



Speech by

Lawrence Springborg

MEMBER FOR SOUTHERN DOWNS

Hansard Tuesday, 1 September 2009

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

Mr SPRINGBORG (Southern Downs—LNP) (Deputy Leader of the Opposition) (5.20 pm): I rise to contribute to the debate on the Juvenile Justice and Other Acts Amendment Bill. I would like to put on record my support for the contributions made by the shadow minister and other opposition members. This bill is the result of a review that was announced in May 2007—a review where the submissions were never made public. Rather, we had a watered-down final report with no real detail of what members of the community had submitted. The result is that this bill is a far cry from a major overhaul or a new approach to juvenile justice or addressing young offending. Instead, it is a bill that barely touches the sides and provides nothing major in the way of reform.

Young offenders continue to make up a large proportion of crime and disorder. This is not to say that the majority of young people are committing crimes, but, rather, a large number of crimes are committed by young people. The key aim of a strong youth justice response to children who commit crimes is to balance the needs of victims of crime and to work with child offenders to stop them committing further crime and guide them on a path to well-adjusted, law-abiding adulthood.

Youth crime in Queensland has continued to grow. Youth violence is one area where there has been a growth in the number of young people being both arrested and found guilty of youth crime. In 2006-07 the Children's Court found that, despite an increase in the number of children dealt with by way of youth conferences, overall crime that came through the court rose by 2.6 per cent. There was a 17.2 per cent increase in the number of charges against young people—up almost 2,500 in one year alone.

Mr Shine interjected.

Mr SPRINGBORG: I take the interjection from the member for Toowoomba North. Certainly it belies that which has been put forward on the other side that there has been a significant increase. If what they were saying on the other side were true, we would be seeing a significant decrease in youth crime, and certainly that is not the case.

These figures grew further in many areas in 2007-08, and that was outlined in the Children's Court annual report. The annual report shows a big jump in the number of robberies being committed by juveniles and a frightening jump in the number of sexual assaults. The report stated that only four per cent of young criminals were sent to detention in 2007-08, and this was because of Labor's preferred and increased use of conferencing and detention as a last resort policy.

Young offenders need to be held responsible for their crimes, and serious violent offenders should be punished accordingly. Victims of juvenile offenders are predominantly also young people, 61.7 per cent of whom are aged under the age of 20 years. I reiterate that under this government there has been an erosion of personal responsibility when it comes to youth offending, and excuses and blame have crept into the juvenile justice system which for too long has played to the offender, whilst failing to rehabilitate and reform the young offender, and has completely forgotten the crime.

Police report frustration and dissatisfaction at the current way in which the juvenile justice system is being managed. Youth advocates also express concern at the lack of early intervention and prevention strategies in place to assist at-risk young people. Currently in Queensland almost \$32 million is spent on two youth detention centres in Brisbane and Townsville. Whilst Queensland spends \$27.5 million on youth justice community supervision, an additional \$13 million will be spent in 2008-09 on staff training and support services.

There is little or no official reporting on youth justice in Queensland. The Department of Communities released a two-page summary for services in its annual report. There is no annual reporting for youth detention centres or youth justice services. Recent trends have shown evidence of a rising knife culture among young people that has gone unaddressed by this Labor government. Based on recent announcements by the Premier and the various ministers, it seems everyone wants to blame everything but the offenders committing the crimes.

The 2007-08 police statistical report found that 97 per cent of weapons offences were committed by males between 15 and 19 years of age. So what has been missing from juvenile justice and responding to crime in general in Queensland over the past decade? It is a government that is willing to hold offenders accountable for their actions. Instead, what we have seen is an explosion in the use of diversionary responses to young offenders, yet at the same time crime continues to grow. Those opposite may try to hoodwink the community by dragging out selected crime rates, but the record number of victims of young offenders tell another story.

