'A Slap on the Wrist'? The Conservative Agenda in Queensland, Australia

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Abstract
Recent amendments to youth justice legislation in Queensland include opening Children’s Court proceedings, removing the Principle of Detention as a Last Resort, facilitating transfers of 17 year-old offenders to adult prisons, instigating new bail offences, and introducing mandatory boot camp orders. This article examines the context of these changes including the inadequacies of the public policy process, and the impassioned political rhetoric imbued with simplistic slogans. This is a case study of regressive youth justice policy and the article reflects on the many causes underlying the reactive winding back of reform.

Keywords
evidence based policy, indigenous disadvantage, media, tough on crime, youth justice in Queensland Australia

‘It is easier to build children’s lives than to repair the broken lives of adults.’

Trevor Grice, Founder Director, Life Education Trust (The Youth Court of New Zealand, 2013).

Introduction
In 2013, the newly elected Queensland Liberal National Party (LNP) government discontinued court ordered conferencing and opened boot camps. This was followed by a raft of amendments unpicking decades of policies which recognized the special role of the youth justice jurisdiction in diverting young people from the criminal justice system. This article examines the context of these legislative changes to the Youth Justice Act 1992

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(Qld) including the inadequacies of the public policy process, the impassioned political rhetoric imbued with simplistic slogans, penal populism and punitivism. This is a case study of regressive youth justice policy.

No discussion of community zeitgeist on this topic can ignore the role of the media. Both print and online media are the conduit for transferring ideas and emotions within communities. In this case the main local news outlets supported the ideology of the changes, picking up on simplistic slogans which gained some credence in the community. This community support in turn led to knee jerk reactions by the politicians (Brooks, 2014).

The punitive tenor of the amendments is perverse in the light of statistical trends demonstrating falling rates of youth offending and national concerns about Indigenous over-representation in the juvenile justice system. These provisions effectively provide young offenders with only one chance of coming into conflict with the law before becoming liable to more punitive legal sanctions. The harsher measures have already resulted in increased numbers and overcrowding in detention centres (Queensland Department of Justice and Attorney-General, 2014a). Costs of these increased numbers will compound through capital works, running costs, maintenance, and staffing not to mention the cost of long term social and community deficits.

Lack of Transparency within the Fact Gathering Processes

In pursuing this reform agenda, the LNP government argued that the reforms had ‘the support of the broader community as demonstrated by the Justice Department survey results of the Safer Streets Crime Action Plan – Youth Justice’ (Queensland Department of Justice and Attorney-General, 2013a). The legislative changes were previewed in a discussion paper released in June 2013 and canvassed publicly via a survey on the government’s website. The full results of the survey and the submissions received by the Department in response to that discussion paper were never made available. Opponents of the changes criticized the public survey instrument (Queensland Department of Justice and Attorney-General, 2013a) as having several methodological failings. In addition, the government was accused of ‘cherry picking’ results from the survey to support the bill (Queensland Parliament, 2014a: 604).

Despite repeated requests during discussion in the Legislative Assembly and in the Parliamentary Committee, neither the Justice Department nor the Attorney General provided any social research evidence to support the amendments (Queensland Parliament, 2014a: 598, 600, 601, 602, 604). Opposition member Mrs Trad (Australian Labor Party, South Brisbane) criticized the government’s ‘evidence-free policy zone’ (Queensland Parliament, 2014a: 611). Mr Judge (Palmer United Party, Yeerongpilly) labelled the process ‘an ideological and immature approach to law-making’ based on a lack of ‘understanding of the causes of crime and recidivism’ (Queensland Parliament, 2014a: 621). Dr Douglas (Independent, Gaven) argued against the changes reiterating that the accepted evidence ‘globally and within the country’ is that ‘contact with custodial sentencing increases recidivism’ (Queensland Parliament, 2014a: 629). Mr Byrne (ALP, Rockhampton) agreed, arguing that, ‘All of the evidence is that it will make youth crime worse in this state…. Every serious stakeholder looking at this bill has made it clear what the
consequences of the bill will be and the government should accept the fact that it is entirely wrong with this bill’ (Queensland Parliament, 2014a: 604).

