



Speech by

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JUVENILE JUSTICE AMENDMENT BILL

Ms NOLAN (Ipswich—ALP) (12.19 p.m.): Juvenile justice is a significant issue in Ipswich and in the broader Australian community. The Juvenile Justice Amendment Bill is a comprehensive rewrite of the Juvenile Justice Act. It tackles a series of contentious issues head on, and the minister should be commended for bringing it to the House. Our juvenile justice system is, I believe rightly, based on a couple of key points. The first is that justice for young people is primarily based on the opportunity to rehabilitate. It aims to give kids the chance to straighten themselves out and to get on and create a life that does not involve crime.

We recognise that the best way to do that is to push young people to take responsibility for their criminal actions—that is, understand and make up for the damage they have done. We try to divert most young people from the courts and we encourage that responsibility by increasing the use of community conferencing where offenders have to front their victims and give police the discretion to issue cautions. We also understand that, for some young people who are repeat offenders or who commit serious crimes, processes of courts and detention are necessary both to satisfy community expectations and to provide young people with a last resort before adulthood to make hard decisions between a life of contribution and a life of crime.

While I strongly support these principles, I am not at all sure about the extent of community acceptance of them. For most people, including me, the first response to even a small crime like vandalism or a minor break and enter is one of anger. The community is, as it should be, seriously intolerant of juvenile crime and often the reaction is that we need to get tough on the people who commit it. I agree with this sentiment, but I believe that the most important thing is always to straighten the kid out and get him away from a life of crime. There are a lot of ways to do that, and locking him up and throwing away the key is not necessarily the smartest.

There is a widespread perception in the community that kids who commit crime get away with a slap on the wrist. It is a perception that I sometimes think has a basis in fact, although I have also heard it more than once in cases where kids have gotten off not because the punishment was not tough enough but because, as could happen in any other criminal case, there simply was not sufficient evidence. The confidentiality surrounding juvenile justice means that community perception is hard to change, but this bill takes some steps towards changing it. It does so, firstly, by clearly articulating the principles underlying juvenile justice and, secondly, through some of the more specific elements of the bill, which I will touch on.

For the first time the bill gives courts the option of naming violent juvenile offenders who have been convicted of particularly heinous crimes. It removes the perception that accountability can be dodged by young offenders and their lawyers shopping between the District Court and Childrens Court to choose the one which will give them the best deal. It removes the legal barrier that previously prevented victims from finding out the name of the child who committed an offence against them. Importantly, this bill provides courts with the option of giving children in the age group of 10 to 12 years intensive supervision orders. With the age threshold for a community service order set at 13 years, the only sentence option for high-risk children under this age has previously been probation, detention or release from detention on an immediate release order. There has not been the middle ground of intensively supervising children.

Under this legislation, depending on the case and the child's circumstances, it is envisaged that an intensive supervision order program will have components including reintegrating activities with a strong focus on education as well as recreation and cultural activities; interventions to address individual risk factors that have contributed to offending behaviour; and family support, which will be voluntary. The overarching goal of an intensive supervision order is the integration of a child with their family and community so that the child ceases their offending behaviour.

The next point I want to talk about in detail relates to the implications of this bill for young indigenous people. Queensland has an appalling rate of overrepresentation of indigenous people in prison, and this extends to juvenile justice where young Aboriginal people are seriously overrepresented on orders and, more significantly, in juvenile detention centres. While the member for Nanango perpetuated a widespread community perception that Aboriginal kids get off more lightly than white kids, I want to talk about the issues she raised. This is a perception that one hears in the community all the time. Every time I hear it I look into the details and try to pin it down. Every time I find that it is hearsay and somehow I cannot quite get to the bottom of it. It seems to me that this perception allows the racists in our community to perpetuate what they want to believe.

The government's Aboriginal and Torres Strait Islander Justice Agreement is a serious effort to address these issues. While I have heard it simplistically said that indigenous overrepresentation in the justice system can only justly be reduced if indigenous people commit less crime, the agreement recognises that there are structural factors both within our society and within our justice system that constantly discriminate against indigenous people and that create a clear path from a background of economic and social disadvantage to our prisons. The most significant shift in the bill is that in future if police decide to caution an indigenous child they will be required by law to bring in a respected person from that child's indigenous community to issue the caution—if doing so is at all possible. Similarly, if a matter concerning an indigenous child is being dealt with in a community conference, the conference coordinator must make an effort to involve a respected indigenous person from the local community or community justice group. These changes are a significant step in ending the practice whereby juvenile offences involving indigenous children are dealt with by a process that is completely external to the indigenous community. They will force police not just to pay lip-service to the indigenous community but to genuinely involve Aboriginal people in the justice process.

Aboriginal people, by and large, do not like or trust police. Given that police have been the agents of cruel and discriminatory government policy for more than 100 years, one can see why. Big steps have been taken in recent years to improve those relationships. The introduction of cultural training for police recruits, the widespread involvement of police liaison officers and symbolic moves such as the instigation of NAIDOC flag raising ceremonies have made a real difference. This policy will institutionalise Aboriginal involvement in the administration of justice to Aboriginal children. I believe it is the highlight of the bill, and I commend the minister for it.

