Speech by

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

Mr SPRINGBORG (Southern Downs—LNP) (Deputy Leader of the Opposition) (3.58 pm), in reply: I rise to sum up on the opposition's bill that has been debated as part of the cognate debate. It is interesting to listen to the dissertation from the minister about the proposition that we have put forward. When listening to this minister, one could think that she was the most hairy-chested, crackdown-on-law-and-order minister that the people of Queensland have ever seen. However, this is more typical Socialist Left rhetoric from somebody who stands in this place without understanding the law and talks about being tough but, in fact, is not being tough. This is spin. This is what the Labor Party has done year after year after year. It talks tough on law and order, but never implements a law and order regime that is actually tough.

The minister talks about having tough penalties but what underlies any sort of regime which ensures tough sentencing is the sentencing principle. So you can make as many amendments to the Criminal Code as you want and you can make as many amendments to the Juvenile Justice Act as you want that lift the head sentence from seven to 10 years, to 14 years and to life in some circumstances. But, if you have a sentencing principle regime that says that custody of the offender should be the last resort or that they should be treated with kid gloves, then it does not matter what the head sentencing regime is because the offender will not go to jail or will go to jail for a very short period of time. That has been one of the great criticisms we have heard in recent years under this government. When it comes to people going to jail for the protection of the community, they are just not going there.

If you look at the likes of the Aurukun nine, they are another classic example of that. They can be convicted of rape but not go to jail and then the government needs to be embarrassed into appealing the decision by the court of public opinion. So the minister should not come in here with this nonsense about being tough on law and order and this nonsense about being tough when it comes to penalties when the government has a sentencing principle regime that lets those people who offend fall out the bottom and not be sentenced to jail even if they have committed a particularly bad offence.

The other concoction we have heard from the minister and some members opposite is the proposition that we believe that all young people are bad and that all young people should be sentenced to periods in custody. I said yesterday, and I will say it again today, that that clearly is an inane proposition and something with which we do not agree and should not agree. But there are certain categories of young offenders who continue to take so many liberties in the community with the multiple chances they are given. They thumb their nose at the law and they have absolutely no intention whatsoever of changing their offending behaviour because they are treated with kid gloves over and over again.

We can quote all sorts of things. I am going to quote from the juvenile justice statistics that show that, in 2007-08, 26 juveniles were convicted of rape and 17 escaped jail time; in 2006-07, 14 juveniles were convicted of rape and 11 did not go to jail; in 2005-06, 23 juveniles were convicted of rape and 18 escaped jail. So we are seeing the same proportionate number of characters who are missing out on going to jail year after year. I would be very surprised if that trend changes when the new figures are released, if

indeed they have been released to date. So we do have a serious problem when it comes to those juvenile offenders who are committing serious crimes escaping jail time.

We also heard the honourable minister opposite talk about the programs in rehabilitation centres and all of those sorts of things. I remember a number of years ago—and one would hope that things have changed since then—when I toured some of the cape communities and spoke to some of the Aboriginal elders they talked to me about the Cleveland detention facility. They were saying that their young who went there had completely lost respect for the community, completely lost respect for their traditions and completely lost respect for the elders. They used to go off to Cleveland and absolutely loved it. They would came back to the community absolutely emboldened, thumbing their noses at the elders. They would come back with a new pair of Nikes and away they would go again because there were no real consequences for their actions. So in some cases custody is something that some of these characters look forward to. There is another aspect to custody as well—that is, it can actually protect the community.

Mr Wettenhall interjected.

Mr SPRINGBORG: No, because when you put them back into the community there is no reinforcement. There is a complete disempowerment in the community to be able to deal with those issues. There are no practical examples that I can point to where the people who are predisposed to that sort of life are going to be in some way altered or changed by what is happening within their community. It was a case of those young offenders seeing it as a soft option. I have put forward the proposition over the years that maybe we should be looking at giving those Indigenous communities the capacity to use their own forms of traditional discipline—the capacity for shame, for humiliation and for exclusion, which are a part of their own traditional justice systems.

