

OPINION

Juvenile crime wave: sea of propaganda

Don't believe everything you read in the newspapers. If you do, you will spend the rest of your life barricaded in your home, waiting to be engulfed by the 'juvenile crime wave' that is lapping at your front door.

Further, be aware of perverse radio and television personalities who take delight in whipping the public into a frenzy with their pious attitude towards youth and difference. We have seen what has happened in Western Australia as a result of media exploitation. During a two and a half year period, over 3000 articles on juvenile crime appeared in Perth newspapers. The media, led by a radio 'personality', significantly influenced one of the most important social policy debates in Australia, that is, the administration of juvenile justice in Western Australia. The catalyst for this debate was high-speed police pursuits of young people in stolen motor vehicles which led to the introduction of draconian legislation which contravenes international conventions and standards.

During the past few months, and coincidentally, during the lead-up to the Brisbane City Council elections, Brisbane has been inundated with front page law and order hysteria from candidates promising to clean up crime in their electorates. Compliments of the *Courier-Mail*, of course, it appears that the 'fact of the matter is that . . . "juvenile crime is rampant" and police can do little to control it due to the new Juvenile Justice legislation'. Well, let the 'facts' speak for themselves. Statistics prepared by the Department of Family Services and Aboriginal and Islander Affairs, which are readily available to the public, demonstrate the contrary.

- The number of children appearing before the court has declined by 11% since 1986-87.
- The number of children appearing before the court in 1992-93 represented less than 1% of all 10-17-year-olds in Queensland.
- The number of charges heard in relation to children has risen only 6% since 1986-87, having declined from a 1990-91 peak.
- Children's offending relates mainly

to theft and property damage and is of a relatively minor nature. In addition, research findings clearly show that many children 'grow out of offending'.

- Despite rumours to the contrary, children can be, and are, arrested in the same way as adults. Incorrect information reported in the media has come about due to the fact that police have still not been properly trained in the provisions of the Act, six months after proclamation. Indeed, many have not been issued with copies of the Act (Police Union, *7.30 Report*, Qld).
- Young people are subject to much the same sentencing options as adults – in the first four months of operation of the new legislation, 230 young people were placed in detention.

Young people are a heterogeneous group. Many, due to their status, are disadvantaged and powerless. They are easy targets as they are generally unable to form effective lobby groups, they cannot vote and have little influence on government and policy. Due to a high unemployment rate among those between 15 and 19 years of age, they are also poor and are not good consumers.

There is a perception that young people are objects to which 'something must be done' or which 'need fixing', not people who have rights and need special consideration due to their immaturity. While the emphasis is on outrage at the thought of young people having rights, there is also the inevitable response reminding us of their responsibilities, so much so that the juvenile justice system in Queensland concentrates on individualising offending behaviour and does not acknowledge the structural causes that initiate the behaviour. The community, according to the media, is outraged at the 'toothless' *Juvenile Justice Act*, and wants harsher penalties for young offenders.

If the community wishes the court process under the *Juvenile Justice Act* and *Children's Court Act* to be in any way effective, the adults involved must take the process seriously and ensure that justice is seen to be done – other-

wise why should it be expected that young people will be influenced by it? There is too often the perception among lawyers and police that this is 'only kiddies' court'. Yet what happens as a result of appearance may significantly affect a young person's future involvement in the criminal justice system. It is important that defence lawyers in particular treat their child clients professionally and be as vigorous in their defence as they would with any adult.

It is also important that government is serious in its attempts to make sentencing orders effective. There is, in reality, little difference between the sentencing options previously available under the *Children's Services Act* and those available under the new *Juvenile Justice Act*. What will make a difference is how the orders will be resourced. In the past, supervision orders often resulted in a child being asked to attend a departmental office once a week to sign a book. This was supposed to change with the new-styled probation order, but the Youth Advocacy Centre is receiving reports of the same practice. The question is, if or when that young person comes back to court, who has failed – the young person, or the system? If it is the system, is it fair that the young person moves on to the next step in the tariff?

It is important that there is a rational objective debate about juvenile offending, based on actual facts. There must be an acknowledgment that young people have rights as well as responsibilities in the system and that the community must be aware of failures that contribute to offending behaviour. Any system of justice must be staffed by competent, committed people with adequate resources to make their work effective.

**GWENN MURRAY
JANET WIGHT**

*Gwenn Murray and Janet Wight,
Youth Advocacy Centre Inc., Brisbane.*