



Legislative Assembly Hansard (Extract)

Young Offenders Amendment (Reform of Cautioning and Warning) Bill

Extract from NSW Legislative Assembly Hansard and Papers Thursday 25 May 2006.

Second Reading

Mr ANDREW STONER (Oxley—Leader of The Nationals) [10.02 a.m.]: I move:

That this bill be now read a second time.

Juvenile crime is of great concern to the many communities that make up this great State of New South Wales. The good people of country townships and cities such as Kempsey, Dubbo, Taree, Broken Hill, Tamworth, Armidale, Moree and Narrandera tell me and their other representatives that they have significant problems with repeat juvenile offenders. This is a huge issue not just in country New South Wales but also in the city. I remind honourable members of the recent riots involving young people in the Western suburbs of Sydney. I refer particularly to the Macquarie Fields riots and to young people's involvement in the incidents at Cronulla late last year and earlier this year.

Juvenile crime is a major concern and an enormous cost to the community. It is difficult to put a figure on that sum, but a 1990 Australian Institute of Criminology report conservatively estimated that the direct cost of some major categories of juvenile crime in Australia in the years 1986 and 1987 was \$601.7 million. That was the highly conservative estimate 20 years ago and anecdotal evidence suggests that juvenile crime has increased since then. So one can imagine that juvenile crime now costs the community well in excess of \$1 billion. I will give some real life examples involving juvenile offenders that have been brought to my attention.

An elderly man in a wheelchair was recently bashed by a young woman. She asked him for a cigarette, he was about to give her one but before he could do so she belted him and took all his cigarettes. Juveniles were involved in a series of motel invasions south of Kempsey. These were quite violent crimes; for example, a young offender bashed an elderly woman. Just this week juveniles cut the major telephone line through Kempsey, interrupting services for telephone subscribers throughout the city. The economic cost was huge for the businesses and families of Kempsey and probably also for the telecommunications provider. A couple of weeks ago a gang of juveniles set fire to various properties and land in south Kempsey. When the emergency services responded, the teams were set upon by juvenile gangs. An ambulance officer was threatened with what is now believed to have been a replica pistol. A fire truck was hammered with bricks and branches and a police car window was smashed.

Juvenile crime is a significant problem in our communities. I believe the worsening rates of juvenile crime in New South Wales have their origins in the Young Offenders Act 1997. The intention of the Act was to ensure that young people who made a mistake did not end up with a criminal record. But it was too soft by far. The Act provided for the issuing of unlimited warnings and cautions and gave too many rights to young offenders, including the right to consent to the giving of a caution. It did not provide for the notification of parents when a warning was given. Under this soft piece of legislation, the child had many rights but the victims, the parents and the police had very few rights and all the responsibilities.

I note that since The Nationals raised the issue of the increasing incidence of juvenile crime the unlimited number of cautions has been reduced to three. We highlighted this issue a couple of years ago and, consequently, the Young Offenders Act was amended. Although the number of cautions has been reduced to three, an unlimited number of warnings can be given and these kids are getting too many chances. For the great majority of young people, one warning or caution would be enough to make them reconsider their behaviour and learn from their mistakes. Unfortunately, for some hardened, repeat young offenders this Act is nothing more than a joke. They receive a warning, then go out and reoffend. I am told repeatedly that the same young offenders are committing the same or similar crimes day after day in communities throughout New South Wales. I have seen the charge sheets of juvenile offenders, and one particular young offender may appear in court to answer a dozen charges.

We have a group for whom this notion of being given the opportunity to make a mistake is entirely inappropriate. Surely it is better to prevent the commission of repeat crime and young people progressing from petty crime to more serious crime and becoming repeat young offenders, and ending up an adult offender, in an adult gaol. Early intervention is the key, which is why the Young Offenders Act must be amended by way of this private member's bill. Under the current Act, for this core of hardened young offenders there seems to be no consequences for their criminal actions. As a result, they enter a life of crime, commit serious offences, and ultimately end up in gaol when they turn 18. They clog the gaols as we speak. In other cases, these young people end up dead.

I have heard of too many cases where young people become involved in drugs and/or alcohol, they drive too fast or commit other offences and they are found dead. Recently I had the experience of a police officer saying that it was tragic that a young offender had wiped himself out on a country road but that it was one less offender. That should not happen. These young people should be picked up early before they proceed on a life of crime. We should support police in their efforts by giving them the necessary legislative powers to do their jobs. All too often police apprehend these young offenders, obtain the appropriate evidence, put together the brief and the required paperwork but the Young Offenders Act does not provide enough support to make the charge stick. Young people know their rights. They attend a youth justice conference, feign contrition, but after the conference they have good laugh. That is what happens with this core of repeat young offenders.

In the past I have put forward on two occasions in this place similar legislation but the Government opposed it. On the last occasion the main reason given was that it was likely to lead to an increased number of Aboriginal youths before the courts. That is an unacceptable reason because at no time did I make a distinction with respect to young offenders. This bill applies regardless of race, colour or creed. If one does the crime, there should be consequences. The Government, in proffering this reason to oppose a very sensible piece of legislation, is discriminating in its application of the law. That discrimination is seen by the left wing of the Labor Party to be a good thing. However, if one talks to Aboriginal families and the parents of these young offenders, they do not regard this as compassion because these young people will continue in their criminal habits and their drug and alcohol abuse will worsen so that they will end up either in gaol or dead at a young age. It is not compassion to go soft on them. It simply makes the lives of those offenders, their families and their communities far worse.

