



Speech by

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Hansard Tuesday, 1 September 2009

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

Ms BATES (Mudgeeraba—LNP) (3.55 pm): Today I rise to make a contribution to the Juvenile and Other Acts Amendment Bill 2009 and the Juvenile Justice (Sentencing Principles) Amendment Bill 2009. The objectives of the first bill are to amend the Juvenile Justice Act 1992, the Child Protection Act 1993 and the Young Offenders (Interstate Transfer) Act 1987 and other relevant legislation to provide a best practice youth justice system with the capacity to respond to current demands and challenges.

The bill proposes the following legislative amendment: firstly, to give courts specific powers to place curfews on juvenile offenders to reduce the chances of them reoffending and to ensure they are properly supervised. Under this new measure, judges will be able to set a specific address for the curfew, as well as the times that will restrict an offender. This is a radical change of direction for the state Labor government, after previously refusing to entertain the idea of curfews for under-age offenders. The community has been demanding that young people be held more accountable for their actions, but until now this government has not given to juvenile crime the serious consideration that it deserves and, moreover, that the public expects.

Statistics show Queensland's juvenile crime rate is increasing at an alarming rate. Juvenile arrest rates for violent crimes have increased by more than 250 per cent and 115 per cent in Victoria and Queensland respectively over recent years. The AIC study shows the majority of children, over 90 per cent in many countries, commit at least one unlawful act before adulthood. It also shows that a small proportion of juveniles, six to seven per cent, are responsible for a disproportionately large share of all crimes. On 2 May 2009 the *Gold Coast Bulletin* quoted criminologist Ross Homel from Griffith University as stating—

Early intervention is needed to head off the early onset of offending or we will continue to pay the price.

It is already costing the community billions of dollars a year and the earlier kids start offending, the more likely they are going to continue to offend and commit more serious and more frequent offences.

In general, Australia overall has one of the highest rates of crime in the developed world and juvenile crime is a growing problem.

In a landmark study, the Australian Institute of Criminology followed what happened to 1,500 Queensland children who had received supervised juvenile justice orders between 1994 and 1995. The results showed that most of those offenders went on to become adult criminals and about half of them went to adult jails. If you were Indigenous, jail was almost inevitable.

Gold Coast youths in particular have made the national headlines for all the wrong reasons, including bashing police officers, rioting in parks, committing robbery, attacking citizens in their own homes and fighting one another with weapons on the street. Despite that, all too often they are punished by the courts with a slap on the wrist. Faced with similar problems, New Zealand authorities have trialled a boot camp style program. One of the people driving the current military program that is supported by the New Zealand Army and police is police officer Sergeant Bevan Seal. He has stated—

If you give kids three square meals, some direction, some leadership, help them stop taking drugs and alcohol and show them how to prepare for the world—its not brain surgery, but it works.

The program is showing signs of success. However, the national manager of Blue Light, Brendan Crompton, is quoted as saying—

The problem is (when they complete the program) they then have to go back into the community and because often those communities don't have the knowledge to support the kid coming back, they slip back to their old ways.

Often the family hasn't had any support themselves and often the families have very high drug and alcohol addiction, gang affiliations or a complete lack of parenting skills or knowledge of how to look after children.

The bill also proposes the following legislative amendment: to widen court powers in relation to naming juvenile offenders, allowing orders to be issued allowing publication of identifying information if the court considers it to be in the interests of justice to do so. This reform will give courts wider powers to name and shame dangerous young offenders convicted of serious offences. Courts would be able to order that information about the child be released in the interests of justice. It is pleasing to see the government support the Liberal National Party's stance to name and shame not only young rapists and murderers but also juveniles who have committed the same offence three times.

In the *Sunday Mail*, March 2009, Chief Justice Paul de Jersey said, 'Courts should be allowed to name persistent offenders as a powerful deterrent to young people.' Many believe, including Gold Coast police, that these measures and proposed changes however are nothing more than 'political posturing'. An article in the *Gold Coast Bulletin* on Wednesday, 20 May 2009 states—

'The courts have had these powers for years but they never use them,' said the source.

'The Government has appointed a whole bunch of civil libertarians who are more interested in protecting offenders than informing the public.

'If they were fair dinkum on naming and shaming your offenders they would make it compulsory.'

More recently we have seen an increase in the number of violent juvenile crimes using internet sites such as YouTube and MySpace to upload footage of these disgraceful attacks. Gold Coast police have stepped up to the plate and taken action and have started to charge offenders in relation to these crimes being filmed.

Gold Coast police acting superintendent Des Lacy, quoted in the *Courier-Mail* on 16 May 2009, said that the charges were a turning point in the bid to stop violence in schools. He said that the police Child Protection Investigation Unit had decided to test the law, which allows for those who incite or encourage an assault to be charged. The article continued—

'Violence in schools isn't new but the advent of social networking sites has allowed it to be more easily displayed,' he said.

'By taking this action (laying charges), we're sending a very clear message that we want to stop it.'

The LNP has always maintained a tough-on-crime approach and pledged to overhaul the act to close the 'loophole' which meant that jail was a 'last resort' for juveniles irrespective of the severity of the crime.

This bill also aims to give police stronger powers to arrest and take to court young people who do not comply with youth justice conferencing requirements or who contravene an agreement or who fail to attend a drug assessment session. This reform will also give police improved powers to arrest young offenders deemed dangerous who breach bail and supervision orders, including curfews. It will also require courts to consider setting a date for the transfer of offenders from youth detention to adult prison when sentencing young offenders to be detained beyond the age of 18, and it will automatically prohibit the publication of information which identifies a child victim. This reform would give the courts the power to ban the publication of any information that could identify a child victim of crime.

