



Queensland

# **Youth Justice (Boot Camp Orders) and Other Legislation Amendment Bill 2012**





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# Youth Justice (Boot Camp Orders) and Other Legislation Amendment Bill 2012

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# 2012

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## 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***

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[s 1]

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**The Parliament of Queensland enacts—** 1

**Part 1 Preliminary** 2

**Clause 1 Short title** 3

This Act may be cited as the *Youth Justice (Boot Camp Orders) and Other Legislation Amendment Act 2012*. 4  
5

**Clause 2 Commencement** 6

(1) The following provisions commence on 1 January 2013— 7

(a) sections 3 to 17; 8

(b) sections 20 and 21; 9

(c) sections 41; 10

(d) sections 43 and 44; 11

(e) section 45 to the extent it inserts division 10, heading and sections 354 to 356; 12  
13

(f) section 46(1) and (2); 14

(g) section 47(1) to the extent it omits definition *referring police officer*; 15  
16

(h) section 47(2) to the extent it inserts definition *referring police officer*. 17  
18

(2) The following provisions commence on 31 January 2013— 19

(a) section 18 and 19; 20

(b) sections 22 to 40; 21

(c) section 42; 22

(d) section 45 to the extent it inserts section 357; 23

(e) section 46(3) to (8); 24



- 
- (f) section 47(1) except to the extent it omits definition *referring police officer*; 1  
2
- (g) section 47(2) except to the extent it inserts definition *referring police officer*; 3  
4
- (h) section 47(3) to (5); 5
- (i) section 48. 6

## **Part 2** **Amendment of Youth Justice Act 1992** 7 8

- Clause 3** **Act amended** 9  
This part amends the *Youth Justice Act 1992*. 10
- Clause 4** **Amendment of pt 2, div 3, hdg (Reference by police officer to coordinator for a conference)** 11  
12  
Part 2, division 3, heading, ‘to coordinator’— 13  
*omit*. 14
- Clause 5** **Amendment of s 22 (When a police officer may refer an offence for a conference)** 15  
16
- (1) Section 22(1) and (3), ‘a coordinator’— 17  
*omit, insert*— 18  
‘the chief executive’. 19
- (2) Section 22(5)(f), ‘35(5)’— 20  
*omit, insert*— 21  
‘35(5)(b)’. 22

[s 6]

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- (3) Section 22(6), ‘coordinator’— 1  
*omit, insert*— 2  
‘chief executive’. 3

- Clause 6**      **Amendment of s 24 (Powers of police officer if referral is unsuccessful or if child contravenes conference agreement)** 4  
5  
6  
Section 24(1)(a) and (3)(c), ‘a coordinator’— 7  
*omit, insert*— 8  
‘the chief executive’. 9

- Clause 7**      **Amendment of s 27 (Destruction of identifying particulars taken under court order)** 10  
11  
Section 27(5)— 12  
*omit.* 13

- Clause 8**      **Amendment of s 30 (Object of part and explanation)** 14  
(1) Section 30(1), from ‘or after’ to ‘court’— 15  
*omit.* 16  
(2) Section 30(3)(a) and (5), ‘or court’— 17  
*omit.* 18  
(3) Section 30(8)— 19  
*omit.* 20

- Clause 9**      **Replacement of s 31 (Appointment of coordinator and approval of convenor)** 21  
22  
Section 31— 23  
*omit, insert*— 24

---

<b>‘31</b>	<b>Approval of convenor</b>	1
	‘(1) The chief executive may approve persons as conference convenors.	2 3
	‘(2) Before approving a person as a convenor, the chief executive must be satisfied the person has appropriate experience or training to be a convenor.	4 5 6
	‘(3) A convenor has the following functions—	7
	(a) as provided under this Act, to convene particular conferences;	8 9
	(b) other functions conferred on the convenor under an Act.	10
	‘(4) The convenor of a particular conference must be independent of the circumstances of the offence.	11 12
	‘(5) A convenor is not disqualified from convening a conference about a particular offence only because, after a previous conference convened by the convenor about the offence has ended without an agreement—	13 14 15 16
	(a) the chief executive has arranged for the convenor to convene another conference about the offence; or	17 18
	(b) the offence has been referred to the chief executive for another conference under section 24(3)(c).	19 20
	‘(6) A convenor has all powers—	21
	(a) necessary to perform the functions of a convenor; or	22
	(b) conferred on the convenor under an Act.	23
	‘(7) A convenor may perform a function or exercise a power under arrangements established by the chief executive for the efficient management of the conference process.’	24 25 26
<b>Clause 10</b>	<b>Replacement of s 32 (Protection against liability for convenor or coordinator)</b>	27 28
	Section 32—	29
	<i>omit, insert—</i>	30

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[s 11]

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<b>'32</b>	<b>Protection against liability for chief executive or convenor</b>	1 2
	'The chief executive or a convenor do not incur civil liability for an act done, or omission made, honestly and without negligence by the chief executive or convenor performing functions or exercising powers as the chief executive or convenor.'	3 4 5 6 7
<b>Clause 11</b>	<b>Replacement of s 33 (Who may refer an offence to a coordinator)</b>	8 9
	Section 33—	10
	<i>omit, insert—</i>	11
<b>'33</b>	<b>Who may refer an offence to the chief executive</b>	12
	'An offence may be referred for a conference to the chief executive by a police officer under part 2, division 3 (the <i>referring police officer</i> ).'	13 14 15
<b>Clause 12</b>	<b>Amendment of s 34 (Who may participate in a conference)</b>	16 17
	(1) Section 34(1)(g)—	18
	<i>omit, insert—</i>	19
	'(g) a representative of the commissioner of the police service;'	20 21
	(2) Section 34(2)—	22
	<i>omit, insert—</i>	23
	'(2) To ensure that a victim of the offence is informed of the entitlement under subsection (1)(e), the referring police officer must give details of victims of the offence to the chief executive.'	24 25 26 27