To take this further, last year it was revealed through opposition questioning that violence in detention was worse than in adult prisons. Staff working in Queensland juvenile detention centres are more likely to be assaulted by young violent thugs than in the adult prison system. There were 98 assaults on detention staff by violent youth in the last three years—that is, between 2005 and 2007. There were 53 assaults on corrective services staff in the Queensland adult prison system in 2006-07, which had a population of 5,567 inmates at that time. This compares with 40 assaults of corrective services staff by juvenile detainees last year, with a juvenile detention capacity of 150.

I want to turn to the shocking statistics that have arisen of the revolving door that juvenile detention has become under this Labor government. More than three-quarters of all young offenders in detention have been there before and a staggering one in four have been behind bars at least five times previously. The findings of the latest Commission for Children and Young People and Child Guardian report, *Views of young people in detention centres*, confirmed that Labor's youth justice system was a revolving door to jail. Clearly, rehabilitation and reform programs for young offenders in detention are not working. The report released showed roundly two-thirds of those in detention received sentences of less than three months—hardly enough time for them to complete proper rehabilitation programs.

In listening to the contributions of members opposite during the day, it has been fairly clear to me that this 'excuse and blame something else in society for this problem' approach continues to permeate the thinking on the other side of this House. It is absolutely wrong to assert that those on this side of the parliament believe all young people are bad. I believe, and I would say the majority of my colleagues believe, that the majority of young people are inherently and intrinsically good, and set fine examples in their community and set fine examples in their homes. Through social decay, social disorder, peer group pressure in some cases and the slap-on-the-wrist approach of this Labor government we have a small number of offenders committing a large number of crimes in our community, which is giving our young people a bad name. This should not reflect upon the majority of young people.

If one looks at the speeches made by the great Greek philosophers a couple of thousand years ago or more we find that they talked about the young people of the day. Today people talk about the young people of the day. Nothing has actually changed in the way that society muses about that. But one thing that has remained constant over that time is that those young people who are causing problems are in the minority. The simple reality is that those juveniles who are doing things wrong are, in many cases, doing things spectacularly wrong and need to be dealt with differently from the way they are dealt with by this government under the policies of the past.

Having said that, there are things that the government is proposing that are a step in the right direction. There are other things which should be amended and strengthened. It is certainly true that there is a small minority of young offenders who are terribly violent and who are as bad, if not worse, than most violent adult offenders. Therefore, we should welcome the implementation of the Premier's commitment to ensure an increase in minimum mandatory sentences from 15 to 20 years.

I noted the interjection from the honourable member for Toowoomba North, the former Attorney-General, a moment ago. In recent times we have seen some of the most dreadful and unbelievably heinous crimes committed in his community, the community of Toowoomba. That has cast a pall over the general safety of that community, at least in the minds of some people. In many cases, those crimes have been committed by some dreadful juvenile offenders. They have been unspeakable crimes of unspeakable violence. They have actually been replicated in other places around Queensland.

That is exactly why we need an increase in mandatory minimum sentencing for these very serious juvenile offenders. We need to ensure that they are treated akin to adult offenders who commit terribly heinous, calculated, cruel and brutal crimes that, in many cases, lead to somebody losing their life. The cases that I have mentioned in that city have resulted in multiple lives being lost and other people being maimed. That is certainly a step in the right direction.

I wish to look at some other aspects of the legislation. I will particularly look at that part of the legislation which deals with the issue of naming juvenile offenders. The government's bill does not go far enough in addressing the issue of the naming of serious juvenile offenders by the courts. It is also fair to say that I, like most people, believe that juvenile offenders, because of their youth, need to be given a chance that would not necessarily be given to adult offenders. We have all been young and we need to learn. That does not mean that we should be giving people a second chance, a third chance, a fourth chance or even a 20th chance as we have seen happen around Queensland. We need to draw the line in the sand somewhere.

Some of these juvenile offenders actually get off on breaking the law. The law treats them in a very cavalier fashion and in a way that does not make them atone for their criminal behaviour. They know that. Many kids who are given a warning and counselled by a police officer do not do the same thing again. But there are a number of young offenders—and disturbingly an increasing number of young offenders—who continue to be warned and counselled by police officers and given a chance by the juvenile justice system who then thumb their noses at the law.

