Speech by

# Mr JIM PEARCE

## MEMBER FOR FITZROY

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### JUVENILE JUSTICE AMENDMENT BILL

**Mr PEARCE** (Fitzroy—ALP) (10.12 p.m.): I am pleased to join in this debate on the Juvenile Justice Amendment Bill 2002. There is a perception within the community—accurate or not—that juvenile crime is on the rise. The statistics suggest that in real terms this is not the case. In fact, only one per cent of Queensland's 10- to 16-year-old population appears in court for criminal activity. Despite the statistics we cannot dismiss the fact that juvenile crime is occurring and remains a very real and genuine concern for many people.

On the issue of juvenile crime the government must perform a delicate balancing act. There are strong calls for the state to get tougher on juvenile offenders—a move that in some instances certainly has its merits. At the same time we must never lose sight of the need to steer in the right direction those who are first-time offenders or have committed minor offences. We need to be able to deal with juvenile offenders in such a way that they do not end up developing an attitude that will set them on a life of crime. But there is also the need to have in place a system that allows us to punish the most serious offenders. By that I mean those juveniles who are committing what I regard as adult crimes that have very adult consequences—crimes such as murder, rape, armed robbery, et cetera. Yes, juvenile justice is a difficult balancing act but one that will hopefully pay off when juvenile crime falls.

The aims of the juvenile justice system are clear: to prevent crime being committed by young people, to divert them from offending, and to provide appropriate supervision and rehabilitation of young offenders. The amendments before us aim to meet those goals and strengthen the processes already in place to deal with young offenders. This bill proposes a number of amendments, but in the brief time allotted I will touch on only a few of the key initiatives.

It is important to note that this bill is about honouring a number of commitments made by the Beattie government prior to last February's election. One of the key proposals the bill seeks to introduce is to provide courts with the power to publicly identify those juveniles who have been convicted of a serious violent offence, such as murder or rape. In the last few years there has been some disquiet within the community about young offenders escaping identification even when they have committed shocking offences. Section 93 of the bill will allow courts to name these offenders. Of course, the ultimate decision as to whether to name or not to name will rest with the judge after all appeal processes have been pursued. The judge will have to take into account the circumstances of each case and decide whether public identification is in the best interests of justice. But in those circumstances where a judge believes this is so, then the names of those offenders will be released. I believe this is an important initiative, because when there is a gap between the law and community sentiment the justice system's credibility is undermined.

I know that police working at the coalface of juvenile crime have also advocated for this measure. Time and time again police are the ones who are called to answer an angry public's claim that nothing is being done to punish serious juvenile offenders. Despite the fact that the majority of these offenders are receiving appropriate sentences from the courts, because the public is not privy to this information people feel that nothing is being done. The old adage still holds true: for justice to be done it must be seen to be done. The sad reality is that most of those juvenile offenders who commit such heinous crimes as murder and rape are well aware of their actions and know right from wrong.

The civil libertarians may suggest that the move to publicly name a juvenile convicted of a serious crime has no benefit, but I doubt whether the victim's family would agree. They say there is no call for an offender's name to be released as this will only serve to further ostracise them and their family within the community. The reality is that they have already ostracised themselves through their own actions. We need to ensure that serious offenders—and thankfully the percentage of those committing such crimes is low—are no longer able to hide behind the curtain of their age. There is every belief that, in committing these crimes, those offenders are well aware of their actions and should therefore be aware of the consequences of their crimes. If their public naming offers some sense of relief or closure for the victims and their families, then I for one support it.

I turn now to an amendment which will provide a new sentencing option for those children who have not turned 13 by the date of sentencing and whose offending behaviour puts them in jeopardy of a sentence of detention. Clauses 60 and 74 provide for the introduction of intensive supervision orders which are designed to prevent reoffending by providing intensive support to children who are at risk of being placed in detention. The amendments will give the courts more options when dealing with very young offenders and also honour another election commitment of the Beattie government.

The experts suggest that the key to tackling juvenile crime rests with workable rehabilitation programs as opposed to straight-out punishment. It is therefore vital that we get the youngest offenders into intensively supervised support programs in an effort to address their issues early. If we can steer them back onto the right path at an early age there is every chance they will become productive and responsible members of society. I know this is a move supported by police who acknowledge that juvenile offenders are getting younger and wiser all the time. At present the very young are only able to receive counselling. They are deemed to be too young to undertake community service work. Through counselling they are made aware of the law and what is considered to be right and wrong behaviour in our society. But clearly, this is not enough, and I am sure that all members would agree. I have been told of cases of eight and nine-year-olds who have received counselling time and time again yet they continue to reoffend. These children—and that is what they are—have committed offences such as rape—I know that shocks a few people, but it is a fact—break and enter, assault and robbery. Clearly there is a need for something more than just counselling. I have strong hopes that the intensive supervision orders will make an impact on the very young. We need to break them out of the cycle of crime before it becomes their future.