---

<b>Clause 13</b>	<b>Replacement of s 35 (Convening of a conference)</b>	1
	Section 35—	2
	<i>omit, insert—</i>	3
<b>‘35</b>	<b>Convening of a conference</b>	4
	‘(1) The convenor of a conference is responsible for convening the conference.	5 6
	‘(2) If the child is not legally represented, the convenor must ensure the child—	7 8
	(a) is informed of the right to obtain legal advice; and	9
	(b) has reasonable information about how to obtain legal advice and a reasonable opportunity to do so.	10 11
	‘(3) All decisions made by the convenor necessary for convening the conference must be respected by the participants.	12 13
	‘(4) The conference must be directed towards making an agreement (the <i>conference agreement</i> ) about the offence.	14 15
	‘(5) A conference ends when—	16
	(a) a conference agreement is made; or	17
	(b) the convenor ends the conference because—	18
	(i) the child fails to attend the conference as directed by the referring police officer; or	19 20
	(ii) the child denies committing the offence at the conference; or	21 22
	(iii) the convenor is satisfied—	23
	(A) the offence is unsuitable for a conference; or	24
	(B) an agreement is unlikely to be made within a time the convenor considers appropriate.	25 26
	‘(6) If a conference agreement is made or the conference is ended by a convenor under subsection (5)(b), the chief executive must give the referring police officer a report about the	27 28 29

[s 14]

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outcome of the conference within 14 days after the conference ends. 1  
2

‘(7) The report must be in the approved form.’. 3

**Clause 14 Replacement of s 36 (Coordinator may persist in efforts to achieve a conference agreement)** 4  
5

Section 36— 6

*omit, insert—* 7

**‘36 Chief executive may persist in efforts to achieve a conference agreement** 8  
9

‘If the conference is ended under section 35(5)(b) but the chief executive considers it is worthwhile persisting with efforts to make a conference agreement— 10  
11  
12

(a) section 35(6) does not apply; and 13

(b) the chief executive must arrange for a convenor to convene another conference.’. 14  
15

**Clause 15 Amendment of s 37 (Form and content of conference agreement)** 16  
17

Section 37(2)(c)— 18

*omit, insert—* 19

‘(c) a representative of the commissioner of the police service; and’. 20  
21

**Clause 16 Amendment of s 40 (Admissibility of a conference agreement and related evidence)** 22  
23

(1) Section 40(2)— 24

*omit, insert—* 25

‘(2) Evidence of anything said or done in convening a conference or in the performance by the convenor of the convenor’s functions is inadmissible in any proceeding.’. 26  
27  
28

- 
- (2) Section 40(4)(b)— 1  
*omit.* 2
- (3) Section 40(4)(d), ‘a coordinator’— 3  
*omit, insert—* 4  
‘the chief executive’. 5
- (4) Section 40(4)(c) and (d)— 6  
*renumber* as section 40(4)(b) and (c). 7
- (5) Section 40(5)— 8  
*omit.* 9
- (6) Section 40(6)— 10  
*renumber* as section 40(5). 11

- Clause 17 Amendment of s 41 (If chief executive signs agreement for program)** 12  
13
- Section 41(3)— 14  
*omit, insert—* 15
- ‘(3) If the child fails to comply with the agreement’s requirements 16  
about the program, the chief executive may— 17
- (a) take no action; or 18
- (b) notify the referring police officer.’. 19

- Clause 18 Amendment of s 67 (Limitation on justices)** 20
- Section 67(2)— 21  
*omit, insert—* 22
- ‘(2) The justices can not make the following— 23
- (a) a detention order; 24
- (b) a boot camp order; 25
- (c) a conditional release order.’. 26

[s 19]

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<b>Clause 19</b>	<b>Amendment of s 151 (Pre-sentence report)</b>	1
	Section 151—	2
	<i>insert</i> —	3
	‘(3A) If the court is considering making a boot camp order against the child, the court must request that the report contain the following—	4
		5
		6
	(a) an assessment of the child’s physical and mental health;	7
	(b) advice from the chief executive on whether an appropriate boot camp centre provider is available on the child’s release under a boot camp order and the details of the boot camp program;	8
		9
		10
		11
	(c) an assessment of the suitability of the child for release from detention under a boot camp order;	12
		13
	(d) a statement about whether the chief executive has obtained the agreement of a parent of the child to participate in the boot camp program;	14
		15
		16
	(e) a statement that the details of the boot camp program have been explained to the child in a way, and to an extent, that is reasonable, having regard to the child’s age and ability to understand;	17
		18
		19
		20
	(f) a statement as to whether or not the child consents to participating in the boot camp program.’.	21
		22
<b>Clause 20</b>	<b>Amendment of s 160 (Copy of court order or decision to be given to child, parent etc.)</b>	23
		24
	(1) Section 160(1)(c)—	25
	<i>omit.</i>	26
	(2) Section 160(1)(d)—	27
	<i>renumber</i> as section 160(1)(c).	28



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<b>Clause 21</b>	<b>Omission of pt 7, div 2 (Court referred conferences before sentencing)</b>	1 2
	Part 7, division 2—	3
	<i>omit.</i>	4
<b>Clause 22</b>	<b>Amendment of s 175 (Sentence orders—general)</b>	5
	Section 175(3)—	6
	<i>omit, insert—</i>	7
	‘(3) A court may make an order for a child’s detention under subsection (1)(g) with or without—	8 9
	(a) a conditional release order under section 220; or	10
	(b) a boot camp order under section 226B.’.	11
<b>Clause 23</b>	<b>Amendment of s 176 (Sentence orders—life and other significant offences)</b>	12 13
	Section 176(4)—	14
	<i>omit, insert—</i>	15
	‘(4) A court may make an order for a child’s detention under subsection (2) or (3) with or without—	16 17
	(a) a conditional release order under section 220; or	18
	(b) a boot camp order under section 226B.’.	19
<b>Clause 24</b>	<b>Amendment of s 180 (Combination of detention order and other orders)</b>	20 21
	Section 180(2)—	22
	<i>omit, insert—</i>	23
	‘(2) The court may make the detention order only for a maximum period of 6 months and may not make—	24 25
	(a) a conditional release order; or	26
	(b) a boot camp order.’.	27

