



Speech by

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

Mrs STUCKEY (Currumbin—LNP) (3.00 pm): I rise this afternoon to contribute to the debate on the government's Juvenile Justice and Other Acts Amendment Bill 2009 and the opposition's Juvenile Justice (Sentencing Principles) Amendment Bill 2009, which we were informed this morning by the Leader of the Opposition will be a cognate debate. I turn first to the government's bill, which was introduced by the Minister for Community Services and Housing and Minister for Women on 19 May this year.

The Juvenile Justice and Other Acts Amendment Bill seeks to amend the Juvenile Justice Act 1992, the Child Protection Act 1993 and the Young Offenders (Interstate Transfer) Act 1987 for the stated purpose of providing a best-practice youth justice system with the capacity to respond to current demands and challenges. The Juvenile Justice Act, in its original form, was given assent on 19 August 1993 and commenced operation in its entirety in September of that year. This bill follows the third review into the act and its operation. In 1996 the act was reviewed as a means of determining the best practice for the juvenile justice system in Queensland and was undertaken largely as a means by which to bring this state up to par with other states nationally. That review saw the institution of court diversion programs and saw the implementation of victim consideration and community protection in sentencing principles. In 2001 the act was again amended following consultation that led to the introduction of conferencing provisions and largely implemented the recommendations of the Forde inquiry. The principle behind the drafting of this bill provides a mechanism by which to institute various recommendations of the May 2007 review of the Juvenile Justice Act.

In respect of the terms of reference of the review, several key recommendations coming from the evaluation were focused toward the redevelopment of the legislative framework to ensure police powers and sentencing principles are altered to make the punishment of serious juvenile crimes more punitive. However, what we have before us today is an impotent half-hearted attempt to be seen to be taking juvenile crime as seriously as the LNP. As honourable members have heard from the shadow minister the honourable member for Burdekin, the LNP will not be opposing the sentiment of this bill, but we do not believe it goes far enough and we will be moving some amendments. I myself remain manifestly unsatisfied with some of the government's proposed amendments, and it is my argument that they fail to pass muster, so to speak, in respect of providing any change of substance.

This government, under the stewardship of the honourable member for Algester, has continued to skirt around the very real issues of juvenile justice. What we have here is a typical Socialist Left approach, amounting to a mere tinkering around the edges. The minister in her second reading speech to the bill in May this year stated—

The changes proposed in this bill are based on a range of evidence and community feedback gathered during the review of the Juvenile Justice Act 1992.

Having read the consultation report released after the review, I note that there has been a widely variegated response to the terms of reference for that review. I also note the balancing of diversion, remedial, rehabilitation and punitive approaches evinced by academics, youth advocacy groups, the Department of Communities staff and the public at large. Further, community responses found in favour of

early intervention programs and the like that would see support programs addressing the precipitating factors of offending—that is, drugs and alcohol courses, unemployment and youth skilling workshops, and mental health early intervention programs.

It seems foreign to me, then, that, instead of providing adequately for these programs that would see the diversion of young malcontents from the juvenile justice system, this government has decided to assist by changing the name of the act. The bill fails to address much needed resources to fund these programs. It fails to provide tangible assistance to juvenile offenders in curbing their arrested development, and it fails to engage young offenders in programs diverting them from their negative behaviours.

It is the stated intention of this bill that its primary focuses are to increase police powers in the arrest of juvenile offenders and to provide the court with sentencing principles which would see young offenders penalised for their serious crimes. The bill will achieve this by enacting the following powers. It provides an increase in sentencing powers to raise the minimum mandatory detention period for juvenile multiple murderers from 15 to 20 years. It provides the judiciary with the powers to implement curfews as a condition of a probation, intensive corrective or conditional release order when sentencing juvenile offenders. It increases the punitive powers of the court and affords judges and magistrates a discretion to name juvenile offenders and permit the publication of identifying particulars where necessary in order to serve as a name-and-shame type arrangement. It will provide police with stronger arrest powers, allowing them to arrest and remand offenders who do not comply with the requirements of justice conferencing, who contravene an agreement or who fail to attend a drug assessment session. In addition, it will continue to ensure that remand is a last resort in sentencing principle by ensuring that a child is to be remanded into custody only when if released from detention the juvenile's safety would be endangered because of the offence. Finally, it will amend the name of the Juvenile Justice Act 1992 to the Youth Justice Act.

While crimes are becoming ever more severe, it seems this government is adopting a lax approach and is taking juvenile crime less and less seriously. I find it difficult to believe that this government, which espouses a tough-on-crime attitude, is not prepared to fully address the situation. While I commend the communities minister—and I will repeat that: I commend the communities minister—for making some attempts to address—

Ms Struthers: What was that?