There were 25 submissions made to the Queensland Parliament’s Legal and Constitutional Affairs Committee in February 2014 and a further eight submissions relating to additional government legislative amendments submitted to Parliament while the bill was in committee. Some of the submissions were from individual members of the public, but there were also submissions from state, interstate and international Schools of Law and Justice, the Queensland Law Society, Amnesty International and the Bar Association. Overwhelmingly, the public submissions opposed the changes but the amendments were enacted despite the cogent research presented to the committee demonstrating their negative effects on recidivism and rehabilitation.

Government Rhetoric – Simplistic Slogans Criticizing ‘Slap on the Wrists Approaches’ with Promises of Being ‘Tough on Crime’

In introducing the Bill for debate in Parliament the Attorney General used emotive language emphasizing the tenor of the changes:

As I said, we had a clear strategy. The first phase was to make the fun stop in detention centres by getting rid of the bucking bulls, the jumping castles and Xboxes, which we did. (Queensland Parliament, 2014a: 596)

There were 12 references to ‘slap on the wrist’ approaches during the debates. Detractors of the harsher measures were accused of pursuing a ‘soft approach’ (Queensland Parliament, 2014a: 616). There were many references to how ‘out of touch’ (Queensland Parliament, 2014a: 604, 605, 608) academics and the opposition were with the electorate, including statements such as ‘We refuse to adopt the “slap on the wrist” approach of the former Labor government which has created a generation of arrogant repeat offenders who are very well aware of what they can get away with’ (Queensland Parliament, 2014a: 620).

The government referred often to a forthcoming blueprint. Much was made of the fact that strategies for change to address any shortcomings arising from the amendments would be disseminated through a government blueprint. In Committee, the Acting Assistant Director-General, Youth Justice, Department of Justice and Attorney-General, Mr Harvey, assured those present that, ‘I can give you a range of examples that have been raised today, which are, in fact, in the blueprint. I cannot release the blueprint to you, because it has not been considered properly by government, but many of the issues raised today are addressed there’ (Queensland Parliament, 2014b: 39−40).

The Very Rev Dr Catt at the Public Hearing suggested delaying the amendments so that the changes would be introduced alongside the blueprint:

… the bill pre-empts the blueprint for the future of youth justice, which is intended to provide an overall policy framework for this area. So if parliament is to be asked to pass the current punitive
proposals, that should at least be done somehow in the context of the blueprint strategy so that there is a fuller understanding of how it all fits together. (Queensland Parliament, 2014b: 22)

Parliamentary debate on the bill occurred in February, the legislation came into effect immediately on assent on 28 March 2014. While these statements discuss the blueprint as providing ‘clear direction’ with ‘outcome focused strategies’, as of November 2014 the Blueprint for the Future of Youth Justice in Queensland had not been released.

The Amendments

It was within this context that the Youth Justice and Other Legislation Amendment Act 2014 commenced. The amendments resulted in fundamental changes to youth justice processes and outcomes in Queensland, many of them targeting the small group of repeat offenders identified in the statistics and noted in the Children’s Court Annual Report 2011-2012.

The amended legislation divides offenders into two groups – first-time offenders and those who are not first-time offenders. The act defines a first-time offender as ‘a child who at any time during a proceeding has not been found guilty of an offence’ (Youth Justice Act 1992 (Qld): schedule 4). Before the amendments, section 20 restricted who may be present at a hearing. After 28 March 2014, a proceeding before the court for a youth justice matter in relation to a child who is not a first-time offender, must, with some exceptions, be held in open court (Children’s Court Act 1992 (Qld): section 21C). Children who have been found guilty of minor offences will potentially be caught by this provision. The changes have the effect of allowing information about a child who is not a first time offender to be made public (Youth Justice Act 1992 (Qld), section 299A).