[s 25]

---

<b>Clause 25</b>	<b>Amendment of s 210 (Detention to be served in detention centre)</b>	1 2
	Section 210(3)—	3
	<i>omit, insert—</i>	4
	‘(3) Subsection (2) does not apply if the court makes—	5
	(a) a conditional release order under section 220; or	6
	(b) a boot camp order under section 226B.’.	7
<b>Clause 26</b>	<b>Amendment of s 219 (Purpose of conditional release order)</b>	8 9
	Section 219, ‘a final’—	10
	<i>omit, insert—</i>	11
	‘an’.	12
<b>Clause 27</b>	<b>Insertion of new pt 7, div 10, sdivs 2A and 2B</b>	13
	After section 226—	14
	<i>insert—</i>	15
	<b>‘Subdivision 2A Boot camp orders</b>	16
	<b>‘226A Purpose of boot camp order</b>	17
	‘The purpose of this subdivision is to provide for an option instead of the detention of a child by allowing a court to immediately release the child into a boot camp program under a boot camp order.	18 19 20 21
	<b>‘226B Boot camp order</b>	22
	‘(1) A court that makes a detention order against a child may immediately suspend the order and make an order (a <i>boot camp order</i> ) that the child—	23 24 25
	(a) be immediately released from the detention to which the order relates; and	26 27

- 
- (b) be immediately released into a boot camp program. 1
- ‘(2) The child must be released from detention in accordance with 2  
the boot camp order. 3
- ‘(3) A court may only make a boot camp order if the pre-sentence 4  
report contains advice from the chief executive that an 5  
appropriate boot camp centre provider is immediately 6  
available on the child’s release from detention. 7
- ‘226C Boot camp order—eligibility 8**
- ‘(1) A court may make a boot camp order for a child only if 9  
satisfied the child is an eligible child for the order. 10
- ‘(2) Subject to subsection (3), a child is an eligible child for a boot 11  
camp order if the child— 12
- (a) usually resides in an area prescribed under a regulation; 13  
and 14
- (b) has attained the age of 13 years at the time of sentence; 15  
and 16
- (c) consents to participating in a boot camp program. 17
- ‘(3) A child is not an eligible child for a boot camp order if— 18
- (a) the child is being sentenced for a disqualifying offence; 19  
or 20
- (b) at any time, a finding of guilt has been made against the 21  
child for a disqualifying offence; or 22
- (c) a charge against the child for a disqualifying offence is 23  
pending in a court; or 24
- (d) the child is serving a period of detention in a detention 25  
centre for another offence; or 26
- (e) having regard to the following, the court is satisfied that 27  
the child poses an unacceptable risk of physical harm to 28  
other children in a boot camp program or a boot camp 29  
centre provider’s employees— 30
- (i) the pre-sentence report; 31
-

[s 27]

---

- (ii) the nature and extent of any violent or sexual act— 1
    - (A) committed or threatened, in the commission 2  
of the offence the child is being sentenced 3  
for; and 4
    - (B) alleged as part of any offence pending in a 5  
court; 6
  - (iii) the past record of the child, including— 7
    - (A) any attempted rehabilitation; and 8
    - (B) the number and circumstances of previous 9  
offences of any type committed by the child; 10  
and 11
  - (iv) any medical, psychiatric or other relevant report, in 12  
relation to the child, which is before the court. 13
- ‘(4) In this section— 14
- disqualifying offence* means an offence mentioned in 15  
schedule 5. 16

**‘226D Boot camp order—duration and requirements 17**

- ‘(1) A boot camp order must be for a period of at least 3 months 18  
but not more than 6 months. 19
- ‘(2) A boot camp order must state the following (the *requirements* 20  
*of the boot camp order*)— 21
  - (a) the name and location of the boot camp centre to which 22  
the order relates; 23
  - (b) details of the boot camp program for the child; 24
  - (c) that the child must— 25
    - (i) report in person to the chief executive by the end of 26  
the day the order is made; and 27
    - (ii) comply with the reasonable and lawful direction of 28  
the chief executive and any person authorised by 29  
the chief executive to facilitate any phase of the 30  
boot camp program; and 31

- 
- (iii) attend and participate in a boot camp program mentioned in paragraph (b) as directed by the chief executive; and
- (iv) not leave the boot camp centre stated in the order except with the written consent of the chief executive;
- (d) that, during the program period—
- (i) the child abstain from violation of the law; and
- (ii) the child report and receive visits as directed by the chief executive; and
- (iii) the child or a parent of the child notify the chief executive within 2 business days of any change of the child’s address, employment or school; and
- (iv) the child not leave, or stay out of, Queensland without the prior approval of the chief executive; and
- (v) the child comply, during the whole or a part of the program period, with conditions that the court considers necessary for preventing the following—
- (A) a repetition by the child of the offence for which the detention order was made; or
- (B) the commission by the child of other offences.
- ‘(3) A boot camp order may also contain a requirement (also a ***requirement of the boot camp order***) that the child must comply with outside the State.
- Example —*
- An order may require the child to attend a particular educational establishment that is located outside the State.
- ‘(4) A requirement imposed by a court under subsection (2)—
- (a) must relate to the offence for which the detention order was made; and
- (b) must be supported by the court’s written reasons.
-

