

YOUNG OFFENDERS AMENDMENT BILL 2004

Returned

Bill returned from the Council with amendments.

Consideration in Detail - Motion

On motion by Mrs M.H. Roberts (Minister for Police and Emergency Services), resolved -

That the Council's amendments be considered forthwith.

Council's Amendments - Consideration in Detail

The amendments made by the Council were as follows -

No 1

Clause 9, page 9, line 34 - To delete "State" and insert instead "Commonwealth, State, Territory or overseas".

No 2

Clause 10, page 10, line 16 - To delete "may" and insert instead - "shall, unless there is good reason not to".

Mrs M.H. ROBERTS: This Bill is part of the Gallop Government's \$20 million reform of the juvenile justice system in Western Australia. Our package seeks to increase the power of the Supervised Release Review Board, ensure serious juvenile offenders are intensely supervised, improve supervision of offenders in the community, provide better access to information for victims of crime and apply better supervision options in regional areas.

During the debate on this legislation the Government was told that the Opposition would not support requiring offenders to wear drug detection devices. I was advised by the Opposition that I might have watched too much *Dr Who* or *Star Trek*, because those devices did not exist. I was pleased to have heard a report of the debate in the upper House last night because I am advised that Hon Peter Foss stated -

Clause 8 amends section 12 and states in part -

... or to wear a device for the purpose of having a body sample taken ...

I initiated this provision for wearing patches, and I think it is an excellent idea. The reality is that there are serious inadequacies in periodic testing.

That is a full quote from Hon Peter Foss. I am pleased that commonsense has prevailed and that those types of drug testing devices will be used. I thank the former Attorney General for showing some leadership on the issue.

The amendments moved by the Opposition in the Legislative Council relate to the exchange of information between agencies and the provision of access to information by victims of crime. Clause 9 of the Bill enables personal information about young offenders to be provided to government agencies in certain circumstances. It will assist in meeting a recommendation of the Gordon inquiry that government agencies share information to enable the protection of vulnerable children and young people. A penalty of \$6 000 or imprisonment for two years applies if information is used for any unauthorised purposes. The amendment from the Legislative Council expands this provision from state-based agencies to include commonwealth, territory or overseas agencies.

Clause 10 enables victims of juvenile crime to be given the name and last known residential address of a young person for the purpose of taking civil action against the young person. Importantly, this provision will assist victims of juvenile crime to seek compensation. The penalty is \$6 000 or imprisonment for two years if the information is used for any other purposes. The amendment moved in the Legislative Council seeks to replace "may" with "shall, unless there is good reason not to". The intent behind this change is to further enhance the new provision. Both amendments are supported by the Government. I seek leave to move the amendments en bloc.

Leave granted.

Mrs M.H. ROBERTS: I move -

That the amendments Nos 1 and 2 made by the Council be agreed to.

Mrs C.L. EDWARDES: I was not going to make any comment, but the minister said that this was the best package of legislation that this Government has come up with for juveniles, victims and the like. There are some excellent parts in that Bill, but the absolute dumbest thing, which shows just how soft on juveniles and crime this minister is, is that the minister does not require a young person who has been referred to a juvenile justice team to turn up. Not only does that young person not have to turn up, he or she does not even have to give a good

reason for not doing so. That is the dumbest thing I have ever come across and it just goes to show how soft the Government is on juvenile offenders and crime. It is also against good public policy. The minister should never tell me again how good this Government is, because that is the dumbest thing I have ever come across. It shows how soft those on the government side are on juvenile offenders and crime.

Question put and passed; the Council's amendments agreed to.

The Council acquainted accordingly.