



Speech by

Mrs D. PRATT

MEMBER FOR NANANGO

Hansard 22 August 2002

JUVENILE JUSTICE AMENDMENT BILL

Mrs PRATT (Nanango—Ind) (12.05 p.m.): Children today are no different from what we were, but as responsible adults it is our responsibility and duty to guard them against their own not yet fully developed judgment. There are just as many reasons for juveniles to commit crimes as there are for adults, although the reasons may vary depending on the individual. There is often peer pressure in which a juvenile wishes to be accepted into a group or gang and the crime is their rite of passage. They may also need to feed and finance a drug habit or wish to ensure that their possessions are equal to or are better than those of their peers. Even the desire to dress in a certain label encourages theft. Clothing theft in small businesses is a major problem.

Often social upheaval, poverty and boredom are also contributing factors. The high participation rate of juveniles in break and enters, motor vehicle thefts and so on is reflected in the statistics. Sometimes these antisocial actions are a cry for help, but I do not believe that is necessarily so. There are many who choose to use that as an excuse in the hope that the courts will be lenient.

One purpose of this bill is to allow for the revelation of the name of a juvenile who has committed a heinous crime. Many in the community feel that this measure is reasonable. Equally, many people in the community feel that these juveniles should be allowed anonymity, that they should be allowed to enter adulthood without the stigma of a childhood crime. In this day and age, many juveniles are very knowledgeable about crime; they even surf the Net for ways and means of achieving their end. Often they are very well aware of their actions and the outcomes of those actions.

I see the despair of victims at the leniency afforded these children. The sentences they receive are almost non-existent. I concur with the member for Tablelands that often we are not hard enough on many of these children. Under this bill, the community can be made aware of the identification of a child who commits murder, attempted murder, rape or manslaughter. Serious sexual assault is another offence that I suggest the minister should seriously consider in these terms as well.

As a whole, society needs to address all the social issues which contribute to juveniles' decisions to act in an antisocial way. Boredom, as I said before, is a major contributing factor. A generation ago it was possible to undertake activities which today require licences and permits, something that has an impact on people's pockets and puts many activities out of the reach of many of these juveniles. I have often mentioned in this House that governments not only restrict childhood activities but also appear to legislate against what we all experienced—a normal childhood.

Programs need to be in place to make juveniles respect not just the property of others and authority figures but, most importantly, themselves. Many parents today feel disempowered to address the misdemeanours of their children. Frustration in parenting is rife. In saying that, there are also many parents who should not have children. Parents need education on how to care, educate and encourage their children on positive pathways. Unfortunately, many parents find it acceptable to rip off their employers or the welfare system and in many instances, for whatever reason, believe it is also justifiable. Even if they do not actively encourage such behaviour in their children, children are very smart; they pick up on such ideas and it becomes part of their social interaction with society and authority.

There are also adults who actively recruit children to become thieves because they are small and agile. Adults know that these children or juveniles will not be penalised too severely. It has been reported to me by one particular juvenile, whose mother brought him to me in my office, that the reason he committed the crime was simply for the thrill of it and the admiration of the gang. He belonged to a mixed race group, a group composed of Caucasian and Aboriginal children, who found that the penalties were even less severe because those who apprehended them had to recognise the Aboriginality of some of the gang. Therefore, this lessened the penalties that were applied to the Caucasian children.

Whether it is acknowledged by the authorities that that did in fact occur, the children themselves believe it to be true and act accordingly. Juveniles and children today are street smart and know their legal rights. Our system allows juveniles to obtain assistance to leave home early in life if they can convince authorities that they have a valid reason that makes it difficult for them to stay at home with their mum and dad. This right can be abused by some. For example, a child might be adventurous and choose to continually test the boundaries of life.

Recently, I became aware of the case of a young girl who lived approximately 28 miles out of town but who wanted to live in town with her friends. She was only 16 years old. She came up with a story and told it to the school counsellor. She was then placed in a youth centre and her parents entered into mediation with the counsellor. That went on and on. I know this family very well. The child wanted to stay in town with her friends and have a good time. She was very convincing in what she conveyed to the counsellor. I will read from part of the letter from her mother, who stated—

The fact is I can no longer compete with what the youth centre has to offer, I cannot provide her with accommodation in town ... so she can have ready access to her friends, I can't allow her to stay where and with whoever she pleases without first knowing who they are.

She can drink as much alcohol and smoke pot as often as she likes, she no longer has anyone around able to prevent it. Basically she is running amok and they are providing her with the accessibility to do so. The second week in the hostel my daughter woke to find one of the girls in the room having sex with one of the boys staying at the hostel. Why males and females are permitted to stay in the one place is beyond me. I believe the hostel is a godsend to those who truly need it but I do feel it needs to be run more like a place for those in need, than a school camp or slumber party. My daughter and many others are abusing the privilege to stay there. I feel if it wasn't so free and easy there, and the rules and regulations were enforced in a more rigid and professional manner then it wouldn't be such a fun place to stay and then perhaps they would think twice about leaving their homes and families.

I am hoping something can be done to prevent this sort of thing happening again and again. No-one can make my daughter want to come home but surely more can be done to ensure that these kids are truly safe.

This mother has resigned herself to the fact that her daughter will not come home. She fears that if she ever does come home she will probably be pregnant. Parents in these situations feel great despair. That is unjustifiable. One of our greatest needs as a society is to teach children that rights bring responsibilities. However, we must also allow parents to parent without assuming that they are automatically in the wrong. Most young people want to make something of their lives, but many find themselves being confronted in one form or another to commit a crime, and these young people need to be protected from having a one-off indiscretion marking them for all of their adult life. The Charter of Juvenile Justice Principles reflects this desire to not have such a discretion mar their future. I believe most juveniles would find this acceptable and would be very grateful. Hopefully, such measures would discourage their ongoing pursuit of crime. Unfortunately, there is a small minority who under no circumstances would be grateful, who would find that no authoritative action was acceptable and who would be intent on breaching any probation or other supervision order. These few need to be treated in a very serious manner so that they are under no illusions that the law will be lenient on recidivists or those who commit heinous crimes.

I acknowledge that the intent of this bill is to follow through on the Forde inquiry recommendations and the government's election promise to amend the juvenile justice legislation to allow judges the discretion to name juveniles who commit crimes such as murder, sexual assault and other crimes mentioned previously. I have no hesitation in supporting the proposed bill.