



Speech by

**Jann Stuckey**

**MEMBER FOR CURRUMBIN**

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## **JUVENILE JUSTICE (SENTENCING PRINCIPLES) AMENDMENT BILL**

**Mrs STUCKEY** (Currumbin—LNP) (8.38 pm): I rise in the House tonight to speak in support of the Juvenile Justice (Sentencing Principles) Amendment Bill introduced into the House by the honourable member for Toowoomba South, the shadow Attorney, on 29 October 2008. This bill seeks to ensure that juveniles who seriously assault a person are held accountable and are punished, irrespective of their age, in a manner that is reflective of the crime they committed. Our society is demanding assurances from the government that young offenders be held responsible for criminal behaviour. The LNP has listened, as is evidenced by both the content and intent of this bill.

Unlike Labor members, who choose a policy of ignoring the behaviour and hoping it will go away, the LNP is prepared to take positive steps to make our community safer by focusing on deterrence strategies. In order to achieve this outcome, the amendment seeks to remove the reference to detention as a last resort when dealing with juvenile offenders and inserts a new provision that ensures courts can consider detention as a sentencing option where appropriate. However, it is important to note that this bill is not about increasing the number of lockups. Rather, it is about making sure that young people who deserve detention are placed in detention and are placed there for the appropriate time deserving of the crime that they committed.

As the shadow minister for child safety and Aboriginal and Torres Strait Islander community development, I am deeply saddened by the lack of political will shown by this Labor government that has allowed so many of Queensland's at-risk youth to end up in what can only be described as a downward spiral. According to some industry workers, juvenile detention under the current legislation is used, for want of a more pleasant word, as storage as there is a lack of outcome based orientation together with a lack of commitment from the government to help get these youth onto a pathway of reaching their potential.

A period of detention under this government is not used for meaningful rehabilitation and is more akin to a process of warehousing troubled kids. Centres are overcrowded, which promotes even more violent behaviour. We have heard from members opposite a genuine call for more assistance and understanding for troubled youth. I could not agree more. They must feel ashamed that their government has done so little for so long. The shameful efforts to deliver sexual abuse counselling to child victims—somewhere around 11 per cent; that is a really good record, isn't it?—highlights the neglect by this government of even the most basic support services. According to the 2008 report *Views of young people in detention centres* by the Commission for Children and Young People and Child Guardian, most young people in detention are in this situation for less than three months.

It is not considered possible for long-term effective rehabilitation to take place in three months. Statistics contained in this report show that 74 per cent of young people have been there previously. Further, the average number of times in detention is five, which indicates very clearly the policy in place resembles that of a revolving door. What we have here is a juvenile justice system which offers considerably short but recurring periods of ineffective intervention where these young people end up in a cycle of abuse, go off the rails, are in and out of care and then in and out of detention, finally exiting the

juvenile system as an adult with few skills and little education to enable them to lead a productive, crime-free life.

Some children report they feel safer in a detention centre than in the child safety department's care. Fancy that! They feel safer in detention than being placed in the care of a government department. Interestingly, the same report stated that 25 per cent of youth in detention were in the care of the Department of Child Safety prior to going there. What many teenagers under the department's care experience is what we call motel therapy. They are stuck in motels to while away their days with an Xbox and no education.

It is important to make mention of the overrepresentation of Indigenous youth in detention. It is a major concern. I think both sides of this House ought to be doing a lot more to address this situation. According to the Children's Court of Queensland report of 2007-08, detention orders have increased from 2006-07 to 2007-08. However, the most serious penalties were awarded in 96.9 per cent of cases. On the one hand, we have detention orders on the rise but, on the other hand, there are only a small proportion of cases being awarded serious penalties. Is this perhaps a case of more detention but no real achievements with regard to the wellbeing of the individual?