[s 27]

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<b>‘Subdivision 2B</b>	<b>Boot camp programs</b>	1
<b>‘226E</b>	<b>Boot camp program</b>	2
‘(1)	The chief executive may approve a program (a <i>boot camp program</i> ) that provides—	3 4
	(a) intensive support for a child by giving the child information, training, instruction and supervision; and	5 6
	(b) access to developmental and mentoring programs.	7
‘(2)	In approving a boot camp program the chief executive must have regard to the following—	8 9
	(a) the child’s cultural, developmental, educational, emotional, health, intellectual, physical and social needs;	10 11 12
	(b) reducing the risk of the child reoffending;	13
	(c) community reparation.	14
‘(3)	A boot camp program approved by the chief executive must include the following—	15 16
	(a) a 1 month placement at a boot camp centre (the <i>residential phase</i> ) before the community supervision phase;	17 18 19
	(b) a maximum 5 month period of community supervision (the <i>community supervision phase</i> ) to commence at the completion of the residential phase.	20 21 22
‘(4)	However, if a child is subject to an existing boot camp order, the boot camp program approved by the chief executive must not require a further period of placement at a boot camp centre.	23 24 25 26
‘(5)	The chief executive must make information about the boot camp programs available for inspection on the department’s website.	27 28 29
	<i>Editor’s note—</i>	30
	The department’s internet site is located at < <a href="http://www.justice.qld.gov.au/youth-justice">www.justice.qld.gov.au/youth-justice</a> >.	31 32

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<b>‘226F Effect of program period ending</b>	1
‘Subject to division 12, at the end of the program period the	2
child is no longer liable to serve a period of detention under	3
the detention order.	4
<b>‘226G Program period</b>	5
‘(1) The program period of a child’s boot camp program starts	6
when the boot camp order is made and ends at the later of the	7
following times (the <i>program period</i> )—	8
(a) the end of the last day of the period of the boot camp	9
order;	10
(b) if the boot camp program was suspended for part or all	11
of any days (the <i>suspended days</i> )—the end of the day	12
that is the last day of the period of the order and,	13
additionally, the number of suspended days.	14
‘(2) If, at the time a court makes a boot camp order for a child—	15
(a) another boot camp order has already been made against	16
the child; and	17
(b) the boot camp program under the other order has not	18
ended;	19
the period when the child is subject to both boot camp	20
programs is counted concurrently.’.	21
<b>‘226H Suspension of program</b>	22
‘(1) If, during the program period, a child for good reason is	23
unable to participate in the program the chief executive may,	24
by written notice given to the child, suspend the program for a	25
stated period.	26
‘(2) The period for which the program is suspended is not to be	27
counted as part of the program period.’.	28

[s 28]

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<b>Clause 28</b>	<b>Amendment of s 240 (General options available on breach of order)</b>	1 2
(1)	Section 240(2)(a), after ‘conditional release order’— <i>insert—</i> ‘or a boot camp order’.	3 4 5
(2)	Section 240(2)— <i>insert—</i> ‘(c) for a boot camp order—deal with the child under section 246A.’.	6 7 8 9
(3)	Section 240(3)(b)(i), after ‘conditional release order’— <i>insert—</i> ‘or a boot camp order’.	10 11 12
(4)	Section 240(3)(b)— <i>insert—</i> ‘(iii) for a boot camp order—deal with the child under section 246A(2).’.	13 14 15 16
<b>Clause 29</b>	<b>Amendment of s 241 (General options available to superior court to which child committed for breach)</b>	17 18
(1)	Section 241(2)(a), after ‘conditional release order’— <i>insert—</i> ‘or a boot camp order’.	19 20 21
(2)	Section 241(2)— <i>insert—</i> ‘(c) for a boot camp order—deal with the child under section 246A.’.	22 23 24 25



---

<b>Clause 30</b>	<b>Amendment of s 242 (General options available to court before which child found guilty of an indictable offence)</b>	1 2
(1)	Section 242(2)(a), after ‘conditional release order’— <i>insert—</i> ‘or a boot camp order’.	3 4 5
(2)	Section 242(2)— <i>insert—</i> ‘(c) for a boot camp order—deal with the child under section 246A.’.	6 7 8 9
(3)	Section 242(3)(b)(i), after ‘conditional release order’— <i>insert—</i> ‘or a boot camp order’.	10 11 12
(4)	Section 242(3)(b)— <i>insert—</i> ‘(iii) for a boot camp order—deal with the child under section 246A(2).’.	13 14 15 16
<b>Clause 31</b>	<b>Amendment of s 243 (Court may resentence child originally sentenced by lower court)</b>	17 18
(1)	Section 243(2)(a), after ‘conditional release order’— <i>insert—</i> ‘or a boot camp order’.	19 20 21
(2)	Section 243(2)— <i>insert—</i> ‘(c) for a boot camp order—section 246A(1)(a).’.	22 23 24
(3)	Section 243(4)(a), after ‘conditional release order’— <i>insert—</i> ‘or a boot camp order’.	25 26 27

[s 32]

---

- (4) Section 243(4)— 1  
*insert*— 2  
'(c) for a boot camp order—section 246A(1)(a).'

