

Juvenile Justice Age and Alternative Sentencing Youth Bill 2009

Explanatory Notes

Purposes and objectives of the Youth Bill

In the information Age the youth of Australia have more knowledge and technology at their fingertips. Thus society becomes a faceless and anonymous interaction of mass internet and media, in which morals, culture and ethics are distorted and social standards are unknown. Subsequently youth are not being educated sufficiently on acceptable behaviour or are pushing the boundaries of what they know is wrong, all for 15 seconds of fame. As a result youth crime is becoming more public, with the offending youth often showing little to no remorse.

The objective of the *Juvenile Justice Age and Alternative Sentencing Youth Bill 2009* is to introduce alternative sentencing focused on rehabilitation, education and accountability to counter the current types of crimes young people are committing. The Bill also endeavours to change the age at which a youth can be tried as an adult in Queensland.

This Bill gives courts the ability to publicly identify and discredit offending juveniles. By shaming the juvenile's offensive criminal behaviour, offenders will induce self-modification of that behaviour to redeem their status in society. Additionally the alternative sentence of curfews, either with or without electronic surveillance devices, will make offending youth accountable for their actions and acknowledge the effect and repercussions their crimes have on society. This will provide understanding that committing a public offence forfeits the right to be in public until one redeems themselves. This Bill also provides the alternative sentence of national service, Scouts or another community based recreational activity which promotes social values and qualities. This sentence is not punishment per se, but an opportunity to change young lives for the better. It also allows youth offenders to be given greater employment opportunities through the skills learnt and developed in these alternative sentencing methods, ensuring that youth offenders will not go on to become career criminals.

The Bill establishes what activities are unacceptable in society, such as recording a crime and publishing it on multimedia to convey to society—an activity that courts have just begun to deal with. This Bill allows punishments to fit this type of anti-community activity.

Furthermore, this Bill amends the age of adult responsibility, moving the age from 17 years to 18 to match other Australian jurisdictions and international treaties and declarations to which Australia is a signatory. Though today's youth are seemingly becoming older more rapidly with information and technology, they are not becoming more mature and are amateurs in this complex world. Youth should still be given the classification of adult at the age of 18 years and youth aged 17 years or younger should not be imprisoned.

The Bill acknowledges cultural considerations, particularly those of Aboriginal and Torres Strait Islanders. Despite Aboriginal and Torres Strait Islanders making up only 2% of the Australian population, Aboriginal and Torres Strait Islanders constitute approximately 70% of the Australian prison population. Thus Aboriginal and Torres Strait Islander youth offenders are given substantive justice and equality by having an elder of their community sit in court and assist the interaction between the court and the accused young offender, acknowledging the innate cultural differences.

Fundamentally this Bill is about deterrence, prevention and protection. This will be achieved by deterring youth from future criminal activity and preventing crimes from occurring by giving sentences that will not only curb and re-educate dangerous offending youth activity but protect the community in the process.