Speech by

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MEMBER FOR INALA

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YOUTH JUSTICE (BOOT CAMP ORDERS) AND OTHER LEGISLATION AMENDMENT BILL

Ms PALASZCZUK (Inala—ALP) (Leader of the Opposition) (9.37 pm): I rise to contribute to the debate on the Youth Justice (Boot Camp Orders) and Other Legislation Amendment Bill and to advise that the opposition will not be supporting this piece of legislation. This bill exemplifies all that has gone wrong with the Newman government in just eight short months. To demonstrate that fact we need look no further than the report from the Legal Affairs and Community Safety Committee, for whom do we find signing off on the committee report on this legislation? None other than the member for Condamine. This report was tabled just last week on Thursday, 22 November 2012. It was signed off by the then chair of the committee, the member for Condamine. I think we would all agree that a week in politics is indeed a long time.

Little did we know that, at the same time as the member for Condamine was finalising this committee's report on behalf of his LNP members, he was reportedly also changing his phone number and getting ready to jump ship to Katter's Australian Party. Why? Because, as this committee report again shows, the Newman government is ignoring the wishes of its backbenchers and the majority of Queenslanders. The member for Condamine knows that the LNP government and the Premier in particular have stopped listening, and once again it is written largely in the committee report of this bill.

On numerous occasions this year the government has been warned by the Legal Affairs and Community Safety Committee and other committees about the lack of meaningful consultation on significant legal changes. The standing orders of this House state that, when bills are referred to portfolio committees for scrutiny, a time period of six calendar months should be available for the committee to lodge a report. But what have we seen time and time again from the Newman government? The LNP, in its arrogance, has introduced bills and then nominated almost impossible turnaround times for committees to report back.

In the case of the Youth Justice (Boot Camp Orders) and Other Legislation Amendment Bill the proof is evident. This bill was introduced into this House on 1 November 2012, less than a month ago. Submissions on the bill closed on 8 November 2012, just seven days after the 42-page bill was introduced. On 22 November 2012, just three weeks after the bill was introduced, the committee was required to lodge its report on the complex issues contained in the legislation. These ridiculous deadlines have not gone unnoticed by stakeholders. Even the report by the committee, which is dominated by LNP backbenchers, has noted the growing disquiet about the Newman government's cavalier approach to legislation.

On page 2 of the committee report it is stated—

A number of submitters were displeased with the amount of time to consult with the Committee. The Aboriginal and Torres Strait Islander Legal Service (Qld) stated that *'due to time constraints (relating to the very minimal amount of time afforded within which to provide feedback), that it is entirely possible that important considerations might have gone unidentified (or insufficiently fleshed-out).*'

The Crime and Justice Research Centre also commented on the short opportunity to review the bill. The report goes on to state—

Given that the Committee has only been provided with three weeks to examine this Bill in addition to other bills over a similarly short period, the Committee considers that it is vitally important for the Government to engage stakeholders early in the process.

If earlier engagement with relevant stakeholders took place, the Committee considers that many of the concerns raised in submissions may well have been identified prior to introduction of the Bill and many of the queries raised in submissions may have been addressed. This would have given stakeholders more certainty in the proposed operation of the Bill and enabled them to focus on the effect of the Bill itself when engaging in the committee process.

Further, given the lack of broad consultation and the short time-frames in which the Committee has to report (which would have been known to the Government), the Committee considers that it would have been helpful for some information to be included in the Explanatory Notes on the results of consultation, rather than simply listing the bodies with whom the Department is stated to have consulted.

These words echo sentiments expressed by committees numerous times already since the Newman government came to power. There is a distinct lack of commitment from the government to genuine consultation. There is also a distinct inability of the Newman government to learn from its mistakes.

This bill is what is known as an omnibus bill, a single piece of legislation that amends numerous pieces of legislation with many of the amendments completely isolated and distinct from the others. Yet here we are again debating this bill that makes a raft of changes to Queensland's legislative framework with many of the changes completely unrelated. As I said last sitting during the debate on the Guardianship and Administration and Other Legislation Amendment Bill 2012 in relation to the nature of these bills—

However, the committee itself has previously raised concerns about this issue, and its main concern was in relation to members who, when faced with a bill that covers vastly different and unrelated pieces of legislation and that covers a diverse range of policy areas, may feel they are restricted in how they respond.

Some of the matters contained in this bill are noncontroversial and are of little significance and most members would be comfortable supporting them. Other matters, however, are of some significance and might be expected to elicit a range of views on the policy intent. Members then might be opposed to some matters and support others and therefore find it difficult to vote on the bill as a whole.

I would also like to quote a section from page 5 of the committee report. It states—

The Committee has previously expressed concerns in relation to the use of omnibus bills to amend multiple items of legislation, most recently in its report on the Guardianship and Administration and Other Legislation Amendment Bill 2012.

This Bill amends three separate and unrelated Acts of Parliament with very different policy objectives i.e. youth justice, anti-discrimination issues and other unrelated matters. It also makes a number of 'minor and consequential amendments'.

The Committee acknowledges that the Bill's short title contains the phrase 'and Other Legislation Amendment Bill' which will alert the Legislative Assembly (and others) to the fact that the Bill contains amendments unrelated to the subject area stated in the title of the Bill (in this case "Youth Justice (Boot Camp Orders)").

The Committee's concerns with omnibus bills relate primarily to Members' feeling their ability to vote for or against such a bill in its entirety, as limiting their actions. These issues arise when bills such as this are presented containing a number of unrelated matters ...

