



Speech By
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MEMBER FOR TOWNSVILLE

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YOUTH JUSTICE AND OTHER LEGISLATION AMENDMENT BILL 2015; YOUTH JUSTICE AND OTHER LEGISLATION AMENDMENT BILL 2016

 **Mr STEWART** (Townsville—ALP) (11.38 pm): I rise to speak in support of the youth justice amendment bills before the House. The question has been asked: why do we need to change the existing laws introduced by the former government? To better understand this we need to look back at why these laws were introduced by the Newman government. During the second reading of the Youth Justice and Other Legislation Amendment Bill 2014 the then attorney-general and minister for justice said at 12.08 am—

The amendments introduced in this bill are critical to respond to the escalating seriousness and devastation currently being caused by young criminals. We are witnessing a changing pattern of youth offending in Queensland.

I agree with those comments made by the then minister as Townsville was suffering from a disproportionate number of youth offences breaking into the homes of everyday mums and dads, robbing the house of car keys, maybe a wallet or a purse but then stealing the family car and joy-riding through the streets of Townsville, putting themselves and other road users at risk. What we saw were visions of these stolen cars crashing at high speed into a semitrailer. Fortunately no-one was injured or killed. We saw other visions of stolen cars running red lights and crashing into defenceless drivers. Again, it was very fortunate that no-one was injured in that incident, but one of my former students was not so lucky. In a stolen family car with several other youths, the 17-year-old driver lost control at high speed, crashing the car into a power pole.

My young student, all of 14 years of age, suffered severe head trauma, required artificial breathing to keep him alive in the hospital and several broken bones. He will never be the same—never able to do the same things other 15- and 16-year-olds will be able to do. The 17-year-old driver in a promise made to her aunty over Facebook that very evening said that she would stop stealing cars and joy-riding as she knew it was dangerous. Several hours later, that 17-year-old young woman lost her life when she lost control of the car that she was driving. Something needs to be done. Something was done. As the former attorney-general said, we are witnessing a changing pattern of youth offending in Queensland, and we are. We have heard that the former LNP government's solve was to go hard on crime in a response to escalating youth crime in my city. We saw a boot camp introduced as a deterrent for repeat offenders, removal of youth justice conferencing and the introduction of naming and shaming of offenders.

I want to focus the remainder of my speech on the strategy of naming and shaming in the former legislation and outline why the amendments associated with this removal of that aspect of the legislation are so important. During the examination of the Youth Justice and Other Legislation Amendment Bill

2014 and in the subsequent report No. 58 of the Legal Affairs and Community Safety Committee, page 6 of that report states—

Submitters raised a number of issues in relation to publishing identifying information about repeat youth offenders, including issues relating to stigmatisation and labelling; the unintended impact the publication could have on third parties; the potential for increased recidivism and the impact the publication could have on the more disadvantaged youths in society.

The report later outlines further concerns in relation to naming and shaming and page 7 states—

Submitters also considered the publication of young offenders' personal details would stigmatise young offenders, making it more difficult for rehabilitation to effectively occur and making access to employment opportunities difficult for those who have been labelled a criminal.

The concerns of submitters were based upon a lack of evidence from studies around the globe that 'naming and shaming' of youths, was an effective strategy to reduce crime.

There was a lack of evidence from around the globe that naming and shaming was an effective strategy to reduce crime. It begs the question: where did this strategy to name and shame youth offenders come from and what was the purpose behind doing this?

During the public hearing into the Youth Justice and Other Legislation Amendment Bill 2015 in Townsville on 22 January this year the committee heard from Townsville Crime Alerts and Discussion leaders, and we have heard them mentioned from both sides of the House. These were two very passionate women who, out of sheer frustration, started the online discussion group after becoming victims of crime themselves. One of the women said during the hearing in relation to the naming and shaming aspect of the legislation—

I think one of the reasons we wanted the naming and shaming laws was not because we wanted to know who this child actually was, but we wanted to know what happened to him. Did he get three months jail or did he get another probation? I know for a fact one child we were following for quite a while there started offending when he was 15. I do believe he is now in the 'big house', but the first time he was caught in a stolen car was actually on my front lawn, hence why I followed his case for so many years.

What we have is the former government and the former attorney-general designing and implementing legislation that is not founded on any evidence from studies from around the world that this was an effective strategy but seemingly to implement this aspect of the legislation so that the public could determine if the youth's sentence was justified or not. I find this to be policy on the run or more likely to be popularity policy.

In that same report No. 58 from the Legal Affairs and Community Safety Committee into the Youth Justice and Other Legislation Amendment Bill 2014 the Queensland Council for Civil Liberties stated on page 7 that being named and shamed would become a badge of honour. As a former high school principal I can clearly recall the day when a year 8 student saw me in the schoolyard and, with a smile the size of Texas, came up to me and said, 'Mister, my cousin's famous. Did you see him on the front page of the newspaper? He was named and shamed.' This 12-year-old boy was full of admiration for his cousin who was now 'famous' through the naming and shaming policy of the former LNP government. The prophecy had come true. Naming and shaming the offender had made him a hero and he was wearing it like a badge of honour.

The Australian Institute of Criminology indicated that peer influences impact heavily on young people's risk-taking behaviour and that not only does sensation seeking encourage attraction to exciting experiences but it leads adolescents to seek friends with similar interests who further encourage risk-taking behaviours. In other words, naming and shaming only builds the likelihood that more youths become involved in the risky behaviour. Is that exactly what we have seen in Townsville? Absolutely. In summary, naming and shaming is not founded on any research but was integrated in the former government's policy because members of the public wanted to know what the consequences were for those who offended.

The former Legal Affairs and Community Safety Committee in 2014 was told time and time and time again that naming and shaming rather than fixing the problem only encouraged further offending in circumstances where the offender is part of a peer group which views this type of delinquent behaviour as admirable or the resultant publicity as a badge of honour. The removal of the naming and shaming aspect from the previous bill is pivotal to correcting the problems associated with the former legislation as are the other amendments outlined in the youth justice and other legislation amendment bills 2015 and 2016. I commend the bills to the House.