It is proposed to allow the court to shorten the period within which a young offender must complete a community service order of less than 50 hours. The amendment is also intended to ensure that orders are completed in line with the juvenile justice principle No. 11, which requires that a decision affecting a child should, if practicable, be made and implemented within a time frame appropriate to the child's sense of time. In stipulating the time frame, the court will be required to consider what is reasonable in the circumstances of the case. Allowing the order to be completed in a more timely way will ensure that young people do not have the order 'hanging over their head' any longer than necessary.

Anyone who has teenage kids would know that they have absolutely no sense of time. Put any child in front of a Nintendo or a PlayStation and they will play right through the night if they were allowed to. The only sense of time in this case is how long it takes to become 'Death Incarnate' on *Grand Theft Auto* or like-minded violent video games. Insofar as juvenile offenders not having a community order hanging over their head is concerned, they should be in fact hanging their head in shame, but of course this does not happen because those opposite have done nothing to make these orders mandatory.

The amendment in relation to confidentiality and the disclosure of information to the Queensland Police Service would have the effect of allowing information, such as possible further offending, to be passed on to the Queensland Police Service. This is considered to be justified given that a young person who commits an offence should be held accountable and encouraged to accept responsibility for the offending behaviour.

Juvenile offenders now face a warrant for a child failing to appear after an unsuccessful conference, a contravention of an agreement and failure to attend a drug assessment and education session. Further, it will ensure consistency in dealing with a young person who has breached a term of a community based order. In addition, it will be a requirement to issue a warning to children that an arrest warrant may be issued if the child fails to appear in court.

Parents also need to be held accountable for the actions of their children. On the recent riots on Australia Day at Burleigh Heads, police Inspector Des Lacy made the following comments to the *Gold Coast Bulletin*—

'There were kids as young as 12, it was ridiculous. I felt like a teacher on playground duty. If kids are going to Burleigh they need to go with their parents—they should come down and see what their kids are up to.'

'Parents need to take responsibility for where their children are going, this is not Australian patriotism, and its hooliganism.'

In a recent survey of the electorate of Mudgeeraba, over 62 per cent of residents cited law and order issues as the most important to them. Of these, the majority were calling for tougher sentencing, demanding that graffiti criminals clean up their own mess or that of others and that hoons had their cars not only impounded but crushed.

Our local police consultative committee meets on the first Monday of every month at the Mudgeeraba Police Station and invariably the discussion centres around the government and the judiciary being soft on crime. I routinely encourage members of the public to attend these meetings and to continue dobbing in offenders not only so that we can assist the police apprehend these juvenile criminals but so that the crime statistics accurately reflect what is going on in our community so that we can force the government to increase the police numbers in our local area.

Too many times we hear the catchcry of the civil libertarians and the bleeding heart Left that children are the product of their upbringing. If that were the case, I am sure that many of us in the chamber today would not be here. How often do we hear residents say, 'In my day.'? Well, in my day the local police sergeant was not known as Kojak for nothing, and we all knew that his form of justice was either a swift kick up the backside or a visit to your parents. We were not afraid of Kojak. We respected him, as we did our teachers. Today juveniles know their rights so well that they can and do quote them verbatim to their teachers, parents and the law. Juveniles know the difference between right and wrong, even if they are not taught it at home. It is often left to teachers to try to instil these values in school hours. The only difference between a juvenile committing an offence is choice. Peer group pressure and a bad home environment do not take the most valuable decision away from our young. That decision is to make a choice—the choice between right and wrong and if you fail to make the right choice then you should suffer the consequences.

It was interesting to note that while researching the internet on this subject the majority of front-line law and order enforcement bodies advocated zero tolerance and tougher penalties whilst the vast majority of other learned ponderings were by left-wing academics who are nowhere near the thin blue line that protects ordinary residents from criminals. This brings me to contribute to the cognate bill, the Juvenile Justice (Sentencing Principles) Amendment Bill 2009. The amendments to the sentencing principles of the Juvenile Justice Act 1992 are in response to the need to strengthen juvenile justice sentencing with a focus on deterrence and sentences that are reflective of the violent crimes being committed by our young people. The reference to detention as a last resort has undermined the sentencing principles of deterrence and community standards that the justice system is expected to deliver.

The amendment seeks to remove this impediment to sentencing courts when dealing with juvenile offenders and inserts a new provision that ensures that courts can consider detention as a sentencing option for juvenile offenders if appropriate for the crime that has been committed. Recent juvenile sentencing figures indicate 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; and, in 2005-06, 23 juveniles were convicted of rape and 18 escaped jail. In addition, not one of the 35 juveniles convicted of producing or supplying dangerous drugs went to jail in 2007-08, and 114 of 147 convicted violent robbers also escaped jail in 2007-08.

The objective of the bill is to amend the Juvenile Justice Act 1992 to remove reference to detention as a last resort. The reason for this bill is to restore balance and faith in our justice systems sentencing of juvenile offenders, in particular those who commit serious violent crimes. The public has a right to feel safe. They have a right to expect that when our hardworking police apprehend these juveniles the judiciary will deal with the crime appropriately and enforce punitive measures to ensure further crimes are not committed.

The residents of Mudgeeraba entrust me to voice their concerns on law and order in this place and to continue a tough stance on crime, and I do not take their concerns lightly. They want to see a justice system, not a legal system.