This year, 2014, marks the 25th anniversary of the Convention on the Rights of the Child. The Charter of Youth Justice Principles which encapsulates these Convention principles is included as Schedule 1 to the Youth Justice Act 1992 (Qld). The Queensland government in its latest amendments has omitted a basic tenet of the Convention and in doing so has turned the clock back to the early 19th century when there was little distinction drawn between adults and children when sentencing for criminal offences. According to the amended section, judges and magistrates are no longer bound by the sentencing principles that detention and imprisonment can only be considered as a last resort when sentencing children. The principle has also been expressly ousted from the common law. Section 150(5) Youth Justice Act 1992 (Qld) states that:

This section overrides any other Act or law to the extent that, in sentencing a child for an offence, the court must not have regard to any principle that a detention order should be imposed only as a last resort.

By treating 17 year-olds as adults for the purposes of the criminal justice system, Queensland’s Youth Justice Act 1992 has been out of step with current practice both nationally and internationally for the last two decades (Hutchinson, 2006, 2007; Hutchinson and Nuich, 2011; Stone 2014). According to these amendments,6 17 year-olds who have six or more months remaining in detention will be transferred to an adult
correctional facility. This legislative amendment further entrenches the age of majority anomaly and in removing judicial discretion in this area it additionally places young people in a more vulnerable position within the corrections system.

A new offence has been created for young offenders who are found guilty of committing ‘an offence’ while on bail (Youth Justice Act 1992 (Qld) section 59A). Other Australian states have bail offences, but this provision has the result that a child who has been charged (but not tried or convicted of the original offence) and granted bail, who is then found guilty of committing another offence while on bail, is therefore also guilty of a breach of bail offence. The offence committed whilst on bail does not need to be a serious offence to trigger the new provision. It could be a simple or regulatory offence. The maximum penalty for the new offence is 20 penalty units or one year’s imprisonment.

Mandatory boot camp orders have been introduced for ‘recidivist motor vehicle offenders’ in the Townsville area (Youth Justice Act 1992 (Qld) section 176B). These orders are focused on children found guilty of ‘joy riding’ in the specific geographical area. In the usual course of events, boot camp orders are normally given with the consent of the young offender and their parents. While there is a provision for a pre-sentence report in relation to this boot camp order, there is no requirement that the parents or child agree regarding the child’s attendance at the camp. A new ‘super’ boot camp, managed by Beyond Billabong at a cost of $2.2 million has been opened at a remote station at Lincoln Springs about three hours outside Townsville to house this group (Remeikis, 2014).

**Populism and the New (Old?) Punitivism**

The government supported their stance in introducing the legislation by statements about the expectations being placed on new government members by the people in their electorates. Mr Wellington (IND, Nicklin) acknowledged that the government saw itself as having a ‘mandate’ and certainly had an ability to ‘push through its legislation’ (Queensland Parliament, 2014a: 650). The statements throughout the debates reflect the political impetus underlying the government’s actions – ideas of the sovereignty of the people, populism and the need to place the wishes of the people (the electorate) above (in this case) the opinions of any left wing academic elites (Deiwiks, 2009).

Along with populism, the government’s actions were reflecting punitivism in youth justice. These attitudes had been identified over a decade earlier by David Garland (2001) as a ‘culture of control’. Originating in the US, this wave of punitivism spread globally. In the United Kingdom, the ‘punitive turn’ in youth justice (Muncie, 2008a) was documented as being marked by ‘adulteration’ of sentencing responses to childhood offending and a move away from a welfare based approach to youth justice (Junger-Tas, 2006; Muncie, 2008b). It is marked by ‘ill-conceived whims and knee jerk reactions from politicians courting populist favour’ (Pitts, 2001: 57), and is widely acknowledged and critiqued in the criminology literature (Goldson and Muncie, 2007: 57). Muncie (2008b: 9) explains this process of ‘adulteration’ as ‘the unravelling of those processes of youth justice that were based on the recognition that children and young people should be dealt with separately and differently from adult offenders, in recognition of age-related differences in levels of capacity, competence, responsibility and maturity’. This change to a more
A punitive view of childhood offending is reflected by a lowering of the age of criminal responsibility (Cipriani, 2009:119; Goldson, 2013: 111, 114), the increasing use of detention, a move away from restorative justice initiatives such as youth justice conferencing (Queensland Department of Justice and Attorney-General, 2013b: 7), and an emphasis on retribution, punishment and protection of society rather than the rehabilitation of the offender (Cook, 2012: 162). While Queensland criminal justice policies historically have tended to be more conservative than those in other states, these particular youth justice amendments are infused with a hard-line agenda. Those promoting punitivism are ignoring a wealth of evidence demonstrating that punitive interventions are not effective in reducing recidivism (Doyon, 2013; Nesbit, 2013).

