



Speech by

Hon. J. FOURAS

MEMBER FOR ASHGROVE

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JUVENILE JUSTICE AMENDMENT BILL

Hon. J. FOURAS (Ashgrove—ALP) (11.49 a.m.): I am pleased to take part in the debate on the Juvenile Justice Amendment Bill and I commend the changes. The bill meets the Beattie government's election commitments, which, in regard to intensive supervision orders, are to meet the gap in community based sentencing options for children between the ages of 10 and 12; and, further, to end forum shopping. The intent is to strengthen the specialist jurisdiction of the Childrens Court and to transfer the power currently exercised by public servants to breach a child's supervised release from detention to the courts. Also, there are, of course, the new juvenile justice principles and the Forde inquiry recommendations, which I will refer to later.

To put all of these changes into context, it is one thing to have the best legislation in the world—and that is a good starting point—but without resources, it becomes a pointless exercise. Yesterday the minister spoke about the fact that the Department of Families has received a 17.9 per cent budget increase this year by a sum of \$51 million. She referred particularly to the fact that the government will provide \$10 million for early intervention and prevention programs for the non-government sector. That is very important. Often the court system is the ending point and we have to do something at the starting point. I know how excited people in the non-government sector were as they prepared their applications for this program. The minister advised us yesterday that it will be up and away by November. Considering the short time which has passed since the budget, that is a wonderful outcome. I could imagine someone in a community saying, for example, 'We have a family in crisis and it is likely to break up, but we do not want the department to intervene and remove the children. Let us have a program where we can put a worker in with that family to help them cope with stress and learn the life skills to carry on down the road. We need to provide that sort of program.'

The charter of principles is the basis for the development and cooperation of programs and services provided under the act. We need to have principles under which we act, but we also need to have adequate resources. When I was the chair of the Enoggera SkillShare project—before it was annihilated by the Howard government—we ran a six month program for 20 young people from the John Oxley Detention Centre. So that they could actually understand what we were trying to do, we took them away for a week and gave them the opportunity to take charge of their own lives and to understand that they could actually retain their dignity and be full participants in our society. Actually, on the first day of that program, three of the participants committed a break and enter, so some habits are hard to forget. Nevertheless, the program carried on. In fact, that group expelled one of its members because he lacked cooperation. It was a decision made like Big Brother: it was their decision to do so because that person was inhibiting their progress. Of those 19 children, at the end of six months 15 of them actually obtained jobs that would allow them to be full members of our society. That is the sort of program we need out in the community.

I contrast that to events which have occurred during my time in this House. In the eighties, Graham Zerk, the then Director of Children's Services, said that we could not meet our statutory obligations to protect children, and he was sacked for his truthfulness. Add that to the evidence given to the homeless children inquiry by the then National Party coalition government that the majority of homeless children on the streets had at one time been under the care of the Department of Family Services. Concerned people within the community went to the extent of forming a Friends of Children in Care to try and take responsibility for them. Today, one of the principles with regard to children in

detention actually states that these children should receive the appropriate help in making the transition from detention to independence. Of course, we need resources to do that. Nevertheless, that was an appalling situation. Having the state intervene in a situation like that was actually worse than having a child stay in the most horrid situation at home. In fact, in those situations the state should have been brought before the courts under the state government's own legislation for breaching its duty of care.

I reiterate that we cannot do what we need to do without the proper resources. We have here the first instalment of a four-year program to provide more resources to the department. I underline how important that is. I also want to make reference to the Forde inquiry. I congratulate the previous minister and the current minister for following on with the recommendations because that really was a catalyst for changes in child protection. I need to say in this House that one highlight for me has been the closure of the Sir Leslie Wilson Youth Detention Centre. I have spent years in this place talking about that dreadful blight on the juvenile justice landscape. I remember children being taken into detention there for status offences; for being likely to be in moral danger; for being likely to fall into a life of vice and crime. They were young kids seeking love in the back seat of a car, yet they had to be put into jail.

Ms Spence interjected.

Mr FOURAS: And their parents; that is right—and being seen to be uncontrollable. Again, the parents were making that decision. They were put in there and mixed with children who had committed arson and other dreadful crimes. It was called a youth hostel, but it was just a jail masquerading as a hostel. It was an horrific place. Of course, the excesses of that place were highlighted in the inquiry by Leneen Forde and we have now seen the closure of that place.