Let us look at what the Chief Justice in Queensland has said. The government is saying that it is allegedly all the right-wing fanatics, all the extremists, in this parliament who put forward the proposition that we should be sentencing some of these juvenile offenders to a period in custody or even naming them. Let us look at what the Chief Justice of the Supreme Court said in 2006. Chief Justice Paul de Jersey said, 'Courts should have the power to name juveniles who persistently break into houses, steal cars and spray graffiti.' One would think that a respected Chief Justice of the Supreme Court is an authority that this parliament should be prepared to listen to. But, no, the members opposite are prepared to stand up in this place and quote when it suits them and ignore other quotes when they do not suit them. That is what we are seeing. Clearly, this is another demonstration of the government saying that it is tough when it comes to law and order and naming but the reality of the law is that it restricts the capacity of the sentencing judge or does not provide enough direction to the sentencing judge as to what the intention of the parliament is. Once again, it is a case of talk tough, act weak. That is the sentencing regime which this government has put in place in many cases.

So is the government going to listen today to what the Chief Justice has called for and support the further amendments to the legislation that are going to be moved by the honourable shadow minister when it comes to broadening the categories of when these offenders can be named? The simple reality is that the minister stood up a moment ago and said that naming juvenile offenders can be very detrimental. The left-wing socialist comes out again, but she does not understand her own law which seeks to increase the opportunity for naming in limited circumstances. Again, the legislation does not go as far as it should go. The minister cannot have it both ways. She cannot say that naming can be very detrimental and then try to open up the law to possibly allow the court to consider it. The legislation does not necessarily go far enough, but the minister is saying, 'Yes, we are going to have it but we are not going to have it in these circumstances.' The simple reality is that the government's argument absolutely falls apart when we hear what has been said by the likes of the Chief Justice.

We also heard the minister a moment ago talking about how we have the toughest laws for hooning and the toughest laws for graffiti offences. I asked the honourable minister and I asked the honourable members—considering that they had not been properly trained by the minister this morning when the minister was asked how many public houses had been built. I think it ranged from 3,000 to 4,000-odd. Again, she had to make them jump through hoops and throw them another fish when they got it right and all of that sort of stuff. They got it wrong this morning. Are they going to get it wrong again today? How many graffiti offenders in Queensland have actually been made to clean up their own mess as per the provisions of the code?

Ms Struthers: Are you talking 15- to 19-year-olds?

Mr SPRINGBORG: Any of them. How many graffiti offenders, Minister? You are talking about tough laws. You are talking about deterrents. The answer is none of them. Once again, this is another example of having a law which the government has absolutely no intention whatsoever of enforcing along the way.

Ms Struthers: Forty-six.

Mr SPRINGBORG: Well it may have changed in recent times, because certainly when we pursued government ministers year after year and asked them to disclose those figures to this parliament the answer kept coming back, 'None, none, none, none.' It is good to see that the government has finally been

embarrassed into enforcing the graffiti clean-up orders in this state, which had been sitting idle on the statute books year after year so the government could say that something was happening with regard to graffiti clean-up.

Clearly, as we indicated before, there is a serious problem with regard to those young people who graduate from juvenile offending to the early stages of adult offending. That is what we were talking about in this parliament yesterday. There is a serious problem with regard to the extent of criminal activity among those people in that particular age group, and in order to be able to deter it it comes back to the sorts of sentencing principles that the government has in place at the early stages, not just the penalties but the sentencing principles.

This government talks about bipartisanship. We have seen so many examples in recent years in this parliament when this government has said, 'No, we cannot support that. We could never support that because that is the idea of the LNP, that is the idea of the opposition—very bad.' The government votes it down and then comes back in here and introduces it as its own law. I am not sure that that is what is going to happen in this particular case, but there have been numerous examples of that.

For government members, bipartisanship is defined as the opposition having to support the government but the government never having to support the opposition, even when government members believe it is a good idea. There have been many examples of the government voting our legislation down and then bringing it back to this place as their own because they have not even been prepared to open their minds to many of the particular propositions we have put forward.

