



Hon Karen Struthers MP
Member for Algester

Your reference: Petitions 1382-10
Our reference: COM 05469-2010



**Queensland
Government**

**Minister for Community Services and
Housing and
Minister for Women**

- 7 MAY 2010

Mr Neil Laurie
The Clerk of the Parliament
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Laurie

I refer to Petition No. 1382-10 received by the Legislative Assembly on 24 February 2010 regarding the use of parental powers to enforce discipline.

I note that a response to this petition has been provided by the Honourable Neil Roberts MP, Minister for Police, Corrective Services and Emergency Services. Given some of the matters raised by the petitioners relate to youth justice issues within my portfolio, Minister Roberts also forwarded a copy of the petition to me for my consideration.

Specifically, the petition seeks amendments to juvenile justice and police powers legislation to empower police to return children to their parents and ensure children are not permitted to roam the streets at will.

A recent in-depth review of the *Youth Justice Act 1992* (formerly the *Juvenile Justice Act 1992*) was undertaken by the Queensland Government. This review included an extensive public consultation process.

As a result of this review, the courts now have more specific powers to place curfews on juvenile offenders or young people on bail to ensure proper supervision and to reduce the chances of young people re-offending. An example of the appropriate use of curfews may be for a young person who is subject to a probation order for a series of offences committed at night time to have a curfew from 6pm to 6am.

In addition, the Youth Justice Act supports the involvement of parents in decisions that affect their children. Specifically, Section 70 of the Act provides that a parent can be ordered by a court to attend proceedings involving their child, and a fine can be imposed if the parent fails to do so. Additionally, if a court considers a parent has contributed to an offence by not adequately supervising their child, the parent may be ordered to pay compensation to a victim. The Department of Communities ensures that a young person's family is encouraged to participate in interventions to address offending.

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The department is also committed to supporting young people at risk of offending through a range of prevention and early intervention programs. Two such programs are available to young people in the Cleveland area and are delivered by Bayside Adolescent Boarding Incorporated (BABI). These programs are funded or partly funded by the department:

- The Wynnum/Redlands Youth and Community Combined Action service works with young people aged between 10 and 17 years who are identified as being at risk of becoming involved in juvenile crime or are involved in the youth justice system. This service provides a number of personal and social development programs.
- The Youth Support Coordinator initiative provides support for young people at risk of disengaging from school, for example through truanting, to remain engaged in education and training. Youth Support Coordinators provide this support through schools throughout the Redlands and Bayside districts as well as throughout Queensland.

The department also funds BABI to provide the Parenting and Enjoying Teenagers program aimed at providing parents with skills to manage teenagers. The seven week course costs \$50 per person and covers issues such as setting limits and boundaries, driving, drug and alcohol use amongst teenagers and dealing with anger. The BABI website at www.babi.org.au contains more information on this program.

If the petitioners require any further information or assistance in relation to this matter, they should contact Ms Helen Warneke, Director, Community Policy, Community Safety, Youth and Families Policy and Performance, Department of Communities on 3234 0857.

I trust this information is of assistance.

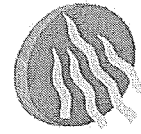
Yours sincerely



Karen Struthers MP
Minister for Community Services and Housing
Minister for Women



Hon Neil Roberts MP
Member for Nudgee



Queensland
Government

Ref: 11369 P1 LT

Minister for Police, Corrective Services
and Emergency Services

29 MAR 2010

Mr Neil Laurie
The Clerk of the Parliament
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Laurie

I refer to petition number 1382-10 lodged with the Legislative Assembly by Mr Mark Robinson MP, Member for Cleveland, on 24 February 2010.

The petition raises the issue of the perceived lack of parental powers to enforce discipline and ensure that children live a life within the bounds of the law and without causing harm to themselves or others. Specifically, the petition seeks amendments to relevant juvenile justice and police powers legislation to empower police to return children to their parents and stop them roaming the streets at will.

In response to the petitioners' concerns, I can advise that section 280 of the *Criminal Code* provides for the lawful application of domestic discipline of a child by a parent. This domestic discipline may be by way of correction, discipline, management or control using such force as is reasonable under the circumstances.

The *Child Protection Act 1999* provides for the protection of children, the underlying principle being that the welfare and best interests of a child are of paramount importance. The preferred manner of ensuring a child's wellbeing is through the support of the child's family. However, if a police officer believes a child is in need of protection or the child is at risk of harm, the officer may move the child to a safe place and make appropriate arrangements for the care of the child.

The Police Service advises that operational police report instances of dealing with children congregating in locations late at night and in the early hours of the morning, particularly in the Brisbane City Central Business District. Commonly, these circumstances do not cause the provisions of the *Child Protection Act 1999* to be applied and are addressed through negotiation with parents and the child. On some occasions, parents either refuse or do not have the travel means to collect their children at the request of police.

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In these circumstances and where it is assessed children are in moral or other danger, police do transport children home by consent. It should be noted there is no express legislative authority for this. There is also no legislative authority to compel children to remain at home, once returned there.

Any legislative change to provide police with the specific power to return children to their homes in certain circumstances would require an in-depth policy analysis and consultation between relevant Ministers, key stakeholder agencies and organisations and the Queensland community. The Police Service advises it is not aware of any current intention to seek any legislative changes in this regard.

As some of the issues contained within the petition fall within the responsibilities of the Honourable Karen Struthers MP, Minister for Community Services, Housing and Minister for Women, I have taken the liberty of forwarding a copy of your correspondence to Minister Struthers for consideration of direct reply.

Senior Sergeant Sean O'Neill, Queensland Police Service Legislation Development Unit, is available on telephone 3015 5951 for any further assistance required.

I trust this information is of assistance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Neil Roberts', with a stylized flourish at the end.

Neil Roberts MP
**Minister for Police, Corrective Services
and Emergency Services**