I underline what the minister said in her second reading speech, that we have to put things into perspective. There is no significant increase in juvenile crime. There is no crime wave out there from our young people. As the minister has said, it appears that there is a decrease in the rate of more serious crime. It is important that we note that. We know that the majority of juveniles before the courts are 15- to 16-year-olds, so this legislation is bridging a gap which existed there. Not many 10-, 11- and 12-year-old children actually commit crimes, but a small proportion of them do get into the situation of being serious offenders. For the protection of society and for the protection of these young people, we need to make sure that there are sentencing options for children. It is important that these intensive supervision orders both protect the public and help to turn these children into responsible adults. That is something that I am very delighted to see in this legislation.

I want to speak specifically on the Labor Party's election commitment to introduce a new Charter of Juvenile Justice Principles into the Juvenile Justice Act. The charter of principles actually does three things: it underlines the operation of the act; it provides guidance to the courts on sentencing options; and it forms the basis for the development and operation of programs and services provided under the act. These principles point to the important balance between having children take responsibility for their offending and providing a juvenile justice system that will not lead to the tragic consequences uncovered by the Forde inquiry. For example, proposed principle 2 of the new schedule 1, Charter of Juvenile Justice Principles, states—

The youth justice system should uphold the rights of children, keep them safe and promote their physical and mental wellbeing.

Proposed principle 16 states—

A child should be dealt with under this act in a way that allows the child to be reintegrated into the community.

We do not want a process where a child, because of circumstances such as poverty or family breakdown or drunkenness in the home, goes from one process in the juvenile justice system to becoming a victim in the correctional services down the road. We do not want children ending up on the street, because in even a week on the street they will break and enter, take drugs and may prostitute themselves. If we allow that to happen, it is too late. The resources required to bring that child back into the community and the costs to society are tremendous. We need to give young people whose circumstances are difficult their day in the sun, their chance at a fulfilling life. These principles underline that.

I am pleased to see that the legislation encompasses principles espoused by the Forde inquiry. Schedule 1 provides—

3. A child being dealt with under this act should be
 - (a) treated with respect and dignity, including while the child is in custody; and
 - (b) encouraged to treat others with respect and dignity, including courts, persons administering this Act and other children being dealt with under the Act.
- ...
15. A child being dealt with under this Act should have access to legal and other support services, including services concerned with advocacy and interpretation.
19. While a child is in detention, contacts should be fostered between the child and the community.

I commend this enhancement of the principles.

In conclusion, I refer to proposed principle 20 concerning children detained in detention centres and to what is happening to children who have entered this country without bits of paper called visas who end up in our detention centres. These children require the protection of the United Nations Convention on the Rights of the Child, a fundamental principle on which this legislation is based. Therefore, they should not be detained for an indeterminate period of time.

Detaining children and not giving them recourse to the courts is horrendous. It would not happen in any country that has proper human rights legislation. It cannot happen in Europe. Phillip Ruddock says that these children are a state responsibility. If we get a detention centre in Queensland in which such children are detained, I will talk to the Families Minister to see whether those children are protected by the rights enshrined in these principles.

Ultimately, human rights belong to our children and to their children. These rights are universal. Mr Ruddock says that the situation in which these children find themselves is the parents' fault, that the parents should protect the children because they brought them into the world. Mr Ruddock says that when the children mutilate themselves they are simply seeking attention. Imagine a youth suicide prevention policy that actually blames the victims and says, 'You are just seeking attention; we will ignore you because if we ignore you you will stop seeking attention.' Technically, under immigration laws the minister is the guardian of these people, but he passes the buck to the states. If they build a detention centre here—heaven forbid—I will demand that the principles of schedule 1 are noted.

In conclusion, I am proud to be part of a Beattie Labor government that has decided that we cannot keep on going down the road of the Business Council of Queensland in terms of putting more money into capital works every year, with not enough to provide adequate and necessary human services. I am proud to be part of a government that said no to such a proposition because, ultimately, people matter. We must provide an opportunity for every child to attain adequate educational levels and to become a full member of our society. I commend the minister because this bill represents improved legislation, backed up with adequate resources to make what it proposes a reality. I am proud to commend this bill to the House.