There are other changes that I want to touch on which will reduce the structural discrimination against Aboriginal people. The Royal Commission into Aboriginal Deaths in Custody highlighted one significant but pointless cause of indigenous overrepresentation in custody, and that is the detention of people on remand. The royal commission showed that Aboriginal people are more likely to be held in detention before trial, a practice that places enormous strain on people and leads to deaths in custody but which really, from a policy perspective, has little purpose. Accordingly, and consistent with the well-established principle that for a child detention is the option of last resort, changes have been made to the bail and arrest system that, while applying to all children, will help reduce the number of indigenous children on remand in detention centres.

For example, the bill will impose a requirement on police officers to consider applying to a court for a variation or revocation of a child's bail instead of immediately arresting a child thought to be breaching bail conditions, with the exception of the condition to attend court. Currently, most children are brought to court by attendance notice. This process will be streamlined so that children are brought to court through the use of notices to appear under the Police Powers and Responsibilities Act. Realistically, because of varied factors such as the child's immaturity, some children or their parents will miss their date for appearing in court. The bill makes it clear that a Childrens Court magistrate can delay issuing a warrant for the arrest of a child for non-appearance. This will allow Aboriginal and Torres Strait Islander legal service field officers to locate and bring the child to court without the child having to be arrested and placed in custody for non-appearance.

The crux of those changes is that this will stop kids being arrested just because they have missed, or are likely to miss, their court appearances. It will make it harder for them to be kept in detention even before they have fronted up to a court. That addresses one of the fundamental points of the royal commission into deaths in custody. The bill will also help indigenous children from sparsely populated regional and remote areas of Queensland to overcome some of the difficulties encountered because of fewer courts in those remote areas. The bill introduces a new provision that will allow bail applications to be conducted using audio or AV links.

There are a couple of changes which the bill does not make but which I believe are important and should be considered. The first is the fact that in Queensland we continue to deal with 17-year-olds in the adult justice system. I understand that there would be substantial costs involved in moving 17-year-olds into the juvenile justice system, but frankly I hate to think what happens to 17-year-olds when they are locked up with hardened bad guys. While we are never going to be swept away with public sympathy for young offenders, I think that changing this practice should be a priority for government.

Another matter of concern relates to schools and the principles of confidentiality in juvenile justice. I well understand the importance of allowing young offenders confidentiality, saving them being labelled as criminals and hence giving them the best chance of rehabilitation. I believe that there should, however, be a provision that allows a school to be informed—as a relevant interested party—of the outcome of police investigations or court proceedings that relate to an incident that occurs at that school.

What happens, for instance, if police caution a child for possession of drugs at the school but, in speaking to the school, the student refuses to admit to the crime? The school might even have heard whispers that the student has been disciplined, but unless it can get its own evidence through its own investigation the school would not be able to discipline the student on the basis of the police investigation because the confidentiality provisions of the bill prevent the school from knowing. While these cases would be rare, they give school students who want to subvert the school's disciplinary system the chance to do so by just denying everything, and they therefore prevent the school from exercising its duty of care. I ask the minister to give some consideration to this issue.

Finally, I want to talk a little bit about Ipswich and the huge steps that have been taken there in dealing with juvenile crime. Going back a few years, Ipswich had a bad run with juvenile crime. There were the kids who would hang around town at night and who famously spat on Pauline Hanson. A few years later there was a really terrible incident when a man, Cliff Te Kooti, who was walking home from the pub to his boarding house, was bailed up by a group of kids in the main street, Brisbane Street, knocked down and killed. While security cameras recorded Mr Te Kooti being bailed up they did not record the fatal blow, and no-one was convicted over his death.

Since these incidents, big changes have happened in juvenile justice in Ipswich, and the town has very much cleaned up its act. Police, welfare agencies such as Drug Arm, the Ipswich Community Youth Service, Teen Care, the Department of Families, council and others have worked extremely well together largely through the state funded Ipswich Management of Public Intoxication Program. The working group received strong support from David Hamill and a person in his office, Wayne McDonnell. I now provide them with all the support and encouragement that I can.

While the reaction to Cliff Te Kooti's death was one of anger and shock, the approach to sorting out the problem has been community based and it is multi-pronged. Police have seriously policed paint sniffing by taking the paint off inner-city shelves and using the Safe City cameras to spot the sniffers and confiscate their paint. Drug Arm and the indigenous youth organisation Teen Care have run a street patrol, walking the streets at night, getting to know the kids and pointing them in the right direction to get help. The indigenous elder in Ipswich, Margaret Illingworth, deserves a lot of credit. Despite the fact that she is getting old and is now unwell, Margaret has spent many hours walking the streets at night, talking to Aboriginal kids and pointing them in the right direction.

The new Youth Justice Service provides meaningful support to kids on orders and, along with Teen Care, gives many of them a direction out of the cycle of hanging around in town and getting into trouble. Jim Ralph's Employment Service has placed a number of these previously pretty hardcore kids in jobs. The rate of youth crime in Ipswich has gone down. While there are still kids who hang around in town, the level of community concern about safety on the streets has genuinely improved. I tell this story because I am proud of what Ipswich has achieved and because it sends a strong message to other communities.

This is a very good bill. It strengthens and clarifies the principles of juvenile justice and will restore a degree of community confidence in the system, but the bill should be understood as a framework within which communities can work. Ipswich has had some intelligent and coordinated responses to youth justice issues. The extent of concern about youth crime will ebb and flow, but with state government support and community cooperation we have made a real and meaningful change. I commend the bill to the House.