Mrs STUCKEY: Maybe third time lucky. I will say it again: I commend the Minister for Communities for making some attempts—we have that on record well and truly now—to address maleficent youth behaviour. But it appears the only true benefit to come from this bill is the curfew power and the increase of detention period for multiple murderers under clause 20. Aside from those two valid clauses, I am finding it difficult to deduce what exactly the government is achieving by this bill, and I have no doubt the minister in her summation will try to espouse that further for us.

Naming and shaming might sound as though it is a get-tough response, but without any enforcement for a perpetrator to do the community service time, like so much of this socialist legislation, it is impotent. What chance is there of achieving any positive lessons from rehabilitative behaviours that aim to re-engage youth in their communities and build a degree of community spirit if the punishment is not enforced? Recent reports show that well-disciplined children are less likely to offend and, therefore, less likely to end up in this system, which we would really not wish upon anyone, but unfortunately some find themselves within it.

I wish to address the House on the provisions relating to curfews. The measures by which to provide the judiciary with the powers to implement curfews as a condition of a probation, intensive corrective or conditional release order when sentencing certain juvenile offenders are ones which both I and the LNP have advocated for the past two years. Honourable members, along with many Queenslanders, would remember the savage 19 November 2007 attack of an off-duty police officer at Coolangatta. Constable Rawson Armitage and his girlfriend, Mitchell Dodge, were set upon by a gang of youths aged 10 to 20. Certainly a curfew as an option for those offenders would limit further similar behaviours and send a strong message that unprovoked feral attacks such as this will not be tolerated.

Parental cooperation is paramount to the success of curfews. Without them the effect of this sentence would be severely impinged upon. In this case, I acknowledge the shameful lack of parental supervision that permitted these youngsters to be out on the streets kilometres from home during the wee hours of the morning. That said, Queenslanders have the right to feel safe on their streets and our youth must learn that certain actions do have consequences that are more than a slap on the wrist.

At this juncture, I would like the House to take note that whilst the opposition has been advocating for the use of a curfew for the past couple of years the Labor government has only just come to the party. I recall the criticisms I received when I previously called for a curfew. Excuses given by the minister at the time to my suggestion and those of the opposition were the difficulties of policing youth under curfews.

Ms Struthers: They already exist.

Mrs STUCKEY: So it is only fair that I ask how the minister intends to have these curfews policed. Adding curfews as a potential sentence for the judiciary as a means of punishment is one thing, but I question whether, under this incompetent Labor government, the Queensland Police Service has the necessary resources to enforce these curfews when its capacity is diminished by insufficient numbers to deal with its present duties. Police shortages are no secret. Without extra funding to the Queensland Police Service it would be almost impossible to enforce these judicial sentencing options.

In commending the minister for finally entering curfews as a sentencing option I do call on her and the police minister to commit to the provision of the necessary resources to enforce this option in the sentencing of our juvenile offenders.

Ms Struthers interjected.

Mrs STUCKEY: It would be interesting to know, seeing the minister keeps telling me we have these powers, just how many of our youth could have been redirected during this time into healthier social activities. How many vicious fights could have been avoided if only the government had intervened? What we have seen in the past week or so in the form of youth participating in brutal attacks with deadly consequences, such as the schoolyard tragedy in Mullumbimby, which is just over the New South Wales border, is exactly what I was worried would happen if juvenile offenders were not apprehended and punished.

One provision that would increase the minimum period of detention for juvenile multiple murderers from 15 to 20 years imprisonment would appear to be the government's sole example of being tougher on crime. It is my strictest view that juveniles with a capacity to act like adults and commit heinous crimes that shock the sensibilities of the public at large ought to be subject to the same penalties as adults.

In what appears to be a purely machinery of government change the bill provides amendments to the Young Offenders (Interstate Transfer) Act 1987 that will see escapees or potential escapees charged with an offence, the penalty for which may not be served concurrently with their present term of imprisonment. Notably, this section applies to detainees who escape whilst the young offender is not within the territorial limits of Queensland or the receiving state and brings them under the jurisdiction of Queensland.

Additional punitive detention will be required to be served on the completion of detention for the current misdeed. It would also see that any period at large would not be counted as part of the current period of detention. As honourable members would be aware, my electorate abuts the south-eastern border of New South Wales and is one affected by potential escapees attempting to return to their home state. A section of concern is the effect of clause 12 of the bill proposed which states—

... that a child is only to be kept in custody where if released, the child's safety would be endangered because of the alleged offence.

This provision would mean that a magistrate or judge is no longer compelled to, as a matter of law, keep the offender in remand if they are intoxicated. Considering the high level of alcohol abuse amongst our youth it seems that this government, far from being tough on crime, is pandering to their behaviours by providing more concessions to young offenders whilst allowing fewer powers to judicial officials to remand young offenders.

The LNP has reintroduced the Juvenile Justice (Sentencing Principles) Amendment Bill 2009 as proposed by the Deputy Leader of the Opposition and shadow Attorney-General, the member for Southern Downs, after it lapsed mid-debate in the 52nd Parliament. The bill would 'remove the reference to detention as a last resort' and replace it with 'detention where appropriate and for a length of time that is justified within the circumstances'.