**Clause 32 Amendment of s 244 (General options available to court to which child committed for breach by indictable offence)** 4  
5  
6

- (1) Section 244(2)(a), after 'conditional release order'— 7  
*insert*— 8  
'or a boot camp order'. 9
- (2) Section 244(2)— 10  
*insert*— 11  
'(c) for a boot camp order—deal with the child under section 12  
246A.'. 13

**Clause 33 Amendment of s 245 (Court's power on breach of order other than conditional release order)** 14  
15

- (1) Section 245, heading, 'order other than conditional release order'— 16  
17  
*omit, insert*— 18  
'**a community based order other than a conditional release order or boot camp order**'. 19  
20
- (2) Section 245(1)(d), after 'community based order'— 21  
*insert*— 22  
'other than a conditional release order or a boot camp order'. 23
- (3) Section 245— 24  
*insert*— 25
- '(7) In this section— 26  
**community based order** means a community based order 27  
other than a conditional release order or a boot camp order.'. 28

---

<b>Clause 34</b>	<b>Amendment of s 246 (Court’s power on breach of conditional release order)</b>	1
		2
	(1) Section 246(1)—	3
	<i>omit, insert—</i>	4
	‘(1) A court that acts under this section may revoke the conditional release order and—	5
		6
	(a) order the child to serve the sentence of detention for which the conditional release order was made; or	7
		8
	(b) make a boot camp order for the child.’	9
	(2) Section 246—	10
	<i>insert—</i>	11
	‘(4A) If the court decides to make a boot camp order under subsection (1), the court must have regard to the period for which the child has complied with the conditional release order.’	12
		13
		14
		15
<b>Clause 35</b>	<b>Insertion of new s 246A</b>	16
	After section 246—	17
	<i>insert—</i>	18
	<b>‘246A Court’s power on breach of boot camp order</b>	19
	‘(1) A court that acts under this section may revoke a boot camp order and—	20
		21
	(a) order the child to serve the sentence of detention for which the boot camp order was made; or	22
		23
	(b) make a new boot camp order for the child; or	24
	(c) make a conditional release order for the child.	25
	‘(2) However, instead of revoking the boot camp order, the court may permit the child a further opportunity to satisfy the requirements of the boot camp order and, for that purpose, may vary the requirements in a way the court considers just.	26
		27
		28
		29

[s 36]

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*Example—*

The court may vary a curfew requirement.

- ‘(3) If a court varies a boot camp order under subsection (2) the court can not vary the details of the boot camp program.

*Example—*

The court can not order the child to again participate in the residential phase of the boot camp program if the child has already completed that phase.

- ‘(4) The onus is on the child to satisfy the court it should permit the child this further opportunity.

- ‘(5) If the court makes a conditional release order for the child under subsection (1)(c), the court must have regard to the period for which the child has complied with the boot camp order.

- ‘(6) If the court decides to extend the period of the boot camp order, the court must have regard to the period for which the child has complied with the order.

- ‘(7) An order may be made under this section even though, at the time it is made, the boot camp order in relation to which the order is made is no longer in force because the period of the boot camp order has ended.

- ‘(8) For the purpose of subsection (7), the boot camp order is taken to continue in force until a proceeding under this section is heard and decided.’.

**Clause 36 Amendment of s 247 (Variation, discharge and  
resentence in the interests of justice)**

- (1) Section 247(1)(b), after ‘conditional release order’—

*insert—*

‘or a boot camp order’.

- (2) Section 247(1)(c)—

*omit, insert—*

‘(c) for a conditional release order, revoke the order and—

- 
- (i) order the child to serve the sentence of detention for which the conditional release order was made; or
  - (ii) make a boot camp order; or
  - (d) for a boot camp order, revoke the order and—
    - (i) order the child to serve the sentence of detention for which the boot camp order was made; or
    - (ii) make a conditional release order.’.

<b>Clause 37</b>	<b>Amendment of s 248 (Detention reduced to the extent just)</b>	9
	(1) Section 248(1), after ‘a conditional release order’—	10
	<i>insert—</i>	11
	‘or a boot camp order’.	12
	(2) Section 248(1) and (2), after ‘the conditional release order’—	13
	<i>insert—</i>	14
	‘or boot camp order’.	15
<b>Clause 38</b>	<b>Amendment of s 249 (Matters relevant to making further order)</b>	16
	Section 249(1), after ‘conditional release order’—	17
	<i>insert—</i>	18
	‘or a boot camp order’.	19
<b>Clause 39</b>	<b>Amendment of s 252 (Variations by consent)</b>	20
	Section 252(1), after ‘conditional release order’—	21
	<i>insert—</i>	22
	‘or a boot camp order’.	23

[s 40]

---

<b>Clause 40</b>	<b>Insertion of new pt 8A</b>	1
	After section 282—	2
	<i>insert—</i>	3
<b>‘Part 8A</b>	<b>Boot camp centre administration</b>	4 5
<b>‘282A</b>	<b>Boot camp centre provider</b>	6
‘(1)	The chief executive may approve a person (a <i>boot camp centre provider</i> ) to provide a boot camp centre for the placement of the child.	7 8 9
‘(2)	Before approving a person as a boot camp centre provider, the chief executive must be satisfied the person has appropriate experience or expertise to be a boot camp centre provider.	10 11 12
<b>‘282B</b>	<b>Management of boot camp centres</b>	13
‘(1)	A boot camp centre provider must provide services and facilities at the boot camp centre that provide for the following—	14 15 16
(a)	the health and wellbeing of children at the centre;	17
(b)	the cultural, educational, emotional, intellectual, physical and social development of children at the centre;	18 19 20
(c)	security and management of the centre;	21
(d)	the safe custody of children at the centre;	22
(e)	the maintenance of discipline and good order at the centre.	23 24
‘(2)	A boot camp centre provider may provide for the matters mentioned in subsection (1) by using any convenient form of direction, including, for example, rules relating to the following—	25 26 27 28
(a)	organisation of the boot camp centre;	29

