech by

Mr N. ROBERTS

MEMBER FOR NUDGEЕ

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POLICE POWERS AND RESPONSIBILITIES AMENDMENT BILL

Mr ROBERTS (Nudgee—ALP) (12.37 p.m.): As has been pointed out, the Police Powers and Responsibilities Amendment Bill seeks to rectify some deficiencies in the current Act where, currently, a child is unable to be arrested for certain offences such as drink-driving and assault of a police officer. I thought I would take this opportunity to discuss some other related juvenile justice issues.

I think it is fair to say that there is a perception in many communities that the police are not able to deal effectively with young offenders. Those of us who are a little more familiar with the Juvenile Justice Act know that that is nonsense. We know that there are in fact sufficient powers within the Juvenile Justice Act to take action against child offenders. There certainly may be an issue with respect to some police officers who do not make the effort to use those provisions, but certainly when I have discussed the matter with senior police there is an acknowledgment that the powers are there and they can be used effectively to deal with young people.

The options available under the Juvenile Justice Act need to be much broader than those available under the adult justice system, and rightly so. Essentially, I suppose we could summarise those down to a counselling, caution approach, which I support, and also arrest and charge in appropriate circumstances.

I will make some comments about that issue later, but I wish firstly to put some things on the record. Importantly, the overwhelming majority of young people are good, decent citizens. Well in excess of 90% of them either never offend or are never brought into the justice system. Of those who are caught and brought into the justice system, in excess of 90% of them never reoffend. However, it seems to me that most of the strategies within our justice system seek to deal with those people who are most likely to reoffend. That is a correct strategy. However, I believe we need to be focusing more on strategies to prevent people offending in the first instance. In saying that, I acknowledge that there are a lot of excellent crime prevention programs targeted at youth within our community.

I made the point that the juvenile justice system has to be different from the adult system. Essentially, we do not want to criminalise young people. Our approach should have two streams. Firstly, there needs to be swift and fair treatment of young offenders. Secondly, they need to be held accountable for their actions once they are caught and convicted or after they confess to an offence.

With respect to the issue of accountability, I believe there is a concern in the community that many people who offend are not held accountable for their actions. A large number of cautions are issued under the Juvenile Justice Act and, in many instances, that is entirely appropriate; most of those people do not reoffend. However, even if people reach the point of being convicted, in many cases there is a concern that the penalty imposed does not hold people accountable for their actions. In my view, that is a fundamental flaw in our juvenile justice system. We are not sending the right messages to the next group of potential offenders. The message we should be sending them is that they will be held accountable for their actions.

It is common knowledge within a lot of communities that even if offenders are caught—and in many instances that is highly improbable—in the majority of cases, provided they admit to their offence, they will get off with a caution. We need to be sending a very clear message to potential offenders that they will face the consequences for their wrong actions. That is the basis of most school behaviour management policies. If young people within a school system breach the behaviour management guidelines or policies, they will be held accountable. That is an element within our juvenile justice

system that is not focused on as much as it should be. It is an important element that is missing from the current system.

I am not proposing that we throw young people into jail, flog them or take other extreme measures against them for committing minor offences. However, I believe there should be an appropriate response from the system when a person is found to have committed an offence. Previously in this place I have advocated that there should be a mandatory minimum penalty or response from the system in certain cases—for instance, vandalism, minor thefts and so on. In my view, the mandatory minimum provision should provide for some form of community service under an appropriate community service program. Let us take the offence of graffiti as an example. Firstly, it is difficult to catch the offenders involved. Secondly, when they are caught they are often not brought back into the community to rectify the damage they have caused. An appropriate community service program could address that deficiency.

The principles underpinning what I am saying are as follows: if people offend, there is some obligation on them to put something back into the community, and people need to be held responsible for their actions. That is the best response we can offer young people. It aids their personal development in that they have to accept responsibility for what they have done wrong, and it also sends a very clear message to other potential offenders that they will face certain consequences for wrongful actions. The juvenile justice response should also ensure the swift and fair treatment of young offenders.

I wish to outline to the House the case of a young fellow and his parents who live in my community and whom I know well. This young fellow became involved with a group of young people who stole a motor vehicle. He has admitted his crime but some of the other perpetrators have not. There have been court proceedings. The parents are absolutely shattered and are concerned about this young fellow's involvement in this crime. They have cooperated fully with the justice system to——

Mr BAUMANN: I rise to a point of order. Mr Deputy Speaker, I draw your attention to the state of the House.

Quorum formed.

Mr ROBERTS: The parents of this young offender are shattered and are extremely concerned about his behaviour. They were doing all they could to cooperate with the police and with the justice system. However, the events following his admission of guilt have made his parents extremely angry at the justice system. I wish to outline what happened in this case. The young fellow involved was very remorseful at being caught and acknowledged that he had done something wrong. He was extremely concerned about, and in a sense fearful of, his impending court appearance. He acknowledged his wrongdoing and was prepared to accept the consequences of his actions. However, after many delays involving several requirements to appear at the local Magistrates Court and the matter being deferred for a whole range of reasons—for example, people not being available and so on—familiarity crept in and this young fellow began to treat his frequent court visits as a bit of a joke. Over time he began to make some unhelpful friendships with other people in similar circumstances.

I outlined that case because we need to examine the justice system, and the courts in particular, to ensure that young people are processed through the system as quickly as possible. I know that is just one example and that in many cases the process is successful. However, if justice had been swift, I and this young fellow's parents believe that he would have had a better chance to get back onto the straight and narrow.

On a more positive note, I wish to speak about a community/police advisory group that I set up in my area. The matter relates to juvenile justice, because this group focuses on juvenile justice issues. Essentially it is a group of community representatives who meet regularly with local police. It is a fine example of a local community working in partnership with the police to address local community law and order issues. Along with some key people in my local community, I have been instrumental in establishing two of these groups in the Banyo and Zillmere districts.

As I said, these groups are actively involved in crime prevention initiatives, particularly with respect to youth. In addition to giving people the opportunity to beat their chests about particular issues at regular public meetings, they provide active support to youth crime prevention programs within their local districts. Last weekend, over 90 people attended a public meeting at Zillmere to become involved in the Premier's Crime Prevention Task Force initiative. This is a very positive crime prevention initiative within my electorate. It is very well supported by senior police, including Assistant Commissioner Honor and my local district inspector. I spoke very informally about this matter with the Minister, and I invite the Minister at some stage to witness personally the great work being undertaken by these community/police groups in my electorate.