The Bligh government's spare the rod and spoil the child approach has been an abject failure. Government members will no doubt bleat away with lame arguments to support their stance. The LNP amendment is not about locking up an ever-increasing number of our youth. As I said in my previous speech in February of this year, it is about making sure that young people who deserve detention are placed in detention.

This government continues in its latest slew on juvenile justice to ignore any meaningful attempts at early intervention or appropriate rehabilitation for those who enter the system. What we have here is a cache of bandaid solutions that focus on patching the problems once they have occurred when we should be focusing on support programs for people as young as primary school age all the way through high school and into their early 20s.

Research has proven time and time again that juvenile crime patterns almost always lead to adult offences. I am pleased to see that the minister has agreed on this point. A report in the *Gold Coast Bulletin* in mid-July revealed that one particular school in the region has had its short-term suspension rates increase some 175 per cent, with long suspensions increasing 300 per cent and exclusion rates jumping some 200 per cent. Instead of increasing early intervention programs, which would reduce juvenile

offending, the state government has neglected valuable programs such as the school based police officers, which may serve both as a deterrent and remedy to the escalating violence in our public schools.

An example I would like to share with the House of a successful early intervention program is provided by Mission Australia across the border in New South Wales. In its recent report entitled *Young people and the criminal justice system: new insight and promising responses* it talks of the three programs that Mission Australia runs in south-west Sydney that work with young people aged 10 to 17 who are in contact with the criminal justice system. These programs—Campbelltown post release support program, the juvenile justice employment skilling program and the Pasifika support services—are collectively known as the Young Offender Support Program, or YOSP.

The Pasifika program, which served as a program for young offenders from a South Pacific island background, ran from 2005 until the state Labor government cut its funding. Interestingly, the program produced results at two per cent of the cost of remanding an offender. The program managed to reduce reoffending by more than half and reduced serious offences by more than two-thirds. We are talking about significant sums of money here.

These early intervention programs cost as little as \$5,000 per offender per year of support, whereas in New South Wales it has been reported that the remand of a juvenile offender costs as much as \$150,000 a year and this does not include post detention support. Perhaps in the interest of outcomes for juvenile offenders this state government will look towards establishing similar programs that would protect our community, prevent young offenders from recidivist tendencies and ultimately save the bottom line of this debt-ridden government.

Proactive early intervention measures are required to address escalating youth violence which may well see these teenagers caught in the juvenile justice system. Earlier this year I tabled a petition for a police beat in a local shopping centre due to the disruptive actions of a number of youth, but this was knocked back. Thank goodness the police in my area do not play politics and did what is best for our community. They found a way to establish a police booth within the centre at certain times of the week, and guess what? The behaviour has diminished.

At a time when truancy and teen violence was rising this government cut funding to school based police officers despite calls for several years for one for schools in my electorate. Once again, my local police found a way to provide a police liaison officer for the two large high schools in my electorate. Constable Emily Pike commenced her duties in mid-July and has already shown the benefit of her presence. She does not have to stay based at the school. She can go out and participate in truancy initiatives and similar programs. Truancy is a real problem, as are suspensions, expulsions and schoolyard violence which can all lead to further offences. As a society we have cause for concern.

No doubt many honourable members have seen ugly fights between girls and boys which are posted on the web. The attitude of onlookers and other teenagers is sickening and should be sending alarm bells to the government. But their key response to date has been to call another task force, another talkfest and then not act upon the recommendations therein.

During the third week of July Constable Emily apprehended three truants lighting fires behind the Currumbin RSL and reports of fewer fights in school grounds are already coming through. Bullying, as we know, leads to aggressive behaviour which can not only lead to criminal actions but also cause victims to commit suicide. We must act quickly to save our youth from self-destruction.

I am deeply upset by the level of senseless attacks on and by our youth on each other and others who come to their aid, such as our well-meaning police and dedicated ambos. I am sure that seeing them react like pack animals sickens every member of this House. The cost of bullying in financial terms is massive. In 2006 five payouts equalled \$84,926. In 2008 that figure leapt to a massive \$612,869. It is difficult to quantify long-term costs, but intervention programs would certainly be cheaper in the long run.

The police are disillusioned with the continual mockery of the system and their hard work that so often sees perpetrators get off scot-free. They tell me that kids have no fear of the system so they keep doing bad things. If community work was enforced and kids were made to do the hours, then fewer would progress to detention. It could also be said that the current system operating under a Labor government—a Labor government soft on crime—is actually breeding and feeding the vicious juveniles of tomorrow by not taking a tougher stance today and not investing in the number of programs we need to reduce the number of shocking incidents that are shown on TV, social networking sites and newspapers on a regular basis. Let us make sure the safety nets are in place to keep as many kids as possible out of detention and also make sure those who deserve detention get the rehabilitation they need to help them lead fulfilling and meaningful lives.