We have actually heard the Police Commissioner and police officers in recent times go out there and express their concerns about this growing culture of violence and disregard for the community and community property. Once again, are we knocking the police officers for saying that? No, we are not. We are actually saying that the police officers need to be supported by this parliament in the laws that we actually pass. We are not talking about sitting in the court and directing the court; we are talking about clear principles in this parliament that provide guidance to the court in how they move to protect the community's safety.

The amendments in the bill we are putting forward—the Juvenile Justice (Sentencing Principles) Amendment Bill—would make sure that the protection of the community is a greater consideration when it comes to the potentiality of putting a juvenile offender into custody for a period. So the bill moderately increases the sentencing principle to actually include the proposition of custody where appropriate. At the moment custody is last resort and that is the problem. A small minority of juvenile offenders choose to use that principle to their advantage and, frankly, they see no deterrence in the current system whatsoever.

I have actually indicated that there are some good aspects to the government's legislation. I said that it is great that we are going to increase the period of minimum mandatory sentencing from 15 to 20 years. There are particularly heinous juvenile offenders out there who commit crimes that are as bad and horrific as those committed by adult offenders. We have seen examples of that, and I acknowledge our visitors in the gallery today who have been through a particularly harrowing experience themselves. No-one should ever have to go through that. What happened in that circumstance is absolute proof that we can see the worst of the worst in juvenile offenders in the state of Queensland.

Again, the government is prepared to put forward a penalty proposition with regard to that issue because it actually does denote a minimum period of jail. When somebody is sentenced for a particular crime, it will actually ensure that that person serves a minimum period. That is fine. I actually support that. I think that is good. That is an example of this parliament saying that in relation to certain crimes the parliament should override the discretion of the court. That is what has happened in this particular case, and that is right because the parliament needs to make a judgement—just as the parliament should make a judgement when it comes to the issue of how we deal with particular serious offenders, and that is why our proposition has been put forward in the bill that I introduced into this parliament.

We also heard members opposite talk about what happened in the Northern Territory when there was minimum mandatory sentencing for juvenile offenders. We are not talking about minimum mandatory sentencing for juvenile offenders in our bill.

Ms Struthers: No, you used to. You've given up on that. You saw that it was wrong. You saw the light.

Mr SPRINGBORG: No, I have not talked about that. There are certainly occasions when I support minimum mandatory sentences—when it comes to serious sex offences and a whole range of other offences, and they are propositions that we have put forward. No-one has walked away from that. It is interesting to note that, incrementally, Labor Party members even talk about that in other jurisdictions, in particular New South Wales. They are actually now trying to meet and respond to community expectations and what the community is actually saying out there.

In relation to minimum mandatory sentences for juveniles in the Northern Territory, that is not something which I supported as a proposition and it is not something which is actually contained in this bill. The bill I have here today is about protecting the community in the first instance; it is about ensuring that a

custodial sentence is considered in high regard in our sentencing court when it comes to certain categories of offenders in order to protect the community. There may even be a rehabilitative aspect of that.

I would just ask honourable members opposite to tell us what is wrong with supporting a piece of legislation that principally says that the court has to consider custody where appropriate—that lifts it out, that actually highlights it in order to protect the community and provide a deterrent. It will actually ensure that those people who are causing the major amount of mayhem—that small minority of serious juvenile offenders—are held to account to atone for their particular indiscretions and crimes in the state of Queensland.

Therefore, we think it is a fine balance and we think it is a balance that is complementary to the government's legislation. Again, it dismays me that the government considers that bipartisanship is a one-way street in this parliament. Legislation that comes to parliament is supported by the opposition on eight out of 10 occasions. When it comes to supporting opposition legislation, the government is not prepared to support it—with very, very few exceptions. I think there have been only four or five such bills in the history of this particular parliament. Government members cannot always argue that they do that because the legislation is deficient. They do it because it is based on politics, it is based on churlishness and it is based on the fact that the government is not prepared to give credit to a reasonable proposition where credit is due.