

Youth Justice (Boot Camp  
Orders) & Other Legislation  
Amendment Bill 2012  
Submission 048

**caxton**  
legal centre inc

8 November 2012

Attention: The Honourable Mr Ray Hopper MP  
The Legal Affairs and Community Safety Committee  
Parliament House  
George Street  
BRISBANE QLD 4000

By email: [lacsc@parliament.qld.gov.au](mailto:lacsc@parliament.qld.gov.au)

Dear Mr Hopper

RE: **YOUTH JUSTICE (BOOT CAMP ORDERS) AND OTHER LEGISLATION  
AMENDMENT BILL 2012**

Thank you for the opportunity to provide a written submission in relation to this Bill. Caxton Legal Centre Inc. (Caxton) wishes to make submissions in relation to the Bill's effect on the *Youth Justice Act 1992 (Qld)*.

Caxton has been in operation for over 35 years and provides approximately 13,500 legal information and advice services per annum – typically to clients who are economically and/or socially disadvantaged.

Our staff and volunteer lawyers regularly provide advice to clients about criminal law matters. We also publish the *Queensland Law Handbook*, which includes a detailed chapter about criminal law, as well as our *Police Powers – Your Rights Kit*.

Over the previous 3 year period, Caxton Legal Centre Inc. (Caxton) has given advice and information about criminal law on at least 944 occasions. Our lawyers have given advice about public nuisance matters on 69 occasions, resisting arrest on 12 occasions, assaulting police on 17 occasions, and move on powers on 9 occasions.

As a community legal centre, Caxton is often tasked with assisting children who come before the criminal justice system. Many of our volunteers and certain members of our management committee work in criminal defence where they have day to day exposure to the criminal justice system as it applies to children.

Caxton supports the Attorney-General's attempts to address youth offending in a way that respects their vulnerabilities as children, aims to deter future offending and diverts them from the criminal justice system. Caxton supports the underlying purpose of the boot camp program in relation to diverting young people away from a custodial environment. In fact, the Boot Camp Order has similarities to an Intensive Correction Order which is used for adult offenders as a last alternative to an actual period of imprisonment.

The key issue taken with the current Bill is the removal of the option for the Courts to refer a child to participate in a youth justice conference as either part of the sentence or upon application by a named police officer. In our view, this represents a significant backwards step in the holistic approach which should be taken to dealing with young offenders.

Youth justice conferencing would complement a boot camp program, as another way to avoid young persons being processed through the formal criminal justice system and potentially, incarcerated.

In our experience, when the police or the Court decides to refer a young person to a youth justice conference, the young child, his family and affected persons have an overall better sense of satisfaction with the process.

It is accepted that for more serious offences, youth justice conferencing is sometimes not an appropriate option. However, there are many cases involving less serious offending where youth justice conferencing largely achieves its aim of rehabilitation in an informal and less threatening environment for the youth. Allowing the police and the Court to refer to youth justice conferencing affects the child's experience of, respect for and allegiance to the justice system and its personnel. It would also affect the child's developing sense of fairness.

It must be remembered that contact between police and youth is extremely high. Certain studies have found that 80% of youth have been stopped and spoken to by police at some stage.<sup>1</sup> Because of this high incidence of police youth contact it is important that police have all necessary tools which include diversionary measures in order to deal with youth most effectively.

### **Part 3 - Amendment of Anti-Discrimination Act 1991**

The amendment will insert section 106B into the *Anti-Discrimination Act 1991 (Qld)* (the AD Act). In essence, this section will make it lawful for the State of Queensland to commit acts of discrimination based on nationality in the provision of government services and assistance.

The amendment will make it lawful for the Queensland Government to deny New Zealand citizens who arrived after 26 February 2001 (including Special category Visa holders entitled to reside permanently in Australia) access to key services such as disability services.

It is submitted that a more socially responsible approach would involve making representations to the Commonwealth Government about meeting its responsibilities to all people entitled to reside permanently in Australia.

It is unfortunate that the time period for consultation is so short as this has meant that we have not been able to invite all our volunteer lawyers to consult with us and contribute to this submission. However, we would be happy to discuss this submission further if there is opportunity to do so.

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<sup>1</sup> Adler, C., O'Connor, I., Warner, K. and White R., "Sections of the Treatment of Juveniles in the Legal System" (1992), 45.

Yours faithfully

A handwritten signature in black ink, appearing to read "Scott McDougall", written in a cursive style.

CAXTON LEGAL CENTRE INC.  
Scott McDougall  
Director