I have spoken to police officers, as I would say many members of this parliament have, who are completely distressed and beside themselves. They have been through the process of counselling a young offender or a young offender has been through the juvenile justice system and they have then gone straight out of the court doors or the police station doors and made all the signals of disrespect in our community; they have kicked over rubbish bins as they have left and laughed at what has just happened to them. They have been through it all before and seen no consequences for their actions.

Again, that may be a minority but it is the minority who is giving all young people a bad name. Even those young people who have committed only one or two indiscretions in their life are given a bad name. It is the minority that we are talking about. They are quite hardened.

That brings me to the issue of naming offenders. The government is saying that these changes with regard to the naming of juvenile offenders will mean that those offenders who commit the worst types of crimes will be named by our courts in more instances. One would hope that it is better than what we have seen in recent years in Queensland. This law was announced with great fanfare by a previous minister, the current Leader of Government Business. In the first two or three years no-one was actually named. I cannot see things changing all that much. We have to change this culture.

Whilst young people generally deserve a veil of anonymity as they seek to get their lives back in order if they have committed one or two indiscretions of a minor nature, it should not go too much beyond that. We do know that there are young offenders out there who actually enjoy this veil of anonymity which allows them to commit certain crimes and misdemeanours in the community. They use that to their advantage. We need to look at going further to ensure that recidivist juvenile offenders who have been involved in ongoing property crime, for example—and some of them have multiple offences for break and enter and robbery—are ultimately named down the track. Even if they are not going to change their ways it allows the community to make their property and their families safe.

If we are going to have a juvenile justice regime in Queensland that rightly treats young people differently from adults it also has to have at its very core an understanding, a philosophy, an ideology that is driven and motivated by rights and responsibilities. If we are going to have rights for these offenders that are different from those for the adult community who commit certain crimes, then they have to face up to fact that they have some responsibilities if they are going to be given chances that are not given to adult offenders in the community.

I actually support the notion of early intervention. There is no doubt about it. One of the things that I have noticed over the years is that Labor talks a lot about early intervention. It talks about getting involved at the early stages, detecting these things and case managing but nothing really happens. Things continue to get worse. This is the difference between spin and action and the difference between substance and reality.

Those opposite should go into our schools—that is where I was last week—and speak to the teachers about what they are noticing with regard to a certain culture. There are many people—and it comes back to parental responsibility in many cases—who just do not care. So what happens then? Someone else has to be responsible for that issue. It goes to the department of child safety, which often does not get to the nub of the issue. It then comes into the education system.

I must admit that I am absolutely dismayed that we have a growing number of teachers becoming quasi-parents, de facto parents, for kids. They have to feed kids and clothe kids. We have to be prepared to be more judgemental and intervene more at the nub of the problem rather than saying that anything will

go and we will spend any amount of state resources on trying to fix a problem not very well at the other end. We have to look at society and its breakdown in general. We have to look at the cost of all of this and be prepared to be a bit harder in response. I think they call it tough love.

If we look at the amount of resources going in to fix things because of the soft response and not having the right ideology, it would distress us all. If honourable members do not believe what I am saying, they should go and talk to their teachers and those people in the community who are involved at the front end to see what they have to say. There is a bit more to it than the namby-pamby 'it'll be okay' philosophy of blaming it on something or other such as a bad childhood. We know that those things can influence children to an extent, but that then becomes an excuse not only for a child but also for an adult who wants to blame somebody else as they basically abrogate their responsibility to look after their own children. I am not one who says that things do not go wrong in society. Of course they do, but sometimes I think we give people too many excuses.

In conclusion, bipartisanship cuts both ways. We intend to support the government legislation with some suggested amendments along the way. I believe the government should be prepared to support our legislation, which seeks to ensure that the protection of the community should be the paramount consideration of the sentencing court, not the last resort. Then we would have a clear demonstration of bipartisanship.

(Time expired)