These amendments are being introduced at a time when the international justice pendulum is already swinging away from retribution. Jurisdictions previously espousing punitive approaches such as the US and the UK are recognizing the failures of these policies and also their expense. For this reason, justice reinvestment in particular has gained some momentum in the US (Austin et al., 2013; LaVigne et al., 2014). Attorney General Eric Holder addressed the American Bar Association’s annual meeting in 2013 on Justice Reinvestment noting that, ‘In recent years, no fewer than 17 states – supported by the Department, and led by governors and legislators of both parties – have directed funding away from prison construction and toward evidence-based programs and services, like treatment and supervision, that are designed to reduce recidivism’ (Justice Center: Council of State Governments, 2013). Therefore the amendments do not represent an evidence-based approach and ignore current international trends and community norms.

**The Role of the Media**

Any discussion of the context for these amendments cannot be complete without some mention of the role of the media in fuelling community concern. Queensland has one remaining daily newspaper *The Courier Mail* which together with *The Sunday Mail* provides local news. At the time the amendments were being discussed, the general tenor of the articles in the newspapers were supportive of the LNP youth justice policies with editorials suggesting that ‘We need to get tougher on young criminals’ (*The Courier Mail*, 2014) and headlines such as ‘Queensland juvenile offenders increasingly committing adult crimes, snubbing rehabilitation’ (Viellaris, 2014). As far back as the 19th century, Soren Kierkegaard noted with dismay the press’s influence and ability to provide the public with ready-made opinions (Garff, 2005: 471). Academic commentators continue to note a connection between artificial media induced hysteria and extreme public responses, with the general public translating sensationalist media reporting of, for example, property owners’ fear and anxiety, into a view that ‘something should be done’ by government to address the problem (ORTA – they oughta do something about it) (Freiberg, 2014).

The media are often critical not only of the laws, but also of the legal actors, the legal system, and of course, the judges. This has led some commentators to question whether with the media ‘denigration of judicial expertise’, the media’s demonstration of ‘impatience and lack of faith in the legal processes’, along with the questioning of the ability of the legal system to correct legal errors through judicial appeals, any ‘rational law reform
is still possible in a shock-jock world?’ (Brown, 2014). To counteract these pressures, more needs to be done to educate and inform the public about the legal process and the separate roles of the politicians and the courts within that process.

The pre-eminence of the victim’s interests is evident in these latest amendments, and as a result the reporting often focuses on emotions and the need to punish and blame the individual offender for their conduct. The media argue that any criticisms of their unbalanced reporting or claims that the media is giving priority to the victim is because the victims and their families are often the only parties who will talk to the reporters (Carrick, 2014). Rather than understanding juvenile offending in a broader context, as being for example a result of social circumstances such as bullying, mental health issues, drug and alcohol addiction, parenting deficits, the alcohol industry, and policing policies, the conversation focuses on specific events and actors. Despite the Department of Justice acknowledging that ‘in recent years, the profile of a young offender has changed’ and that the ‘young people are presenting with increasingly complex issues such as drug and alcohol use, poor mental and physical health, low levels of education, exposure to violence during childhood and early adolescence and severe and long-term neglect and family dysfunction’, these contextual issues are rarely presented to balance the sensationalized reports (Queensland Department of Justice and Attorney-General, 2013c: 25).

