



Speech by

**Hon. Jarrod Bleijie**


**MEMBER FOR KAWANA**

Hansard Thursday, 1 November 2012

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

### **Introduction**

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (12.02 pm): I present a bill for an act to amend the Youth Justice Act 1992, the Anti-Discrimination Act 1991 and the Fiscal Repair Amendment Act 2012, for particular purposes. I table the bill and the explanatory notes. I nominate the Legal Affairs and Community Safety Committee to consider the bill.

*Tabled paper:* Youth Justice (Boot Camp Orders) and Other Legislation Amendment Bill 2012 [[1489](#)].

*Tabled paper:* Youth Justice (Boot Camp Orders) and Other Legislation Amendment Bill 2012, explanatory notes [[1490](#)].

I am pleased to introduce the Youth Justice (Boot Camp Orders) and Other Legislation Amendment Bill 2012. The bill fulfils the government's pre-election commitment and pledge to introduce youth boot camps to stop the cycle of youth crime and give young offenders a real chance at rehabilitation and the opportunity to make positive life decisions. The program is part of the Safer Streets Crime Action Plan and will take a whole-of-government approach to working with 80 young people over two years. The bill also contains amendments to cease court referred youth justice conferencing to fulfil the decision made in the context of the 2012-13 budget.

The government is trialling two youth boot camp programs. The first of these is an early intervention youth boot camp program which will be trialled on the Gold Coast. This program will target those young people who are at risk of entering the criminal justice system and continuing on a trajectory of offending behaviour. The second youth boot camp program will introduce a new supervised youth justice order as an option before detention. It will be called a boot camp order. The commencement of this bill will provide courts with this new sentencing option. The boot camp order is targeted at those young people who are facing detention. It will provide young offenders with a further opportunity to avoid entering the revolving door of crime and detention. The boot camp order will allow courts upon making an order for detention to consider releasing a young person to a boot camp order. The boot camp order creates a hierarchy between supervised orders which are options before detention.

The conditional release order, which is currently an option before detention, is a maximum three-month order served entirely in the community. The boot camp order is a three- to six-month order which includes one month to be spent in a residential boot camp centre. This makes the boot camp order a more intensive and longer sentencing option than the conditional release order. To be eligible for a boot camp order, the young offender must be at least 13 years old at the time of sentencing, must usually reside in a prescribed area and must have consented to participate in the program. The prescribed area in which a child must usually reside will be provided for by amendment to the regulations. For the trial the area will include Cairns, Yarrabah, Innisfail, Mareeba and Atherton. A young person who usually lives in Cairns but is before a Brisbane court, for example, will be eligible to participate in the boot camp program.

Not all young offenders will be eligible to participate in a boot camp program. Where a young offender has a previous finding of guilt, a pending charge or the offence for which the child is currently being sentenced is a disqualifying offence, the young offender will not be eligible. The bill inserts a schedule of disqualifying offences which comprise serious violent and sexual offences. This is to ensure the safety of other young offenders participating in the residential phase of the boot camp program as well as the employees of the boot camp centre and the broader community. The young offender will also not be eligible if the court forms the view that the young offender poses an unacceptable risk of physical harm to other young offenders or employees at the boot camp centre.

Before making a boot camp order, the court must request a pre-sentence report. This report will include mental and physical health assessments, a statement of the child's consent, a statement detailing whether the consent of a parent has been obtained for that parent to participate, availability of an appropriate boot camp centre and the suitability of the child to be released from detention on to a boot camp order. The boot camp order will require that the young offender participate in a boot camp program which will be designed to meet the particular needs of each individual young offender. It comprises one month of residing in a boot camp centre followed by the remaining period of the order in the community supported by intensive supervision. Young offenders will also receive mentoring throughout the program and will be encouraged to voluntarily continue with mentoring following completion of the order.

While the young offender is in the boot camp centre, they will participate in a program that involves a high degree of structure and supervision. It will involve physical training, participation in health and substance abuse programs, and educational and offence focused programs to address the cause of offending behaviours. The program during the residential phase will instil the discipline and values necessary to assist and support young people in turning their lives around. After completing the first month of the program in the boot camp centre, the young person will spend the remainder of their boot camp order—between two and five months—under strict supervision in the community. The program will require that the young person is engaged in daily activities that include, where possible, the involvement of the young person's family.