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(b)	the conduct and responsibilities of boot camp centre employees;	1 2
(c)	the types of programs for children participating in the residential phase of the boot camp program;	3 4
(d)	contact between children participating in the residential phase of the boot camp program and members of the public;	5 6 7
(e)	arrangements for educational, recreational and social activities of children participating in the residential phase of the boot camp program.	8 9 10
‘(3)	Also, as far as reasonably practicable, the boot camp centre provider must ensure the youth justice principles are complied with in relation to each child participating in the residential phase of the boot camp program.	11 12 13 14
‘(4)	Subsection (3) does not limit another provision of this Act.	15
‘(5)	The chief executive must monitor the operation of the boot camp centres.	16 17
<b>‘282C</b>	<b>Where children participate in boot camp program</b>	18
	‘The chief executive must decide the boot camp centre at which a child released into a boot camp program is to participate in the residential phase.	19 20 21
<b>‘282D</b>	<b>Authority for admission to boot camp centre</b>	22
	‘The chief executive must not direct a child to attend a boot camp centre unless the chief executive has received a copy of the boot camp order.	23 24 25
<b>‘282E</b>	<b>Child must be given information on entry to boot camp centre</b>	26 27
‘(1)	The boot camp centre provider must ensure that, as soon as practicable after a child first attends the boot camp centre, the	28 29

[s 40]

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child is given a document containing the following information—	1 2
(a) the rules governing the centre;	3
(b) the child’s rights and responsibilities under the youth justice principles;	4 5
(c) how, and to whom, the child may make a complaint about a matter relating to the residential phase of the boot camp program;	6 7 8
(d) how the child can access legal services during the residential phase of the boot camp program;	9 10
(e) the obligation on a boot camp centre employee under section 282F to report any harm the child suffers during the residential phase of the boot camp program;	11 12 13
(f) any other information the boot camp centre provider considers appropriate.	14 15
‘(2) The boot camp centre provider must also ensure the information in the document is orally explained to the child in a way, and to an extent, that is reasonable, having regard to the child’s age and ability to understand.	16 17 18 19
<b>‘282F Obligation to report harm to children in boot camp centres</b>	20 21
‘(1) If a boot camp centre employee becomes aware, or reasonably suspects, that a child has suffered harm while participating in the residential phase of the boot camp program, the employee must, unless the employee has a reasonable excuse, report the harm or suspected harm to the chief executive—	22 23 24 25 26
(a) immediately; and	27
(b) if a regulation is in force under subsection (3)—in compliance with the regulation.	28 29
Maximum penalty—20 penalty units.	30
‘(2) It is immaterial how the harm was caused.	31



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‘(3) A regulation may prescribe the way the report must be given or the particulars that the report must include.	1 2
‘(4) It is a reasonable excuse, for the employee not to report a matter, that reporting the matter might tend to incriminate the employee.	3 4 5
‘(5) Subsection (1) does not apply if the employee knows or reasonably considers that the chief executive is aware of the harm or suspected harm.	6 7 8
‘(6) In this section— <i>harm</i> , to a child, is any detrimental effect of a significant nature on the child’s physical, psychological or emotional wellbeing.	9 10 11 12
<b>‘282G Chief executive may authorise treatment</b>	13
‘Despite any other Act or law, the chief executive is authorised to give consent to any medical treatment of a child in a boot camp centre if—	14 15 16
(a) the medical treatment requires the consent of a parent of the child; and	17 18
(b) the chief executive is unable to ascertain the whereabouts of a parent of the child despite reasonable inquiries; and	19 20 21
(c) it would be detrimental to the child’s health to delay the medical treatment until the parent’s consent can be obtained.	22 23 24
<b>‘282H Helping child gain access to lawyer</b>	25
‘The boot camp centre provider must ensure that, if a child participating in the residential phase of a boot camp program asks the chief executive or a boot camp centre employee for help in gaining access to a lawyer, the child is given the help that is reasonable in the circumstances.	26 27 28 29 30

[s 40]

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<b>‘282I Protection of lawyer representing child</b>	1
‘(1) A lawyer representing a child participating in a boot camp program at a boot camp centre is entitled to access to the child at all reasonable times.	2 3 4
‘(2) A boot camp centre employee—	5
(a) must allow the lawyer to conduct an interview with the child out of the hearing of any other person; and	6 7
(b) must not open, copy, remove or read any correspondence—	8 9
(i) from the child to the lawyer; or	10
(ii) from the lawyer to the child.	11
‘(3) Subsection (2)(b) does not prevent a boot camp centre employee from handling the correspondence to the extent necessary to give the child access to it or, at the child’s request, to store it in a secure place.	12 13 14 15
<b>‘282J Complaints generally</b>	16
‘(1) A child or parent of a child participating in a boot camp program may complain about a matter that affects the child.	17 18
‘(2) The chief executive must issue written instructions on how a complaint may be made and dealt with, which may include that the complaint must be made to a community visitor or other appropriate authority.	19 20 21 22
‘(3) Despite subsection (2), a child is entitled to complain directly to a community visitor.	23 24
‘(4) The chief executive need not deal with a complaint that the chief executive reasonably believes to be trivial or made only to cause annoyance.	25 26 27
‘(5) The chief executive must tell the child how the complaint will be dealt with.	28 29
‘(6) This section does not limit the powers of a community visitor.’.	30 31

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<b>Clause 41</b>	<b>Amendment of s 284 (Definitions for pt 9)</b>	1
	Section 284—	2
	<i>insert</i> —	3
	‘ <i>coordinator</i> means a person appointed as a youth justice coordinator under section 31 before the commencement of this section.’.	4
		5
		6
<b>Clause 42</b>	<b>Amendment of s 285 (When does someone gain information through involvement in the administration of this Act)</b>	7
		8
		9
	Section 285(1)(h)—	10
	<i>omit, insert</i> —	11
	‘(h) a person who is a boot camp centre provider;	12
	(i) anyone else performing a function under or for a purpose of this Act.’.	13
		14
<b>Clause 43</b>	<b>Amendment of s 295 (Disclosure by police of information about cautions and youth justice conferences and agreements)</b>	15
		16
		17
	Section 295(2)(g)—	18
	<i>omit</i> .	19
<b>Clause 44</b>	<b>Amendment of s 296 (Disclosure by coordinator or convener of information about conference agreements)</b>	20
		21
	(1) Section 296, heading, ‘coordinator’—	22
	<i>omit, insert</i> —	23
	‘ <b>chief executive</b> ’.	24
	(2) Section 296(1), ‘a coordinator’—	25
	<i>omit, insert</i> —	26
	‘the chief executive’.	27