### Statistical Trends

The proposed reforms to the youth justice system in Queensland are premised on the assumption that offending by young people is increasing. In fact the statistics demonstrate that ‘rates per 100,000 juveniles in detention in Queensland have been relatively stable compared with the national trend’ (Richards, 2011), and that rates of detention of child offenders have declined generally in Australia over the last three decades. The most recent Children’s Court of Queensland Annual Report reiterates that ‘the trend line in relation to the number of juveniles dealt with shows a decline’ over the last 10 years (Queensland Department of Justice and Attorney-General, 2014b: 2).

However youth offending statistics are affected by the diversion options used by the police, as well as by the numbers and levels of policing. The report notes that there was an upward trend in the number of charges against juveniles in the 2012–13 year in Queensland. The report explains this increase in terms of systemic issues such as ‘a substantial drop in the number of cautions being administered by the police’ and the legislative amendment abolishing ‘the diversionary mechanism of court ordered youth justice conferencing’. The report concludes that ‘thus there may have been both administrative and legislative changes’ that contributed to the increase in charges (Queensland Department of Justice and Attorney-General, 2014b: 2).

In addition, the report notes that ‘the statistics seem to demonstrate that there are a number of persistent offenders who are charged with multiple offences’ (Queensland Department of Justice and Attorney-General, 2014b: 2). The government, in introducing the amendments, concentrated on this repeat offender statistic. This current raft of punitive amendments is directed to the 10 per cent of young offenders who are responsible for a large component (up to 49%) of charges (Queensland Department of Justice and
Attorney-General, 2013c: 24−25). In debating the bill, Mr Watts (LNP, Toowoomba North) commented:

Yes, this legislation is harsh. It is firm, but fair. Why does it need to exist? It needs to exist because 60 per cent of the offenders we are talking about in this legislation have been to court five times or more and 30 per cent of offenders account for 75 per cent of the crime. That is who we are talking about here. (Queensland Parliament, 2014a: 594, 624).11

In summary, these amendments were based on rising statistical trends in offending that were to some extent the result of legislative and policy changes in the last 12 months, and the amendments were directed towards the ‘persistent young offenders’ who comprise a very small proportion of the entire group of offenders. More targeted responses towards this specific group would have been a more effective response. For the remaining 90 per cent of children, the changes being instigated will be counterproductive and will almost certainly lead to negative outcomes.

**The Costs**

Detention is costly compared to community-based options. The Queensland Department of Justice and Attorney-General capital purchases reported in the Budget Papers for 2014−15 focus on additional prison infrastructure, correctional centre enhancements, completion of the Cleveland Youth Detention Centre expansion ($26.7 million) and the programmed renewal and minor works of courthouses and youth justice facilities at a projected overall cost of $146.6 million (Queensland Government, 2014: 68.).

The government’s *Safer Streets Crime Action Plan – Youth Justice* records that there are 137 young people in detention each day, and each costs $660 per child per day (Queensland Department of Justice and Attorney-General, 2013a: 10, 13). The new breach of bail offence and the removal of detention as a last resort has increased the detention population and the costs. As the Queensland Law Society (2014: 8) pointed out in its
submissions, other options such as community based service orders, costing the state approximately $20 a day per child, were much less expensive (Australian Institute of Health and Welfare, 2013: 35).

Many of the children in detention are unsentenced. Figures provided by the Justice Department are that on average 70 per cent of young people held in a detention centre are on remand, and only approximately 10 per cent ever receive a sentence of detention (Queensland Department of Justice and Attorney-General, 2013a: 10). Given the costs of detention, it would make sense for those on remand to be treated in a different manner. Queensland spends approximately $63,360 a day on children on remand, or $23,126,400 annually (Queensland Law Society, 2014: 2). The Australian Institute of Health and Welfare (AIHW) reports that nationally, in 2010–11, the median length of completed periods of detention was three days for children on remand (Queensland Law Society, 2014: 2). With the majority of the young people only staying in detention for periods up to 3 days, it would most certainly be wiser and more cost effective to use ‘alternative programs’ (Queensland Law Society, 2014: 2–3).