Honourable members, I would like to mention an example—with 'example' being the key word here—of a heinous incident that occurred in my electorate of Coolangatta on 17 November 2007. A group of young people including kids as young as 10 and 12 took part in a brutal bashing of an off-duty policeman to within a whisker of his life and also viciously attacked his partner. The constable was beaten unconscious and his head was then stomped on by this mindless, gutless mob.

Following this completely unprovoked incident, these juveniles then celebrated what they had achieved as if it was something of which to be proud. Sickeningly, these youngsters, who should not have been out on the streets of Coolangatta at one or two in the morning, see this potentially lethal behaviour as a badge of honour. It was reported by the *Sunday Mail* on 18 November 2007 that the youths 'gave each other celebratory high fives as the officer and his girlfriend lay bleeding to death on the concrete footpath. A girl then kissed one of the youths that had punched the officer.' It was also reported that, unless the female victim had called out, 'Leave him alone, can't you see he's dead,' these wild youth would have kept jumping on the constable's head.

Perhaps the minister for police and the Minister for Communities, which encompasses juvenile justice, could have a chat like I have with these two decent victims and see what they think of their flippant attitudes to serious youth crime. Let me assure members of this House that the members of the police force in my electorate are outraged at the lenience of the sentences for this pack of thugs. Attitudes such as these, exhibited by uncontrollable and underparented youth, deeply angers the majority of residents, and so it should. The female ringleader involved in the attack was before the courts again recently and once again received a slap on the wrist. What sort of message does this send to these kids? It is the same message put forward by the Bligh Labor government—they can literally get away with murder. The smile on this perpetrator's face leaving the court said it all.

These youngsters need discipline through skill based detention such as boot camps that will make a difference, and three months is probably not long enough. What currently happens with youth going in and out of detention centres with a revolving door policy is not good enough. Sending youth back into detention five times is not good enough. Decent, law-abiding citizens were sickened by the ferocity of this attack on a defenceless couple who were heading home after enjoying a night out. These kids need to be punished and not be permitted to walk away scot-free.

It is time to instill some rightful fear of consequence into every juvenile offender who commits a serious crime and those who coach younger, vulnerable and eager-to-please children. I would like to make mention of deterrence theory, which is outlined by Mendes and McDonald in the *Policy Studies Journal* 29(4) 2001, which states—

Deterrence theory is about punishing criminal activity. Therefore the expected cost is the probability of being punished, reflected in arrest and conviction rates, operating in conjunction with the severity of punishment.

It further states—

If the threat of a sentence is not backed up with effective or real sentences then how can the deterrent effect of the threat endure? If potential criminals are rational agents as the theory assumes, they would soon perceive that criminal behaviour would go unpunished.

This is an all or nothing theory; there is no part-way. The theory states that there can be no soft approach to crime if we are to deter these young ones from criminal behaviour. I note again that this bill seeks to use this theory for serious crimes only. All we have seen from this lazy, arrogant Labor government in recent years is reactionary strategies in response to criminal offences and assaults. Despite setting up task forces with great fanfare, very little has been accomplished as a result. How many task forces do we need before the government actually takes some definitive action on legislation? Maybe just enough to keep the media interested to appear to be tougher on crime.

It is obvious to people in my electorate that Labor is soft on crime, and a recent survey bore that out. Problems have been allowed to fester due to this Labor government's neglect of early intervention and prevention programs and soft-on-crime approach. The LNP is prepared to make the tough decisions to make our communities safer. Should this bill be passed, it will send a strong message to perpetrators that they will no longer be guaranteed the soft Labor treatment. The shocking bashing in Coolangatta which I spoke about is just one example.

We have heard the arguments put by those opposite who are happy to quote sentiments of the past. It is obvious that they are in denial of the scale of vicious assaults committed by youth and older members of the public today. The minister for police says that crime has reduced, but she should be honest and admit that crimes are more serious in their infliction of bodily harm. Exaggeration by the minister about locking up kids for graffiti offences shows her poor understanding of what constitutes a serious crime. She supports more of the same.

Time expired.