



Speech by

SHAUN NELSON

MEMBER FOR TABLELANDS

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CRIMINAL CODE AMENDMENT BILL

Mr NELSON (Tablelands—IND) (10.58 p.m.): I will be supporting this Bill. Even though it will not be passed tonight, it is with some concern that I speak on this Bill.

Mr Mackenroth interjected.

Mr NELSON: No. It is interesting that the Minister makes that statement, because it is my firm belief that maybe not now but at sometime in the future, whether it is five years from now or 20 years from now, this Parliament will again debate a Bill similar to this one. I say that it will be revisited and it will be passed for one simple and sad reason. In recent years some horrific crimes have been committed around the world by people who are quite young.

Recently in England two very, very young people committed a crime and the legal system in England is such that difficulty was encountered in charging those two very young children. I cannot remember their exact ages. I was trying find that information on the computer but I am pretty sure that they were around the 10 year age bracket when they committed the murder. There was difficulty in the sentencing process and there was a public outcry over what can be done. I had cause to speak to a person who was involved in that case and, as he himself said, it was quite obvious to all involved that those two young children who committed that crime knew exactly what they were doing. There was no doubt whatsoever in the mind of the prosecution and there was very little doubt in the mind of the defence.

Mr NELSON (Tablelands—IND) (8.30 p.m.), continuing: The other night I was speaking in some detail about young children committing violent crimes and about the difficulties other jurisdictions have had in prosecuting them. They really should be treated in a different manner. Recently in England two very young children—again, I am not sure of their ages; I think they were aged 9 and 10 years old—committed murder. Theirs was a well publicised case. The courts in England found themselves stuck in a very difficult situation. Basically, the public were baying for blood and there was very little the court system could do to bring these two young people, who were obviously guilty of the offence of murder, to account for their actions.

As many honourable members would rightfully say, theirs was a one-off case. It is not very often that people of that age commit a crime of that nature. However, this case highlights the need for these issues to be addressed at an early stage so that we, as a Parliament, do not find ourselves stuck in a situation in which we have to pass laws at a late stage, which could be perceived by the community to be a knee-jerk reaction. As a legislature, we have to look at issues in the public spotlight, including those in other places around the world, and assess their relevance to us and the State of Queensland. We need to deal with those issues before they become covered by the media and highly politicised.

Everyone knows that one of the biggest issues in people's minds is crime, and much of their fear is based on a perception of crime in their area. Crime is a live issue in most places. At some time or another, most honourable members would have had people making representations to them on issues of law and order. In relation to juvenile crime in particular, there are a lot of sad instances of young people committing crimes only to have their cases blown out of all proportion in the media and turned into a farce. The media ends up basically being judge and jury in relation to these issues, and the people involved lose their rights before a valid court of law. Therefore, as a legislature we need to take

these issues into account before they reach the public arena. We need to look at them in a sensible light without having the media breathing down our necks.

In relation to this Bill, there are no cases currently before the courts that are big enough for the media to report on. Therefore, we can sit down and look at this issue sensibly and say, "Yes, we do have problems in society. One of those problems is youth crime." I would be the last honourable member to demonise youth. Having recently turned 27, it is not long ago that I was a youth myself. I can vouch for the fact that most young people are law-abiding citizens trying to go about their day-to-day business. But, as with every sector of society, there is a criminal element.

Unfortunately, people aged 14, 15 or 16 years old can get themselves into trouble these days, especially in a society that has such a large incidence of family breakdown. There are certainly a lot more problems in homes around Queensland today than there were, say, 20 years ago. There are a lot more teenagers who are looking for quick fixes to the problems of society, whether they be unemployment or family breakdown. These are the issues of the day that are problematic and they are the generators of youth crime in society.

I put it to honourable members that these young people become, as has been stated in this debate by other honourable members, the prey for criminal elements within society, whether they be organised gangs or whether they just be a few criminals who are looking to sell a bit of pot on the street and make sure they do not get into trouble. This does not happen so much in my electorate as in the city electorates.