The cost of containment per adult prisoner per day was $318.54 in 2011–12, considerably less than that for a child (Commonwealth Productivity Commission, 2013; Queensland Department of Community Safety, 2013). So the new provisions for speedier transfer of 17 year-olds to adult prisons may result in minor cost savings for this small cohort in the short term. But these changes will result in additional future costs. There are the costs of watch-house custody and transporting defendants, as well as the potential for overcrowding of detention centres. Research suggests that ‘detention has a profoundly negative impact on young people’s mental and physical well-being, their education, and their employment’ (Holman and Ziedenberg, 2006: 2). Studies in the US have established that ‘the act of incarcerating high numbers of youth may in fact facilitate increased crime by aggravating the recidivism of youth who are detained’ (Holman and Ziedenberg, 2006: 3). The evidence suggests that ‘there are numerous negative psychological and behavioural consequences for young people … particularly for those incarcerated in adult prisons or with adult offenders’ (Lambie and Randell, 2013: 448, 449). These consequences include victimization by other inmates and heightened levels of recidivism (Lambie and Randell, 2013: 450). Incarceration promotes peer contagion, inhibits the natural ‘ageing-out’ of crime process, and affects mental and physical health, education, social relations and in some instances leads to suicide (Lambie and Randell, 2013: 450, 451). The long term outcomes are negative both for the individual children and for the community.

Indigenous Disadvantage and the Effects on Indigenous Youth

In Parliament and in Committee feedback, there was great disquiet regarding the ramifications of the amendments on already disadvantaged groups, in particular Indigenous children. Indigenous children figure prominently in youth justice statistics. Australian Institute of Health and Welfare (2013: 36) statistics demonstrate that throughout the four year period to June 2012, ‘the majority of young people in detention on an average night in Queensland were Indigenous’, and up to 50 per cent of these children were unsentenced. In fact, as Figure 2 illustrates, the number of unsentenced Indigenous children in detention has been increasing (Australian Institute of Health and Welfare, 2013: 36).
A Queensland Parliamentary Library research brief, dated 13 March 2014, titled *Aboriginal and Torres Strait Islander (ATSI) Youth Statistics* demonstrates that ‘Sixty-three percent or nearly two-thirds of all offenders in custody are Indigenous in the 14- to 17-year-old age group, yet between 2005 and 2012 the percentage of the 10- to 17-year-old age group – that is, Indigenous people in Queensland – only increased from 6.2 per cent to 6.4 per cent of the total population’ (Queensland Parliament, 2014a: 628). These types of statistics raise the spectre of US sociologist Loïc Wacquant’s ‘paradox of neoliberal penalty’ and the state incarcerating the poor and disadvantaged (Wacquant, 2009). Certainly Dr Douglas (IND, Gaven) raised concerns in Parliament that these policies would lead to further stigmatization and marginalization of Indigenous youth and would actually increase the gap – in direct contravention of the federal government’s *Closing the Gap* policy (Queensland Parliament, 2014a: 628).

In debates in the House, members opposing the changes were quick to enquire whether the Attorney had ‘ever been to Woorabinda, an Aboriginal community … to see how those children are brought up?’ Mr Judge (PUP, Yeerongpilly) reminded Parliament that:

> Those children are growing up around physical and sexual abuse and they are going into towns such as Rockhampton and Townsville at one o’clock in the morning because their parents have systemic problems. Those children are committing crimes because of the circumstances of their environment – because of the failures of government to respond to the issues affecting Aboriginal and Torres Strait Islander people, who make up the majority of youth in custody in Queensland. Those are the facts that members should take into consideration. (Queensland Parliament, 2014a: 621)

Government members acknowledged the plight of Indigenous youth in the communities and the factors that affect them but said that they were matters that would be dealt with by
the blueprint, reminding the House that there was some support for government action in
this area from older members of the Indigenous community who were asking for assis-
tance to deal with children in Townsville (Queensland Parliament, 2014a: 607, 632). Nevertheless, it seems unlikely that this group envisaged the establishment of mandatory
boot camps as a solution.