Another of the key objectives of this bill is to implement the recommendations of the Forde report, following on from the inquiry into claims of abuse, mistreatment and neglect of children in Queensland institutions. Several of the amendments before us provide the government's response to these Forde report recommendations that are appropriate to the Juvenile Justice Act.

In those instances where the courts are left with no option but to impose a sentence, we must ensure that juvenile offenders are treated with dignity and respect while in custody and ensure that their basic rights are met. I know that all Queenslanders were shocked by the findings of the Forde inquiry and acknowledge the need for government to learn from the mistakes of the past. The systems and policies in place must leave no room for abuse and instead must be about creating a framework for building a better future for our young people.

The government has responded to the Forde report by ensuring that a list of basic rights of children in detention centres be included in the new charter of juvenile justice principles. Each child will be supplied with a list of rights and responsibilities upon entry to a detention centre. There will also be an obligation on detention centre staff to report harm suffered by a child in a detention centre, plus a requirement for mandatory regular inspections of detention centres. We would all support that. Detention needs to be about children learning and accepting responsibility for their actions but, at the same time, ensuring they leave with a more positive approach to life which will hopefully ensure they are not compelled to return to crime.

Another amendment of interest is clause 7, which will provide police with a straightforward way to bring children to court by the more widely used notices to appear. I understand from my inquiries that police are supportive of this amendment as it will simplify the process by reducing the number of forms they are required to complete and the books they need to carry with them.

While on the whole I support the legislation, I would like to raise a couple of concerns about the proposed amendments. Clause 7 proposes to strengthen the legislative provisions around community conferencing to make the process easier to use. For example, the amendments will relieve the victim of an offence of the current requirement to decide whether or not a child can be dealt with by way of a conference. While that may be a good move as it takes some of the pressure off the victim, I understand that there are concerns about the move to allow conferences to go ahead even in those instances where a victim does not wish to participate. It can no doubt be quite a frightening and emotional experience for a victim to face a perpetrator in a community conferencing environment. However, I also know that many victims who have gone through the process have found it extremely beneficial in giving them a sense of closure.

At the same time, police believe it has genuine benefits in ensuring an offender has a personal sense of the consequences of their crime. Too often they commit a crime without having any real sense of what their actions mean to their victim and the impact their actions have had on another person's life. Forcing them to face their victim brings the consequences of their crime home to them personally, often in quite a confronting way for the perpetrator. This can only be a good thing. It is important that an offender is forced to make the connection between the crime and the human face of their victim. If community conferences are able to proceed without the victim present, there is a concern that many offenders will not take the process seriously and it will be of little benefit.

I understand that there is also some concern about clause 124, which will remove the requirement that a child in certain circumstances must show cause why they should be granted bail. In the past a repeat offender who may have been arrested on numerous different charges would be asked to show cause why he or she should get bail. If the show cause provisions are removed, each charge will be treated individually. This could well mean that repeat offenders who probably should not be bailed are back on the streets again far too soon.

Given the time limitations, I have touched on only a few of the proposed amendments but have no doubt that others will be dealt with by my colleagues. While the bulk of these amendments will go a long way towards strengthening Queensland's juvenile justice system, we should also use the opportunity to canvass other issues, including tackling the underlying causes of juvenile crime.

From talking with local police I know that there is a need to legislate for diversionary measures for paint and glue sniffing juveniles. In Rockhampton for example this is a worsening problem, with a large percentage of juvenile crimes being committed by kids high on these substances. I understand that businesses have been cooperating with local police in efforts to reduce young people's access to these substances by adopting a policy of no sale to juveniles. I commend the businesses for that. Unfortunately this is not enough. Police say that young people are committing break and enter offences simply to get their hands on these substances.

Currently police have the power to remove and destroy a substance being used by a juvenile, but that is the extent of their power. They do not have the power to remove a juvenile and place them in a diversionary centre. Given the seriousness of this issue, I know my colleague the member for Rockhampton, Robert Schwarten, shares my delight at the Premier's recent announcement in which he pledged government support to finding a solution to Rockhampton's juvenile substance abuse problem. I thank the Premier for this commitment and look forward to hearing more about what we as a government can do to tackle this problem. There is no doubt that substance abuse is one of the leading contributors to juvenile crime in Rockhampton and local police can only do so much. So government must get in behind them.

It is clear that juvenile justice is a complicated issue, with government juggling many factors in an effort to get the balance right between detention, supervision and rehabilitation of young offenders. I have no doubt that the bill before us will assist government in ensuring we get the right balance.