



Speech by

Rachel Nolan

MEMBER FOR IPSWICH

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JUVENILE JUSTICE (SENTENCING PRINCIPLES) AMENDMENT BILL

Ms NOLAN (Ipswich—ALP) (8.48 pm): I am in politics because I am a believer. I believe in social justice, I believe in sustainability and I believe that those of us who have the opportunity and the capacity have a duty to participate in civic life. Politics for me is a passion, not a game, and I loathe the cynicism of the set political play.

This bill is nothing better than a tried and true set move. The National Party is behind on the scoreboard. It is nearing full time and under pressure created by its own abysmal performance it has pulled out the good old law and order campaign. There is no heart in this. There is no passion. The shadow minister, Mr Horan, who is quite a decent man, does not believe it himself. The people of Queensland, if they cared so much as to listen to this debate, would be justified in hearing the opposition and letting out a collective groan.

The opposition has put this good old law and order debate on the agenda once again and so we have to address it. The bill seeks to amend the sentencing provisions in the Juvenile Justice Act by removing the requirement that young people who have committed crimes should be imprisoned only as a last resort and for the least possible time.

The government opposes the change for three key reasons. Firstly, the change would put us out of step with other jurisdictions and with the principles embodied in the 1989 United Nations Convention on the Rights of the Child. While the opposition will stand up here and say that such a convention is airy-fairy and legalistic and that it does not have much to do with what happens on the ground in Quilpie, let us look at what the principles embodied in that convention are.

In article 3 of the UN convention it states that when governments make decisions about children the best interests of the child shall be a primary consideration. Article 6 protects the child's right to life. Articles 9 to 11 protect children's rights to have a relationship with their parents. Article 32 protects them from exploitative work. To me these sound like reasonable and even lofty principles and I will stand up for them. Next time Queenslanders see Lawrence Springborg with his hand on his heart talking about the protection of children they should understand that here tonight he and his party were willing to trash children's most fundamental protection in law for the sake of their own cheap, short-term, political gain.

The second reason we reject this bill is that it would not work. While opposition members have told us we need to get tough to reduce crime, the evidence in fact suggests a correlation between tougher sentencing measures and increases in juvenile crime. In the first full year after mandatory sentencing for juvenile property offenders was introduced in the Northern Territory—and members will remember that was a major, seriously contentious national debate—unlawful entries rose in the Darwin area by 48 per cent.

The third reason for the government's rejection of this bill is that there is a body of evidence which suggests that juvenile detention may well entrench criminal behaviour in the young. While good recidivism figures are not available for Australia the well accepted fact is that young people who are locked up in juvenile detention are more likely than those who serve community service orders to offend again. In the UK, for instance, research has reported that 88 per cent of young people who are imprisoned reoffend within two years. In the United States it is 96 per cent.

I will just touch briefly on a fourth reason for not supporting this bill in response to what the opposition has said in here tonight. We have heard this hand on heart stuff about shocking crimes that have been committed. These members, particularly the member for Currumbin whom I just heard, seem to imply that only the opposition is horrified, only the opposition is shocked, only the opposition is saddened by some of these serious crimes that are committed.

What the opposition has failed to talk about is that in those serious cases the children involved go to jail. The evidence of that is that there are very few appeals in relation to juvenile justice sentencing. The government is not here defending a regime in which young people are never imprisoned. The government is here defending a regime where the time or the order or the conference suits the crime.

Queensland through its existing juvenile justice regime has a well thought through approach to juvenile crime. Some young offenders are sent to youth justice conferences—forums where they have to face their victims, acknowledge the real human impact of what they have done and agree to make amends. These conference are established as being effective because they force young people to look their victims in the eye and engage. Some 97 per cent of participants report that they are satisfied with the outcome of those conferences. So what the opposition is saying here today is that those victims when they report satisfaction are wrong and the opposition knows better.

Other young people who have committed crimes are placed on youth justice orders and are supervised ably by the Department of Communities through youth justice services. The most serious offenders, those for whom there is no real choice, are sentenced to juvenile detention. They do time.

I can tell members through my own local experience that this approach works. In the late 1990s in Ipswich juvenile crime was a huge local issue. There was a shocking incident in which a man was killed by juveniles in the main street of town. Public confidence in the juvenile justice system following that incident 10 years ago was low.

Since then the Labor government has built modern professional youth justice services, started conferencing and seen the number of young people on orders significantly reduce. We, like other towns across Queensland, have also seen our crime rate across-the-board begin to fall. The same thing has happened with the establishment of youth justice services right across the state. We built them. This is something that the Liberal and National parties when they were last in government notably failed to do.

We are talking here about young people. The aim of juvenile justice legislation should be to protect the community, to reduce crime and, crucially, to rehabilitate young offenders before they catapult into the cycle of adult crime. The proposition from the opposition whips up a law and order debate for pure political gain. It demonises young people and it abandons the state's previously bipartisan commitment to the human rights of children. It seeks to create a regime which the evidence suggests may well increase crime. It aims to send more young people to institutions which act, in many cases, like a university of crime.

This is the old National Party at its cynical and, frankly, moronic worst. The same party which we have seen in here denying climate change, which has told us just recently that there is no recession and the leader of which has mangled the English language to such an extent that it is almost beyond recognition is now marking out its territory as being fairly and squarely dumb on crime. I oppose the bill before the House.