Again, this is one of the big issues that we need to think about. We need to look at the root causes of crime. We cannot forget that. We need to look at why these things happen and why people get themselves into a situation where crime becomes an option for them. We have to remember that, in doing that, we cannot be soft on the crime itself. There is no such thing as a victimless crime. We cannot say, for example, that offences such as the selling of drugs and so on are victimless crimes. Every crime has a victim, even if that victim is the perpetrator of the crime.

It is my ideological belief that crime must be punished in the harshest possible way so as to send a clear message to people who would commit crimes. An argument often raised in many circles in which I travel is that when we go soft on offences against society we just encourage more offending. Although this is a bit off the subject, I point out that the offences of speeding is relevant to the topic. If we really wanted to stop people speeding on Queensland streets, we would make the fines for speeding horrendous. If we are going to go 15 km/h over the speed limit, we should be smacked with a \$1,500 fine and lose 10 points off our licence. I guarantee honourable members that if that were the penalty for speeding I would never go over the speed limit again as long as I lived, and I am sure many other people would think twice about it.

However, when we make punishments very light—and this is where this Bill addresses the issue—so as to be no valid deterrent to somebody, all we do is encourage crime; all we do is encourage people to flout the law and say, "The penalties for what I am going to do are very light." Let us take the case of a 13 year old who is approached by an unsavoury element in society and told that they can make a bit of money if they do a break and enter or something like that; that they will get a certain cut. They have to weigh up the odds. They will get taken before a court and they will be lucky to get a slap on the wrist, but they might make \$150. For some desperate people in society—and there are many people in the 13, 14 and 15 year old age bracket who are desperate—these options become valid ones.

That is a sad indictment on society. It is also a sad indictment on the law. It should not be fear of the law that keeps people in order, but they should certainly know that their actions will be punished. Should they be tempted to offend, they should be able to reason that the punishment far outweighs any gain they could make. That is not the case at the moment with people in that age bracket. In my opinion, there is no real deterrent for people in that age bracket; they can easily fall victim to unsavoury elements in society because there are no checks and balances.

When checks and balances are removed from societies, we end up with what we basically have at the moment, which is a society that has all the hallmarks of collapse. We have moved so far away from the moral boundaries that our society has been brought to the level we have reached today. When moral boundaries are removed and when the fences are lowered for people to hurdle over, society is not made better; it plummets, and then there are no longer boundaries for people to push against.

The member for Whitsunday gave an interesting speech in which, in one part, he talked about his childhood and the boundaries. He said in that speech that it was good for him as a young—

Mr Palaszczuk: Was it at the CCA conference?

Mr NELSON: No, it was not at the CCA conference. I assure the Minister for Primary Industries that I am an Independent and that I will run at the next election as an Independent. He can hold me to that one.

Mr Palaszcuk: I would not use the member for Whitsunday as an example.

Mr NELSON: No.

In one part of his speech—and I would ask members to reflect on this—the member for Whitsunday pointed out that it was good for young men to test themselves against the boundaries of society because that gave them something to rail against. I cannot remember the exact words he used, but if members read Hansard they will see what he said. I suppose the thing he was trying to get at was that it was good to have boundaries because it gave young people—he was talking about young men in this case—something to rail against and it also kept them in check. At the time when he was a young man, in the fifties and sixties, that was very certainly true.

Mr Palaszcuk: It was a long time ago.

Mr NELSON: It was a long time ago.

I was very fortunate that I grew up with a rural background. To some extent those checks and balances still existed in the society in which I grew up. I see a lot of young people these days—and I suppose I do hang out with a younger set than do most members of this House. The problem in society today—and I know that many members of this House would have children my age and that some of them would even have grandchildren my age who would basically be saying the same thing—is that we lack some guidance from our forebears. It seems to me and to a lot of people to whom I talk not only in my electorate but wherever I go throughout the great State of Queensland that the things that made our society great, the things that put Australia in the advantageous position it enjoyed in the 1980s, have certainly been taken away from us. This comes as quite a shock to a lot of people, even though I look at it from that moral ground. I do not have the same sort of religious tendencies as my good friends on my right. I have no religious background. I am not a religious person, but I still believe that borders need to be in place in order for our society to operate properly.

