



Speech by

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JUVENILE JUSTICE AND OTHER ACTS AMENDMENT BILL; JUVENILE JUSTICE (SENTENCING PRINCIPLES) AMENDMENT BILL

Mr BLEIJIE (Kawana—LNP) (8.04 pm): I rise to speak in support of and add my contribution to this cognate debate of the Juvenile Justice and Other Acts Amendment Bill, which was moved by the government, and the Juvenile Justice (Sentencing Principles) Amendment Bill, which was moved by the opposition. I would like to preface my address by congratulating the Deputy Leader of the Opposition and shadow Attorney-General on recognising the increasing societal problem we are experiencing and for showing leadership in this parliament in recent months on juvenile justice issues. The fact that we are debating both bills together would also indicate that the government recognises the leadership shown on this issue by the Deputy Leader of the Opposition. It is a shame, though, that it is not supporting the bill.

While debating juvenile justice and juvenile detention, one cannot help looking back at the record over the past 11 years of Labor governments in this state. Under Labor we have seen a breakdown in young offenders being held accountable for their crimes. Over the past 11 years we have seen the real levels of violent crime rise, and detention seems to remain a last-resort punishment for offending youth. That is a record that no-one can be proud of and I am glad to see that the government is finally taking some of these issues seriously.

The Juvenile Justice and Other Acts Amendment Bill will amend the Juvenile Justice Act 1992, the Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984, the Child Protection Act 1999 and the Young Offenders (Interstate Transfer) Act 1987. This bill came about as a result of a review of the Juvenile Justice Act 1992—a review which was long overdue. The review commenced on 31 May 2007 to provide a best-practice youth justice system with the capacity to respond to current demand and challenges. The review was launched with the release of an issues paper in 2007 by the then minister for communities, disability services, Aboriginal and Torres Strait Islander partnerships, seniors and youth. Public consultation was sought on the issues paper. It is notable that, out of 174 submissions, 53—that is almost one-third of those submissions—were made by young people.

This Juvenile Justice and Other Acts Amendment Bill will grant courts specific powers to place curfews on juvenile offenders; it will expand the existing court powers in relation to the meaning of 'juvenile offenders'; it will increase the minimum mandatory detention period for young people convicted of multiple murders; and it will provide our Police Service with stronger powers to arrest and take to court those young people who do not comply with youth justice conferencing requirements, or contravene an agreement or fail to attend a drug assessment session.

This Juvenile Justice and Other Acts Amendment Bill will also require the courts to consider setting a date for the transfer of offenders from youth detention to adult prison at the time of sentencing when young offenders are detained beyond the age of 18. It will prohibit the publication of information that identifies a child victim. It will amend the name of the Juvenile Justice Act 1992 to the Youth Justice Act 1992, in line with legislation in other states. It will also make a minor amendment to improve the workability of the relevant acts. This government amendment seeks to contribute to reducing remand levels by requiring courts to consider the likely sentence when making any bail decisions and clarifying that if a

young person is remanded in detention because of a threat or harm to their safety then that threat must arise from the circumstances of the alleged offence itself.

While I recognise the work by and the intent of the Minister for Community Services and Housing and Minister for Women and her department in seeking to bring about reform in this area of youth justice, I must note in this House that this bill does not make any groundbreaking changes but is more of a finetuning—or rather a service—of existing legislation. When we look at our justice system, we need to decipher the actual purpose of the definition. Are we trying to discourage our youth from recommitting crimes in the future? Or does the slap-on-the-wrist approach actually assist in helping rehabilitate the offender so that they will not end up a career criminal? One can only refer again to the past 11 years of Labor governments in this state and see how the soft approach has adversely affected our society.

It is time to stop making excuses for violent young offenders. Certainly, we should not lock up every juvenile offender who is found guilty of committing a crime. But we need to allow the courts and the judges the discretion to punish offenders for those crimes of a serious nature rather than use detention as a last-resort deterrent. By then it is almost too late.

We need a youth justice system that is tough but fair. We need to ensure that the community feels safe but also gives young offenders the ability to rehabilitate. We need to stop making excuse after excuse for the offenders and start to look at what we can do to assist the victims. We need to have a system that recognises personal hardship and is empathetic, but that should only be for the extreme cases.

I applaud the government and the Minister for Community Services for the introduction of the government legislation and enacting several legislative reforms that toughen up our justice system. However, we need not only a system that deters our youth from committing crime but also we need to look at what we can do as a society to prevent these crimes from occurring and prevent our youth from being troubled in the first instance.

Research has shown that many young offenders have themselves been victims of childhood abuse and neglect. As a community we need to break this cycle and improve how we can identify and protect all our children, especially those children who are at risk of abuse and harm. We need to look at prevention of offences by our youth, and in turn by our adults, by breaking the cycle of victimisation, violence and neglect.

On the broader issue, as a society we need to look at what we can do to educate our youth that while people in our society have certain rights, with these rights come responsibilities. I believe that this starts within our education system. If the parents are not going to teach their children any sort of responsibility it is going to be up to our teachers. I know that teachers have a hard enough job as it is, but this can easily be done by ensuring that behaviour management policies within schools send the message that if a student does the wrong thing there will be consequences. The problem—and I am certainly empathetic for teachers and principals—is that students in our schools, particularly high schools, are far too often getting away with irresponsible acts. That crucial high school age from 13 to 17 is a time when our children go through adolescence. They enter the high school as a child and finish upon the verge of adulthood. These five years of schooling are crucial, particularly in terms of developing those in our future society.

Mr Hoolihan interjected.