During the course of the entire program, the involvement of a young person's family will be paramount. This will ensure that difficulties within a family which may be contributing to a young person's offending behaviour are assessed and the young person will continue to have the necessary support from their family to refrain from further offending behaviours once the boot camp order is complete.

Where a young person breaches the boot camp order, there are a number of options which will be available to the court. These options include ordering the child to serve the sentence of detention for which the boot camp order was made, making a new boot camp order or making a conditional release order. The court is also provided with the option of permitting the young offender a further opportunity to complete the boot camp order. In making such an order, the court can vary the requirements of the order but not the program details. This prevents a court from ordering a child to participate again in the residential phase of the program where this has already been completed. To ensure the safety of children participating in the program and to maximise therapeutic outcomes, the bill provides clear responsibilities and obligations for the young offenders participating in the residential phase of the boot camp program and staff of the boot camp centre, as well as the chief executive.

These provisions place an emphasis on centre security and management; provision of information to the young offender upon entry to the centre, a child's access to legal services; complaint procedures; departmental inspections of the centre; provisions for authorising medical treatment as well as obligations on the boot camp centre to report incidents of significant harm to a young person. The boot camp order will become available to the court upon the date of commencement of this bill regardless of the time at which the child was charged or proceedings commenced. The bill meets our intention to ensure that young people are accountable and responsible for their offending behaviour while also addressing the causes of youth offending. Ultimately, this will lead to a safer community for Queenslanders.

The bill also delivers on the 2012 budget decision to cease court referred youth justice conferencing by removing the court's ability to refer a young person to a youth justice conference either as an indefinite referral or as a referral prior to sentencing. The bill provides for transitional amendments to ensure that any conferences referred by a court prior to the amendments taking effect may continue to be progressed and finalised. In addition to the removal of court referred conferencing, the bill removes references to the redundant role of youth justice conferencing coordinator and places responsibility for these functions with the chief executive.


The bill also makes amendments to the Anti-Discrimination Act 1991. Recently, a motel operator was found to have contravened the Anti-Discrimination Act by refusing to provide accommodation to be used for prostitution purposes. The bill inserts a new exemption in the act to protect businesses from this sort of complaint and give them control over the use that is made of their premises. The exemption allows a person to lawfully discriminate against another person in relation to accommodation if they reasonably believe that the other person is using or intends to use it in connection with that person's work or another

person's work as a sex worker. The exemption would justify a refusal of accommodation on the grounds that the person is a sex worker, a sex worker's procurer or a sex worker's customer if they are using or intend to use the accommodation to carry on prostitution. However, it will not allow a person to refuse to provide accommodation to someone merely because the other person is a sex worker.

There are also amendments to the Anti-Discrimination Act to exempt requirements of citizenship or visa status in government eligibility policies. The exemption will only apply to government policies for the provision of financial or other assistance, services or support and will only extend to citizenship or visa status criteria. It is not a blanket exemption for government policies in relation to other grounds covered by the Anti-Discrimination Act. Public resources are finite. Limits must often be placed on who is eligible for government funded assistance. The exemption will ensure that government entities can adopt and implement assistance policies based on citizenship or residency without being exposed to litigation which would further deplete scarce public resources.

Amendments in the Fiscal Repair Amendment Act 2012 combined the roles and decision making of the Queensland Liquor and Gaming Commission and the chief executive under the Gaming Machine Act and Liquor Act and transferred them to a new Liquor and Gaming Commissioner. The amendments were to commence on 1 July 2013. However, given the benefits to industry and the government in streamlining the decision-making process, it would be preferable for the amendments to commence on 1 January 2013 to maximise their effect. Therefore, to achieve this a minor amendment is made to the Fiscal Repair Amendment Act 2012. I commend the bill to the House.

### **First Reading**

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (12.12 pm): I move—  
That the bill be now read a first time.

Question put—That the bill be now read a first time.


Motion agreed to.

Bill read a first time.

### **Referral to the Legal Affairs and Community Safety Committee**

**Mr DEPUTY SPEAKER** (Dr Robinson): Order! In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.

### **Portfolio Committee, Reporting Date**

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (12.13 pm), by leave, without notice: I move—

That under the provisions of standing order 136 the Legal Affairs and Community Safety Committee report to the House on the Youth Justice (Boot Camp Orders) and Other Legislation Amendment Bill by 22 November 2012.

Question put—That the motion be agreed to.

Motion agreed to.