Now I would like to address some of the problems with the bill that go to the substantive issues concerned. The bill introduces the boot camp order, an alternative to detention of a juvenile offender that will entail a one-month residential requirement in a facility with a follow-up period of between two and five months of intensive supervision in the community. The government has long been on the boot camp bandwagon. Even in opposition, members opposite raised the spectre of boot camps on a regular basis. The one thing they always fail to mention is that they do not work. In particular, the military style of boot camp originally favoured by the Attorney-General simply does not work as a rehabilitation tool. I, therefore, welcome recommendation No. 5 of the committee's report which asks the Attorney-General the following—

The Attorney-General and Minister for Justice, in his response to the Committee's report, set out for the benefit of the Legislative Assembly, details on the philosophy and empirical evidence to support the policy proposal to provide a boot camp order as an option before detention.

So why is the government following this path? Why have they scrapped court ordered youth justice conferencing in this year's budget? The boot camp trial is costing $2 million over two years. There is no evidence to suggest that it will even have an effect on the juvenile reoffending rates. On the other hand, court ordered youth justice conferencing, which is being abolished by this bill, has enjoyed considerable success in Queensland. Only last week the Children's Court annual report said this about the program—

In the financial year, the Youth Justice Conferencing program received 2,937 referrals, an increase of 2.8% from the previous year. There were 1,691 referrals by the courts and 1,246 referrals by police. In total 2,282 conferences were held. 95% of conferences resulted in an agreement being reached. There was a very high level of satisfaction from participants (98% indicated that the conference was fair and with being satisfied with the agreement).

The Youth Justice Conferencing program provides a valuable mechanism to the police and the courts for the adoption of restorative justice principles. It allows the victim of a crime to confront the offender with the consequences of that crime. In the vast majority of cases it results in an agreement between the parties to address the issues that led to the offending, and to recompense the victim for the impacts of the crime. It is an important mechanism in diversion from the court system, recompense to the victim and rehabilitation of the offender.

That is high praise indeed from those who actually use the program.

The Legal Affairs and Community Safety Committee is also highly supportive of the present system of court referred youth justice conferencing. As it said in its report on the bill—

The Committee considers that the current benefits associated with court referred youth justice conferencing outweighs any short term savings and, based on the evidence it has received, recommends that court referred youth justice conferencing be retained by the courts.

In budget paper No. 4 the government has indicated that they will achieve savings of $5 million in 2012-13 and $10.2 million per annum from 2013-14 from the changes made to court diversion programs and referrals. It is unclear from the budget papers how much of this saving could be attributed to the abolition of court ordered youth justice conferencing. I would ask the Attorney-General to please outline what the savings will be specific to the abolition of this initiative.

The committee pointed out—

The Committee considers that the cost of diversionary programs are not simply limited by the costs involved in the delivery of the programs but must be considered against the long term benefits and savings by keeping the subjects of the programs out of the custodial system. Concerns have also been raised in submissions that the removal of court referred conferencing will reflect savings in the short term, but will have adverse effects for sentencing outcomes in the long term.

The committee has therefore asked the Attorney-General to provide details of any cost-benefit analysis carried out by his department on both the direct and indirect savings that will result from removing court referred youth justice conferencing. It is my guess that there will have been no analysis of whether the scrapping of youth justice conferencing will result in cost savings in the long term. It is another case of policy on the run being policy underdone.

It is disappointing to see that a program that has been so successful and has done so much good all over Queensland is being abolished to make way for another program that has not been proven to work and will only be trialled at two sites in Queensland—in Far North Queensland and the Gold Coast—for the benefit of a comparatively small number of participants: 1,691 last year compared with an estimated 80 through boot camps.

A number of people who made submissions to the committee raised concerns about the cultural needs of Indigenous juveniles participating in the boot camp program. The committee was sufficiently concerned to make a recommendation that the Attorney-General and Minister for Justice ensure that clear public policies are developed and appropriate guidance is provided to boot camp centre providers in relation to recognising the cultural needs of each child participating in a boot camp program.

Another concern raised was the access to be provided to lawyers. The bill provides that if a child participating in the residential phase of a boot camp program asks for help in gaining access to a lawyer then the child is given the help that is reasonable in the circumstances. The Queensland Law Society submitted that the bill be amended to provide that the child must be assisted to access a lawyer and that the child's parents and/or the community visitor must be informed of their request and the attempts made to provide access. They also considered that the boot camp provider should have to take mandatory actions to provide access to a lawyer for a child.

The committee feels that the bill is adequate in its current form but has asked the Attorney-General to outline the process to be followed by a provider upon a request for access to a lawyer and how complaints about a response to the provision of access can be made by a young person. I would also ask the Attorney to advise what records will be kept of the attempts made by the provider to comply with the request and whether access to any such records will be provided to the community visitor.

I am also of one mind with the committee in being concerned about the funding source of the evaluation of the trial upon completion. It is unclear, as the committee points out, whether the cost of evaluation will come from the $2 million in funding provided for the program or whether there will be any additional source of funding. The committee would like to see that an appropriate evaluation methodology is adopted to ensure an effective evaluation is carried out. The committee notes that an evaluation should be designed at the time of project planning and form part of the ongoing refining of program activities. It is therefore recommended that the Attorney-General and Minister for Justice in his response to the committee's report confirm (a) how the post-trial evaluation will be funded, (b) the evaluation method to be used and whether it conforms with the Criminal Justice Evaluation Framework guidelines for evaluating criminal justice initiatives and (c) whether the results of the evaluation will be provided to the Legislative Assembly.

The bill also contains amendments to the Anti-Discrimination Act 1991. These amendments are twofold, and I will allow the member for Woodridge to address the issues of concern in relation to these amendments. The opposition will not be supporting this bill.