Mr BLEIJIE: You do not think the five years are crucial? This will ensure that young people get the message that it is not all right to vandalise property, it is not all right to assault another person and it is not all right to steal someone's car. By the time it gets to the extent that the police have to deal with these people, often it is too late. I use this opportunity to ask the honourable Minister for Education and Training to follow on from this legislative reform from the Minister for Community Services and look at how we can be proactive in our schools when dealing with those students who constantly do the wrong thing and disobey the teachers and principals.

We need to instigate a front-end investment in our children. This government needs to resource early intervention and prevention strategies to help Queensland families and young people in order to break this cycle. We need to do this at an early stage and well before any offending event occurs in the first place. Our children and youth should not have to enter the juvenile justice system before our community and we as legislators deal with these issues. As legislators we need to be seen as contemporary and be dealing with issues by reforming previous legislation. This legislation responds to the need for greater community protection and also recognises the victims of young offenders.

The level of juvenile crime continues to rise and Queensland's youth detention centres are overcrowded and our children's courts are overwhelmed with cases. Something needs to be done to bring about reform. We need to stop this revolving door cycle and implement intensive prevention and intervention strategies and provide strong rehabilitation and reform programs. Only then can we start to see a reduction in the level of crime that is being committed by our youth.

I add my support to the amendments proposed by the shadow minister for community services and housing and minister for women, the member for Burdekin, en bloc. I will, however, speak to one of the amendments that seeks to limit the number of times a young offender may be dealt with under the act by way of caution to three. This will obviously strengthen the use of a police caution as well as make it effective as a warning system—a 'three strikes and you're out' policy, if you like. However, in this case three strikes means that a conviction will be recorded. I believe this is extremely important, as anyone who disciplines a child knows that shallow threats are harmless and indeed pointless. We need a system that does allow for some warning and leniency but is also limited to a three-caution policy. That way the offender knows what the exact consequences are if they are caught committing and recommitting a crime. There is no grey matter in the middle. The act should be black and white. I think the amendment will help achieve this. I also believe that it is important as a path of consequences, if you like. Reccommitting offenders would know exactly where they are in terms of punishment. This not only reinforces that what they are doing is wrong but also puts in place a level of tolerance that simply says if they are going to continue to re-offend and subsequently be caught then they will be punished by the laws which govern our society. I believe that it is tough but it is also fair.

A number of constituents, particularly senior constituents, have issues with how young offenders seemingly continue to get away with what may be considered petty crime in the grand scheme of the Criminal Code but which nonetheless significantly affects our community. We have to get terms like 'joyriding' out of the general community vernacular. The term 'joyriding' sounds fun and to the layperson hearing or reading the term out of context, who would not want to have a joyride! What should be reported and, if you like, sensationalised, is the fact that joyriding refers to one's motor vehicle being carjacked or stolen with the offenders driving around in the stolen property as if they do not have a care in the world. It does nothing except seemingly condone the act and show utter disrespect and disregard to the innocent victim who actually had their vehicle stolen. I understand the media has its own spin on things, but the general lack of respect often shown to the victims of crime and the heroic status given to the prankster attitude amongst our youth is appalling.

The Juvenile Justice (Sentencing Principles) Amendment Bill moved by the Deputy Leader of the Opposition will toughen up the penalties for juvenile offenders committing very serious crimes such as rape. Figures released recently by the government on juvenile sentencing indicate that in the 2007-08 period 26 juveniles were convicted of rape. Out of those 26, 17 escaped jail time. In the 2006-07 period, 14 juveniles were convicted of rape and 11 did not go to jail. In 2005-06, 23 juveniles were convicted of rape and 18 out of the 23 escaped jail. Those figures indicate Labor's soft stance on crime and sentencing: 73 per cent of those juvenile offenders convicted of rape escaped jail time. What message is this sending to not only the offenders but also the victims of these heinous crimes?

Labor's soft stance on crime is nothing that is new. In the mid-1990s we had the ridiculous laws under the Goss government that required adult offenders be sentenced as a last resort. Thankfully this was corrected under the Borbidge government which ensured serious violent offenders went to prison. This soft stance on crime is what we have come to expect from concurrent Labor governments in this state. I hate to say it but, as I remind the House every time I speak, soft crime is in Labor's DNA. This Labor government has failed in sending the message to juvenile offenders that it is not all right to commit crime, it is not all right to steal, it is not all right to sexually abuse women and it is not all right to vandalise property. The statistics speak for themselves. Almost 20 per cent of all sexual offences are committed by children and over 30 per cent of all robberies are committed by children. Enough is enough.

Government members interjected.

Mr BLEIJIE: We as a society need to stop making excuses. Here we go. I am basically being told to hush up when I am stating that as a society we have to stop making excuses for offenders. The Labor Party on the other side have the hide, when I stand up as a member in this parliament to say enough is enough about offenders continually getting let off the hook, to say that the member for Kawana should shush. Shame! We must deter juvenile offenders from committing these crimes in the first place.

Earlier today I heard the member for Waterford make comment along the lines that the Labor Party or the Bligh government is tough on crime. Then we had the member for Chatsworth next to him grinning and nodding his head in agreement. That is a load of guff. The Labor Party is not tough on crime. It is not tough on juvenile crime. That is anything but the truth. When the member for Everton was speaking and I interjected he said that members of the opposition, including the Deputy Leader of the Opposition and specifically the member for Kawana, think all youth are criminals. What a load of rubbish! I never said that. The interjection never said that. In fact, the Deputy Leader of the Opposition stood in this place this afternoon and said that the majority of young people are not responsible for these offences. We are talking about a minority. Once again, I recognise the work done on this issue by the Deputy Leader of the Opposition and commend both amendment bills to the House.