



Speech by

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

Mr HORAN (Toowoomba South—LNP) (3.12 pm): These are two very important bills that we are discussing cognately. It has been interesting to hear some of the debate from both sides of the chamber. I note that our shadow minister has indicated that we will be supporting this bill. There are some aspects of the government's bill, the Juvenile Justice and Other Acts Amendment Bill, that are good and that we agree with, but there are other areas where we believe it needs strengthening. That will be contained in the amendments to be moved by our shadow minister.

We are also dealing in this cognate debate with a private member's bill, the Juvenile Justice (Sentencing Principles) Amendment Bill, that was introduced by the member for Southern Downs. Sometimes we can oversimplify the whole issue of justice and how we should manage what can be a very difficult situation, particularly with regard to young people who are facing jail or punishment for the first time. When young people go through their teenage years they sometimes have enormous peer pressure on them, sometimes they are victims of a dysfunctional upbringing and sometimes they have been brought up in a good home and despite that still get trapped in some form of danger or minor crime leading to more serious crime.

There are three principles that we should always remember when it comes to the types of deterrents we provide. Firstly, the deterrents must be real. They can be a real fright or scare to stop many of those young people from considering again some form of crime, be it minor or major crime. Secondly—and I think this has been expressed by those on both sides of the House, even though some on the government side have got a bit nasty about some of the views that we on this side have expressed—there is a genuine desire to have very effective, workable and practical rehabilitation. I think we would all like to see young people who are close to the abyss of crime given the chance to undertake meaningful rehabilitation that interests them, that challenges them and that enables them to reach their true potential and not fall into a life of crime.

Finally—and I think this is one of the most important principles and one that is often forgotten—we must consider the victims of crime and the need for victims, particularly those who have gone through trauma, either personally or on behalf of family members, to find solace, to find closure and to find some way of managing within their minds and hearts the trauma and hurt that they have experienced as a result of a crime.

We can talk all we like about this and have very good intentions with regard to rehabilitation and giving young people another chance, but we must never forget that there is a very serious side to the crimes that they have committed. It could be someone breaking into the house of an old pensioner in their mid-eighties and as a result that pensioner becomes terrified and closes up their Brisbane or North Queensland house and locks themselves in because they have had their purse and cards pinched. They are suddenly fearful. When it gets towards evening or when they are away, they want their place locked up all the time. It starts to ruin the last few years of their life. It is important that people who want to go out in the streets of their town at night feel safe.

I think we should always keep these things in mind. I have always felt with young people that the idea of a caution first up would work well if it is properly administered. When young people commit their first crime and get brought into a room with two detectives who give them a severe warning and a hell of a fright, because that is what they need, in many cases—and police tell me it is in around 70 per cent of cases—those first offenders never offend again. It is important that that happens.

We have to be careful that we do not get into a system of turnstile justice, where it is caution after caution after caution and where it is warning after warning after warning in a higher court. They then get into this syndrome where they say to others, 'Don't worry, you just go down there and front up before so and so and they will send you out again and away you go.' Coupled with that in the past has been the feeling amongst a lot of young people that the curfew or warning means they can only do so much or they cannot associate with so and so or they cannot go here and there but there is no proper surveillance or punishment if they transgress. Therefore the young people walk out and go on their merry way.

Anything in this bill that addresses cautioning, curfews or restrictions placed on people—and if they disobey those restrictions they get to know that the consequences will be difficult—is a good thing. One of the important things that highly experienced police will often say is that fear of the consequences can often stop a crime. That is why people will go ahead and commit a crime when they are loaded up with drugs, because they are no longer thinking rationally. If they stand before a shop window and think about breaking in and know that there is every chance that they will get caught, that the consequences will be unpleasant, that they may lose their liberty and that it is not going to be a pleasant experience being locked up then it is a very significant challenge to them and can in many instances deter them from committing the crime.

In terms of rehabilitation—we went to the last election with a policy on this basis—I would like to see rehabilitation in the form of training camps for young people who have not necessarily committed serious violent offences but who are in that middle area. Perhaps they have transgressed a number of times and want a chance at turning their life around and are in desperate need of some direction. Many young people need to be told that there is a fence either side of the track and that can give them some certainty about which side they take. Many young people need to know that there is some discipline and, working within that discipline, they can have an enjoyable and satisfying time.

Many young people need to find that which interests them—whether it is mechanics, animals, art or music—in order to have an opportunity, because, in many cases, they have not had that chance. By learning, training and becoming proficient at a particular trade or activity, they can develop their own self-confidence and with self-confidence comes hope and some self-discipline. We owe it to young people because many of the young people who get to that stage of problems with the law often have come from a background that has not given them the full chance at life that they deserve as a young Australian human being. That training can turn them around and have not only a benefit for those young people but also a benefit for society in that they can lead a better life and make a real contribution to society rather than going in and out of jail and causing trauma and damage.

However, I do want to stress the issue of victims. There are some wonderful people who have followed this debate whose families were involved in the awful triple murder tragedy in Toowoomba in 2005. They have worked very hard for a number of years—they have worked with the current minister, previous ministers and people from this side of the House in deputations and so forth—to bring about what they believe are more satisfactory and stronger laws in the area of juvenile justice. In particular, two of the perpetrators were on parole at the time—they had broken their parole, as I understand it—and those people feel that if there had been better and stronger supervision of that these murders may not have occurred.