[s 45]

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- (3) Section 296(2), ‘coordinator’— 1  
*omit, insert*— 2  
‘chief executive’. 3
- (4) Section 296(2)(a), ‘or court under section 35(7)’— 4  
*omit, insert*— 5  
‘under section 35(6)’. 6

**Clause 45 Insertion of new pt 11, div 10** 7  
Part 11, after division 9— 8  
*insert*— 9

**‘Division 10 Transitional provisions for Youth 10  
Justice (Boot Camp Orders) and 11  
Other Legislation Amendment Act 12  
2012 13**

**‘354 Definitions for div 10 14**  
‘In this division— 15  
*amending act* means the *Youth Justice (Boot Camp Orders)* 16  
*and Other Legislation Amendment Act 2012*. 17  
*commencement* means the commencement of the provision in 18  
which the term is used. 19

**‘355 Application of provisions about destruction of 20  
identifying particulars taken under court order 21**

‘(1) This section applies for deciding the end of the proceeding for 22  
section 27 in relation to the referral of an offence to a 23  
conference under section 161(3)(a)(i) before the 24  
commencement. 25

‘(2) Section 27(5) as in force immediately before the 26  
commencement continues to apply after the commencement 27  
to decide the end of the proceeding. 28

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<b>‘356</b>	<b>Application of provisions about referral by court for a conference</b>	1 2
‘(1)	This section applies to a referral by a court to a coordinator for a conference made under section 161 as in force immediately before the commencement.	3 4 5
‘(2)	Part 7, division 2 as in force immediately before the commencement continues to apply to the offence as if the amending Act had not commenced.	6 7 8
‘(3)	Despite subsection (2)—	9
(a)	a reference in part 7, division 2 to a coordinator is taken to be a reference to the chief executive; and	10 11
(b)	for the purposes of any function, power or obligation that the coordinator may or is required to exercise, the chief executive may or must exercise that function, power or obligation.	12 13 14 15
<b>‘357</b>	<b>Application of provisions about boot camp order</b>	16
‘(1)	A court may make a boot camp order against a child sentenced after the commencement.	17 18
‘(2)	Subsection (1) applies even if one or both the following happened before the commencement—	19 20
(a)	the commission of the offence;	21
(b)	the start of the proceeding for the offence.’.	22 23
<b>Clause 46</b>	<b>Amendment of sch 2 (Regulation-making power)</b>	24
(1)	Schedule 2, item 2(b), ‘a conference coordinator’— <i>omit, insert—</i> ‘the chief executive’.	25 26 27
(2)	Schedule 2, item 2(f), ‘coordinators’— <i>omit, insert—</i> ‘the chief executive’.	28 29 30

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[s 47]

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- (3) Schedule 2, item 5, ‘and conditional release orders’— 1  
*omit, insert—* 2  
‘, conditional release orders and boot camp orders’. 3
- (4) Schedule 2, item 6, after ‘detention centres’— 4  
*insert—* 5  
‘or boot camp centres’. 6
- (5) Schedule 2, item 7, after ‘detention centres’— 7  
*insert—* 8  
‘or boot camp centres’. 9
- (6) Schedule 2, item 9, after ‘detention’— 10  
*insert—* 11  
‘or in a boot camp centre’. 12
- (7) Schedule 2, item 10— 13  
*omit, insert—* 14
- ‘10 Searches of children and their possessions in— 15
- (a) detention centres; or 16
- (b) boot camp centres.’. 17
- (8) Schedule 2— 18  
*insert—* 19
- ‘13 Areas to be prescribed for the purpose of eligibility for a boot 20  
camp order.’. 21

**Clause 47 Amendment of sch 4 (Dictionary) 22**

- (1) Schedule 4, definitions *conference before sentence,* 23  
*coordinator, indefinite referral, referring court and referring* 24  
*police officer.* 25  
*omit.* 26
- (2) Schedule 4— 27

---

<i>insert—</i>	1
<i>‘boot camp centre</i> means a place operated by a boot camp centre provider that provides services and facilities necessary for the residential phase of a boot camp program.	2 3 4
<i>boot camp centre provider</i> means a person approved under section 282A.	5 6
<i>boot camp order</i> means an order made under section 226B.	7
<i>boot camp program</i> see section 226E.	8
<i>details of the boot camp program</i> means details about the boot camp program under section 226E(1).	9 10
<i>referring police officer</i> , for an offence referred to a conference, see section 33.	11 12
<i>requirements of the boot camp order</i> see section 226D(2) and (3).	13 14
<i>residential phase</i> , for a boot camp program, see section 226E(3)(a).’.	15 16
(3) Schedule 4, definition <i>community based order</i> , ‘or conditional release order’—	17 18
<i>omit, insert—</i>	19
‘, conditional release order or boot camp order’.	20
(4) Schedule 4, definition <i>program period—</i>	21
<i>insert—</i>	22
‘(c) for a boot camp order—see section 226G.’.	23
(5) Schedule 4, definition <i>sentence order—</i>	24
<i>insert—</i>	25
‘(e) a boot camp order under section 226B.’.	26

<b>Clause 48</b>	<b>Insertion of new sch 5</b>	27
	After schedule 4—	28
	<i>insert—</i>	29