It is nonsense, and this politically correct notion from the Labor Government of going soft on Aboriginal crime is not helping Aboriginal people. Aboriginal people in New South Wales are 12 times more likely to be incarcerated over the time of their life and far more likely to die young because this Government's soft hand-wringing policies for Aboriginal people are simply not working and the Young Offenders Act is one of them. It is commonsense to deal seriously with burgeoning juvenile crime before it is too late. Young people make mistakes and fall in with the wrong crowd, but if they are caught early, dealt with seriously, given a warning and their parents notified, they can be helped. But if they are just given numerous warnings without their parents being notified, the problem will not go away, it will merely worsen. Since the 1997 Act that is what has happened. Juvenile crime is fast getting out of control.

The left-wing lunatics who are behind the Act and who oppose this private member's bill are totally disconnected from their communities. I recommend that they spend some time with Aboriginal families or people from low-income areas. They should talk to them about what is happening in their communities and with young people, who never face the consequences of their actions. It is a great irony that the response of the right wing of the Labor Party to the increasing crime wave in our community is by boasting about record numbers of inmates. We have a record number of inmates because of the steady stream of young people becoming adults and heading for Labor's gaols from this cadre of repeat young offenders, and the Young Offenders Act is no deterrent. The Act leads to a progression from petty or nuisance crime to serious crime and adult gaol. The progression from young offender to adult inmate comes at a huge cost to the community. First, there is the cost to victims of crime and juvenile crime is costing Australia well over \$1 billion. There is also the cost of building gaols and accommodating inmates. It costs approximately \$700 per day to accommodate and feed an inmate. Surely we want fewer inmates in gaols and juvenile detention centres and the way to do that is through early intervention. As my dear mother always told me, an ounce of prevention is worth a pound of cure.

Throwing huge sums of taxpayers' money towards building new gaols after young people have embarked on a life of crime is acting after the horse has bolted. We have to stop the revolving door for repeat young juvenile offenders and deal with the problem early and seriously. Juvenile detention centres are not an effective deterrent for the hardened repeat offenders about whom I speak. Some of these young people go off to juvenile justice centres such as Acmena, in the electorate of the honourable member for Clarence and they think it is pretty good. They have three square meals a day, and they play sports with their mates and even Nintendo.

Mr Steve Cansdell: They have soft drinks.

Mr ANDREW STONER: Yes, they have camp-like conditions. Then they come back to their communities almost a hero and the crime wave continues. This is not an effective deterrent because they have been let off so many times before they end up in the juvenile detention centre, they know their rights and they become hardened young offenders. It also affects the usefulness of juvenile detention centres in New South Wales.

Youth justice conferences are good but for the core of hardened repeat offenders they are a joke. They feign contrition while the conference facilitator and victim are present but they go away laughing. There must be prevention before these young people become hardened repeat offenders. For many who are currently in that category who thumb their noses at authority and laugh at the system, including police and elders, it is too late to them; they will end up in gaol and may even die too young, and that is a great tragedy, brought about, in part, by the Young Offenders Act 1997. This bill seeks to establish that only one warning be given, that parents be notified at the time, that one caution only be given—a slightly more formal affair where police involvement is

greater—and that the rights of the young offender to refuse consent to the caution be removed.

Following the giving of one caution and/or one warning, a more serious intervention should take place. In some cases that will be a youth justice conference and in others it may be placement in a juvenile detention centre or intervention by an agency such as the Department of Community Services [DOCS] or the Department of Education and Training. Quite often the children involved are chronic school truants and that is when they do a lot of their nuisance crime. And quite often their home environment is far from desirable and that is when the DOCS should intervene and, if necessary, remove some of the children from the so-called care of parents who are simply not doing their job.

In other cases the children involved should be referred to what the Opposition called second-chance camps, which have proven to be effective elsewhere. These camps would be run by the welfare sector. I know that groups such as Youth Off the Streets and Youth Insearch have had great success in changing the behaviour of troubled young people. A second-chance camp is an appropriate option having detected a repeat young offender who has had a warning and a caution. The Opposition proposes a range of options to deal with troubled young people and does not simply provide a revolving door, give them a slap on the wrist and send them away to repeat their behaviour.

I turn briefly to the provisions of the bill. The bill provides that the number of warnings and cautions each be limited to one. The bill also requires that the parent of a young offender be given notice when the offender is warned or cautioned. It also provides that a warning, caution or conference be given or held as close as possible to the time when the offence was committed. The bill will deprive the child or person responsible for the child of the opportunity to delay the matter by refusing to choose an adult to be present at the time of the admission, caution, giving of explanation or conference. The bill provides the investigating official or person giving the caution or specialist youth officer or conference convenor the power to appoint a respected member of the community to be present at the times to which I just referred if the child refuses to choose an adult.

The bill removes the discretion of specialist youth officer's conference administrators and the Director of Public Prosecutions to overturn referrals for conferences in favour of cautions. In the past conferences have been overturned and the process became a revolving door with yet another caution. The bill also removes the requirement that a child must consent to the giving of a formal caution by a police officer or the Director of Public Prosecutions. In summary, this is a commonsense bill about early intervention, prevention and dealing with the impacts of repeat juvenile crime in our community. The bill provides a policy that will result in some of these young people being saved from a life of crime and the communities from dealing with the impacts and costs of those crimes. I commend the bill to the House.