In Summary
These amendments are being directed towards a category of ‘persistent young offender’
who make up a very small proportion of the entire group of offenders. It is likely that more
targeted, community based responses towards this specific group would be most effective,
and that collateral damage will result for the rest. It is most concerning that the amend-
ments are overturning youth justice principles developed over decades and recognized as
best practice internationally. The changes are being introduced despite valid contrary
empirical evidence. They have been justified in terms of a general mandate from the elec-
torate for the state government and its policies, but the actual legal changes introduced
were not endorsed unequivocally by the majority of respondents in the surveys on the
youth justice issues. And the amendments have been introduced with the vague promise
of a forthcoming planned blueprint to counter injustice in the changes. The speed with
which these amendments have changed the spectrum underscores the need to shore up
effective youth justice systems through, for example, more effective legal and academic
communication with the popular media. There is a need to change the tenor of public and
media discourse to recognize the evidence of the systemic and societal causes of child-
hood offending. While recognizing that many juvenile offenders are themselves victims,
it is still important to retain a strong respect for judicial discretion in dealing with those
appearing in the courts, so that the rule of law can prevail to ensure that the system is
working effectively.

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sectors.

Notes
1. A right-wing Liberal National government was elected 24 March 2012 with 73 seats in an 89 member
unicameral Parliament.
2. For example ‘nearly half of the respondents (47.1%) were aged 40–65 years’; 76.8% of respondents had
been a victim, or had a family member who was a victim, of a crime. Of these, 37.3 per cent reported that
this victimization occurred in the last 12 months.
3. On page 604 Mr Byrne: ‘Two of the proposals did not have majority support and the other two were
carefully worded and did not ask whether people supported them but merely whether they thought they
would be effective’.
4. Mr Byrne (ALP) at 598: ‘He certainly achieved one thing though – that is, to give the rest of Australia the
impression that Queensland’s current government is an ideologically driven, evidence-free policy joke’. Mr
Byrne at 600: ‘It is absolutely impossible for a normal Queenslander to see how that evidence would
support a recommendation that the bill be passed’. Mr Byrne at 600: ‘It defeats the entire mantra that this
bill should not be considered in isolation when we have no context to measure it or without any context
or evidence of what is in the blueprint’. Mr Byrne at 604: ‘In the face of overwhelming evidence that
they will not achieve their stated objectives, the government’s dogged pursuit of these changes can only have one explanation — it is for the political purposes that I alluded to earlier’. Also see 612: Ms Trad.
5. For example: page 594: Hon JP Bleijie, Attorney-General; page 608: Mr Berry; page 609: Ms Barton.
6. Changes to Youth Justice Act 1992 (Qld) Division 2A: Period of detention to be served as period of imprisonment.
7. Bail Act (NT) s 37B; Bail Act 1985 (SA) s 17; Bail Act 1994 (Tas) s 9; Bail Act 1982 (WA) s 51.
8. See Cipriani (2009): 119 who notes that ‘every state but Nebraska amended its laws between 1992 and 1999 to make it easier to prosecute children as adults’. In the UK Bateman is quoted in Goldson (2013: 114) arguing that ‘the abolition of doli incapax represents an effective lowering of age’.
9. Youth justice conferencing: Children’s Court of Queensland noting 2937 referrals, with 98 per cent satisfaction from participants.
10. National Judicial College of Australia Panel Session: Sentencing, the Media and Public Policy in Sentencing: From Theory to Practice 8–9 February 2014, ANU College of Law (Panel members Wendy Bacon, Arie Freiberg, Damian Carrick).
11. See also page 611 Miss Barton and page 624 Mr Watts.
12. Total net operating expenditure and capital costs per prisoner per day.
13. See also: Mallett et al. (2013) and Payne (2007).
14. See page 607: Mr Berry and on page 632: Mr Hathaway noted the ‘number of submissions and witnesses to the public hearing spoke about overrepresentation of Indigenous juveniles in our youth justice system. While they are entitled to their view, they should also listen to the leaders of our Indigenous communities, particularly around Townsville, who at the time of this young woman’s death were calling strongly for change and that enough was enough’.

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