[s 48]

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**‘Schedule 5      Disqualifying offences** 1

section 226C 2

**Criminal Code** 3

<b>Section</b>	<b>Section heading or description of offence</b>
208(2)	Unlawful sodomy
210(3) or (4)	Indecent treatment of children under 16
213(3)(a)	Owner etc. permitting abuse of children on premises
215(3)	Carnal knowledge with or of children under 16
216(3)(a) or (b)	Abuse of persons with an impairment of the mind
219(3)(a)	Taking child for immoral purposes
222(1)	Incest
305	Punishment of murder
306	Attempt to murder
310	Punishment of manslaughter
317	Acts intended to cause grievous bodily harm and other malicious acts
349	Rape
351	Assault with intent to commit rape
352(3)	Sexual assaults



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<b>Part 3</b>	<b>Amendment of</b>	1
	<b>Anti-Discrimination Act 1991</b>	2
<b>Clause 49</b>	<b>Act amended</b>	3
	This part amends the <i>Anti-Discrimination Act 1991</i> .	4
<b>Clause 50</b>	<b>Insertion of new ss 106B and 106C</b>	5
	After section 106A—	6
	<i>insert—</i>	7
<b>‘106B</b>	<b>Citizenship or visa requirements imposed under State government policies etc.</b>	8
		9
	‘(1) This Act does not apply in relation to—	10
	(a) the inclusion of a prescribed eligibility provision in a relevant policy; or	11
		12
	(b) the performance of a function by a person in connection with a prescribed eligibility provision.	13
		14
	‘(2) In this section, a reference to performing a function includes a reference to exercising a power or carrying out a responsibility.	15
		16
		17
	‘(3) In this section—	18
	<b>government entity—</b>	19
	(a) means an entity mentioned in the <i>Public Service Act 2008</i> , section 24(1); but	20
		21
	(b) does not include—	22
	(i) a GOC, other than to the extent the GOC is directed to perform an obligation under the <i>Government Owned Corporations Act 1993</i> or another Act; or	23
		24
		25
		26
	(ii) an entity mentioned in the <i>Public Service Act 2008</i> , section 24(2)(a), (b), (c), (d), (e), (f), (g), (i) or (j).	27
		28
	<b>prescribed eligibility provision</b> , of a relevant policy, means—	29

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[s 51]

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- (a) a provision requiring that a person must have a particular citizenship or visa status to be eligible for financial or other assistance, services or support under the policy; or
- (b) a provision under which persons who have a particular citizenship or visa status are treated more favourably than other persons in relation to their eligibility for financial or other assistance, services or support under the policy.
- relevant policy* means a policy of a government entity—
- (a) that relates to any area of activity set out in part 4; and
- (b) under which persons are provided with financial or other assistance, services or support.
- visa* see the *Migration Act 1958* (Cwlth), section 5.

**‘106C Accommodation for use in connection with work as sex worker**

- ‘It is not unlawful for a person (an *accommodation provider*) to discriminate against another person (the *other person*) by—
- (a) refusing to supply accommodation to the other person; or
- (b) evicting the other person from accommodation; or
- (c) treating the other person unfavourably in any way in connection with accommodation;
- if the accommodation provider reasonably believes the other person is using, or intends to use, the accommodation in connection with that person’s, or another person’s, work as a sex worker.’.

**Clause 51 Insertion of new ch 11, pt 3**

Chapter 11—

*insert*—

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<b>‘Part 3</b>	<b>Transitional provision for Youth Justice (Boot Camp Orders) and Other Legislation Amendment Act 2012</b>	1
		2
		3
		4
<b>‘271</b>	<b>Application of ch 2, pt 5</b>	5
‘(1)	Chapter 2, part 5 as in force immediately before the introduction day continues to apply in relation to a pre-introduction complaint.	6
		7
		8
‘(2)	Chapter 2, part 5 as amended by the amendment Act applies in relation to a complaint made under section 136 on or after the introduction day.	9
		10
		11
‘(3)	To remove any doubt, it is declared that subsection (2) applies for the purposes of—	12
		13
	(a) the hearing of the complaint by the tribunal; and	14
	(b) any appeal against a decision or order made by the tribunal in relation to the complaint.	15
		16
‘(4)	In this section—	17
	<i>amendment Act</i> means the <i>Youth Justice (Boot Camp Orders) and Other Legislation Amendment Act 2012</i> .	18
		19
	<i>introduction day</i> means the day on which the Bill for the amendment Act was introduced in the Legislative Assembly.	20
		21
	<i>pre-introduction complaint</i> means a complaint made under section 136 before the introduction day, whether or not the complaint is accepted by the commissioner before the introduction day.’.	22
		23
		24
		25

[s 52]

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<b>Part 4</b>	<b>Amendment of Fiscal Repair Amendment Act 2012</b>	1 2
<b>Clause 52</b>	<b>Act amended</b>	3
	This part amends the <i>Fiscal Repair Amendment Act 2012</i> .	4
<b>Clause 53</b>	<b>Amendment of s 2 (Commencement)</b>	5
	Section 2(3), ‘July’—	6
	<i>omit, insert—</i>	7
	‘January’.	8
<b>Clause 54</b>	<b>Amendment of pt 4, div 3, hdg</b>	9
	Part 4, division 3, heading, ‘July’—	10
	<i>omit, insert—</i>	11
	‘January’.	12
<b>Clause 55</b>	<b>Amendment of s 122 (Amendment of s 89 (Definitions for div 8))</b>	13 14
	Section 122(2), inserted definition <i>former section 42</i> , ‘July’—	15
	<i>omit, insert—</i>	16
	‘January’.	17
	<i>Editor’s note—</i>	18
	Legislation ultimately amended—	19
	• <i>Liquor Act 1992</i>	20