Speech by

Mr D. BRISKEY

MEMBER FOR CLEVELAND

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JUVENILE JUSTICE AMENDMENT BILL

Mr BRISKEY (Cleveland—ALP) (3.24 p.m.): I rise to speak in support of the Juvenile Justice Amendment Bill. This bill, which incorporates amendments to a number of acts relating to juvenile justice, is all about this government keeping pace with a changing community. The amendments reflect commentary on the existing act by the courts and juvenile justice stakeholders in relation to provisions of the Bail Act and the right of election to the Childrens Court of Queensland and consider the findings of the Forde inquiry and implement the government's key election commitments, including the naming of a serious violent child offender in selected circumstances. Importantly, the bill seeks to strengthen the Juvenile Justice Act to better reflect the government's objective of attaining a balanced juvenile justice system for Queensland. I seek leave to have the remainder of my speech incorporated in *Hansard*.

Leave granted.

Members will be aware of the perceptions that exist within their own constituencies of an increase in crime, particularly concerning young people. In reality, when we look at the data, the claims just don't stack up.

Only about 1% of young people appear in court in any one year.

About 75% of young offenders appear in court only once or twice.

The majority of offences committed by young people are property related offences—very few are offences against the person.

However, there is, Mr Speaker, a very small group of juvenile offenders who do fall into the category of serious violent offenders and who can pose a significant risk to the community.

This piece of legislation seeks to allow the identity of these offenders—the most serious offenders—to be publicly disclosed when a court decides it is in the interests of justice to do so.

While statistics show that the rate of serious juvenile crime has decreased in recent times, this Bill is about ensuring that those juveniles who do commit crimes of a serious and violent nature can no longer hide behind the provision of confidentiality which exists in the current Juvenile Justice Act.

The provision stems from a belief by this Government, that when a serious violent crime is committed, community safety should remain the most important consideration.

I particularly welcome clauses 93 and 105 of the Bill which permit the court to name a child convicted of such an offence in certain circumstances, and provide the Chief Executive of the Department of Families to release the name and details of a child when it is in the interest of public safety.

Mr Speaker, this Government is also about providing a sensible approach to juvenile justice—creating a safe environment for all Queenslanders and, at the same time, ensuring that steps are taken to curb the crime cycle for young people by offering avenues to rehabilitation.

Restorative justice is one such approach for dealing with juvenile law-breakers that differs from traditional criminal justice processing.

Traditionally, our criminal justice system has a retributive basis which differs from a restorative justice approach. In recent years however, a number of legislative advances have meant all that is changing. This is particularly the case in the area of juvenile justice which uniquely fits the restorative justice paradigm and objectives of rehabilitation and public safety.

Mr Speaker, like many members in this House, I am particularly supportive of the concept of community conferencing—an avenue of restorative justice first legislated for under the Juvenile Justice Act 1992.

The process allows, in some circumstances, for an offence to be referred to a community conference—a meeting between a young person who committed a crime, the young person's family or other support people, and the victim if he or she wishes to attend.

Trained conveners are also present to help the parties talk about what happened and how the young offender might work towards repairing the damage or harm.

Either a police officer or a court may decide if it is appropriate to refer a matter to a community conference. It is usual for a police officer to attend as the presence of a uniform signals to participants the seriousness and formality of the occasion. Attending police officers can also provide factual and contextual information that can assist the process.

A range of offences have been effectively dealt with through conferencing, including assault, armed robbery, unlawful use of a motor vehicle, stealing, housebreaking, wilful damage and drug offences.

Restorative justice is more than just another change to the justice system; it is a fundamentally different way of understanding what justice is and how it is achieved.

Victims, offenders and the affected communities are the key stakeholders in justice and the community conferencing process maximises the input and participation of these parties—especially victims and offenders—in the search for restoration, healing, responsibility and prevention.

The roles of victim and offender vary according to the nature of the offence as well as the capacities and preferences of the parties.

In restorative justice, the offender becomes accountable to those he or she has harmed. Justice is done for the victims, victimised communities and offenders.

An important change for community conferencing being considered as part of this Bill is a shift of the responsibility of the decision making process when it comes to a child offender's participation in a conference.

Currently, this decision is imposed upon the victim. Instead, conference convenors will invite victims to participate and may still decide to proceed with a conference, even if a victim does not participate.

In the traditional justice system that has operated in Australia since the early days of European settlement, victims have tended to feel left out of their own cases. Often they need to speak about how they feel, but in the past the system offered little provision for that.

By allowing the court to permit the naming of a child convicted of a serious, violent offence in certain circumstances AND continuing with the many successes that have come from community conferencing, we can reflect the communities' abhorrence of serious violent offenders and at the same time provide some peace of mind to victims and offer a path to rehabilitation for young offenders.

Mr Speaker, another important aspect of the Bill is the introduction of a new sentencing which specifically targets high risk children who are too young to engage in community service work.

I mentioned earlier that the perception of juvenile crime is out of sorts with the statistics. Those same statistics show that those juveniles most likely to engage in crime are aged 15-16 years.

There are, however, a small number of offenders who are significantly younger than that—we're talking between 10 and 12 years of age.

Presently, sentencing options for this age category are significantly limited. In an attempt to curb their propensity for involvement in crime and prevent repeat offences, an alternative to the current detention, probation and release from detention options needed to be considered.

Under the proposed changes to this Bill, a new sentencing option targeting repeat and high risk offenders is available. The intensive supervision option will be utilised for those children at risk of a sentence of detention, but only after a pre-sentence report is provided to the Court.

The introduction of this new sentencing option will give those child offenders the opportunity to break free from a cycle of crime.