We also have to remember what people have to carry in their hearts for the rest of their lives. I have been to a number of meetings during my political career involving victims of homicide and met with other people who have been involved in trauma resulting from criminal activity. It is very hard to understand the depth of hurt and trauma that they have felt. However, that can be assuaged in some measure—not totally but in some measure—by knowing that the perpetrator has been caught and that the perpetrator has been punished adequately and for a sufficient time so that it really has an effect on that person and warns other people in the community and gets the message out that if they perpetrate such crimes they will be locked up for a long time and lose their liberty. That goes some way to helping those people. It is so important in this whole debate where we often talk about providing another chance, providing rehabilitation and having a large number of steps along the way, particularly for young offenders, that we do not forget the victims of crime because they are more than 50 per cent of the equation. That is our job as members of parliament in helping our society to help those people who have been victims of crime.

For that reason, some of the amendments brought forward by the government go some way towards starting to meet sensible, experienced, compassionate community expectations. However, I do believe that the amendments that are proposed by our shadow minister strengthen that further and would be, if you like, the icing on the cake to this legislation to make it fit and to make it worthwhile and to make it practical and to help both young people and the victims. The Juvenile Justice (Sentencing Principles) Amendment Bill introduced into this House by the member for Southern Downs is a private member's bill

that this side of the House has brought in before, because it addresses a very important principle—that is, the reference to detention as a last resort. That gives the message to the community, to the judiciary and to everybody that jail is the very last resort, but the possibility of jail should be there as a very strong deterrent. It should always be there as an option for the judiciary to consider if it believes that it is necessary due to the severity or the viciousness of the crime.

Other members have quoted the figures from the second reading speech of the member for Southern Downs, but I will quote them again. Not one of the 35 juveniles convicted of producing or supplying dangerous drugs went to detention in 2007-08 and 114 of 147 convicted violent robbers also escaped detention in 2007-08. What sort of message is that? They may have spent some time in remand or detention, but what sort of message is that when the day of judgement comes and you stand there in the court before the justice system and out you go—you go out the door and you go home? That is not sending any message whatsoever to those who are perpetrating these crimes or who may be moving in those circles, and that is certainly not giving any solace or any comfort whatsoever to those people who have been victims of a violent robbery. Whether it was an old woman or a fit young man or someone who was incapable of standing up to the robber, it has been a violent robbery and an affront to that person. There should be the option to provide detention. The message should not be that jail is the last resort. Jail must be given every consideration, because it is a very important component of punishment. The old saying is that sometimes you have to be cruel to be kind, but punishment can provide a real salutary lesson.

If we talk about rehabilitation for young people, those young people who have simply been in remand and then not sent to jail have had absolutely no chance to access any form of rehabilitation that may be available. I am not saying that they should be sentenced to jail just to get rehabilitation, but it is the only place where there is rehabilitation. There is no rehabilitation in the remand system. There may be a chance for them to get rehabilitation if they have received a sentence. It does not get away from what I have said and what I believe in—there should be another level of, if you like, rehabilitation/detention in the form of a youth training centre where those youths are given another chance in life with some real meaningful training and activities that they actually like in order to learn life skills.

There are some wonderful people in this state, and I am reminded of people like Boyd Curran in Central and North Queensland who is doing wonderful work with young Indigenous youth who are at risk of committing crime or who have been involved in crime. I cannot recall the name of his organisation, but he generally deals with some of the toughest and hardest at the end of the spectrum. He is a wonderful man. I remember him as captain of the First XV at Downlands College in the early eighties in a side that was not strong and I always looked upon the courage and effort that he gave. He went on to become a big cattle producer and live export producer and to forage harvest and so forth in north-western Queensland and is now, in association with some other people, giving time to those youths. It is strong, real men like that who give real training and rehabilitation and who give the respect, love and discipline that can help these young people because they can suddenly see that there is someone who cares about them—someone who is a real manly sort of person who can give them a chance in life.

I think they are the sorts of things we need to do between conferencing, young people committing multiple offences—providing they are not overly serious—and finally receiving detention in jail. But to get back to this private member's bill, we must remove that principle of detention as a last resort. It is sending the wrong message. It is not in any shape or form giving the sort of protection that should be there through our judiciary, which is bound to take note of this principle of detention as a last resort. It is not giving the judiciary the opportunity to be able to provide the protection and solace for victims of crime.

Members on this side of the House should not be condemned for wanting to speak out strongly on behalf of victims of crime. Members on this side of the House should not be heaped with scorn because they talk about strong, fair dinkum practical rehabilitation. Members on this side of the House have worked closely with the government on aspects of this bill by indicating that the bill will be passed. But we have put forward a number of amendments, some of which I believe deserve very serious consideration. They would make this bill what the people in the community are calling for.

Finally, the private member's bill deserves strong consideration. It should not be thrown out just because it was introduced by the opposition. It contains an amendment that we have pushed for for a long time and I believe it has significant merit for the judiciary, for reducing crime and for protecting victims of crime.