Mr Feldman: The Youth Parliament.

Mr NELSON: The Youth Parliament was a good example. There was a great mob of young people here recently, and they did very well.

The point I am trying to make is that, ultimately, we need these barriers in society. That is why we have laws. I believe that our laws—and I am sure everyone knows my opinions on this—and the punishment, sentences and penalties in our society no longer reflect the damage that some people inflict on society. We must remember that it is only a small number whom we are talking about, but that small number should be made even smaller by us becoming very harsh on criminals who commit crimes against society. Society becomes impossible to live in when there are no longer boundaries for people to follow or those boundaries slowly but surely erode away to the point at which criminal elements can operate almost with impunity.

Again, I am going to harp on the point—and I think it is my right to harp on the point—that I spent the past 19 years of my life growing up in a police family. I watched not just my father but many other police officers work day and night to arrest people for crimes. My father started his working life in the suburb of Woodridge where in the old days the police station on the top of the hill was affectionately called Fort Apache because it was quite a rough area.

Mr Mickel: It is not anymore.

Mr NELSON: It is a lovely area, I am sure.

Mr Hamill: When did you move, Shaun?

Mr NELSON: When I was in Year 11. I went to Kingston State High School. I can tell honourable members that I saw my fair share of the criminal element down there at Kingston State High School.

Mr Mickel: It improved when you moved.

Mr NELSON: The member for Logan is being quite ungracious. The point is that police officers have an incredibly tough job to do, as the member for Caboolture could vouch.

Mr Mickel: They do, too. I tell you what, they do a great job at Browns Pains.

Mr NELSON: Yes, they do a great job. They try their hardest day and night to keep us safe and we all know that. Recently we have all seen the things that they have to put up with. I have been told by many police officers in my electorate that the hardest thing they have to deal with is youth crime. Young people are taken before the courts and they are lucky if they get a slap on the wrist. One person in particular about whom I have been told—and I know this for a fact—has gone before the magistrate six or seven times and has just been sent back with a warning or a slap on the wrist each time. Never once has he even flinched when the old man said to him, "Look, mate, I am taking you before a magistrate again", because he is thinking, "Every other time you have taken me before the magistrate, the magistrate lets me go that afternoon."

Mr Lucas interjected.

Mr NELSON: I would say to the member for Lytton that he should get up and speak on this Bill if he has an opinion.

The simple point remains that, as I said, back in my day when I was a young fellow police officers were supposed to be respected. I would never have thought to talk back to a police officer because 9 times out of 10 it was my old man or the sergeant and I would have been in more trouble than it was worth.

Mr Mickel interjected.

Mr NELSON: Exactly. But in this day and age—and I hear it ad nauseam and I have seen it—

Mr Mickel: What did your old man say when you threw the milk on the Parliament?

Mr NELSON: He was heartily proud—very proud indeed. The member for Logan does not want to know what he thinks about some of the people in this House.

The point of the matter remains that there are criminal elements within the youth culture who have absolutely no respect for police officers because they know that the police and the law are no threat to them at all. They can act with impunity. The member for Inala, the member for Woodridge and the member for Logan would know this only too well because their areas are affected by crime a lot more than mine. We need to arm our police officers with the ability to protect our society so that they can do their job well and also, as I said—and this is the main point I tried to make—protect the youth themselves from ending up in a criminal environment. If the laws were effective and powerful enough to save one young person from committing a crime, it would be worth it.

I support the Bill because I believe that is the intent of the Bill. I believe that it should not be thrown out simply because it is not an agenda item for the ALP at the moment. It would be good if the Government would look at it and perhaps amend it to make it work, because these sorts of things need to be addressed. We cannot be soft on crime. It is my belief that we are too soft on crime. I will prove to the House how soft on crime we are when I bring in my private member's Bill before the end of the year.
