



Queensland

Juvenile Justice and Other Acts Amendment Bill 2009



Queensland

Juvenile Justice and Other Acts Amendment Bill 2009

Contents

		Page
Part 1	Preliminary	
1	Short title	8
2	Commencement	8
Part 2	Amendment of Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984	
3	Act amended	8
4	Replacement of s 60V (Annual report by IIB).	8
	60V Annual report by IIB	9
Part 3	Amendment of Child Protection Act 1999	
5	Act amended	9
6	Amendment of s 193 (Restrictions on reporting certain court proceedings).	9
7	Insertion of new ch 6, pt 6, div 4.	10
	Division 4 Other prohibition on publication	
	194 Publication of information identifying child victim	10
	194A Court direction allowing publication before examination of witnesses or trial	12
	194B Court direction allowing publication before appeal. . .	13
Part 4	Amendment of Juvenile Justice Act 1992	
8	Act amended	14
9	Amendment of s 1 (Short title)	14
10	Amendment of s 21 (Childrens Court may dismiss charge if caution should have been administered or no action taken)	15
11	Amendment of s 34 (Who may participate in a conference). . . .	15
12	Amendment of s 48 (Decisions about bail and related matters). .	15
13	Amendment of s 52 (Conditions of release on bail)	16
14	Amendment of s 62 (Childrens Court judge)	16

Contents

15	Amendment of s 120 (Preliminary procedure)	16
16	Amendment of s 121 (Stay of proceeding and suspension of orders)	16
17	Replacement of s 135 (Offender remanded in custody for adult offence)	17
	135 Where offender is detained for adult offence	17
18	Amendment of s 139 (Application to be held in detention centre)	18
19	Amendment of s 151 (Pre-sentence report).	18
20	Amendment of s 160 (Copy of court order to be given to child, parent etc.)	18
21	Amendment of s 164 (Powers of proper officer if indefinite referral is unsuccessful or if child contravenes agreement made on court's indefinite referral)	19
22	Amendment of s 165 (If an agreement is made on a referral by a court to a conference before sentence)	20
23	Amendment of s 166 (Court may take no further action if agreement is made)	21
24	Amendment of s 174 (If child fails to attend drug assessment and education session)	22
25	Amendment of s 176 (Sentence orders—serious offences).	22
26	Amendment of s 193 (Probation orders—requirements)	23
27	Amendment of s 196 (Requirements to be set out in community service order)	23
28	Amendment of s 198 (Community service to be performed within limited period).	24
29	Amendment of s 200 (Limitation on number of hours of community service)	24
30	Amendment of s 204 (Intensive supervision order—requirements)	24
31	Amendment of s 218 (Period of custody on remand to be treated as detention on sentence)	24
32	Amendment of s 221 (Conditional release order—requirements)	25
33	Amendment of s 227 (Release of child after service of period of detention)	25
34	Amendment of s 228 (Chief executive's supervised release order)	25
35	Omission of s 231 (Cancellation of supervised release order). . .	26
36	Amendment of s 234 (Court may allow publication of identifying information)	26
37	Insertion of new pt 7, div 12A.	27
	Division 12A Contravention of supervised release orders and related matters	

	252A	Definitions for div 12A.	27
	252B	Chief executive must warn child of contravention.	27
	252C	Chief executive's application on contravention.	27
	252D	General options available to a Childrens Court magistrate on chief executive's application.	28
	252E	General options available to a court if child found guilty of indictable offence	29
	252F	General options available to a court before which a child is ordered to appear.	31
	252G	Matters relevant to making further order	31
	252H	Committal to custody pending appearance before another court	32
	252I	Issue of warrant for child in particular circumstances.	32
	252J	Effect of expiry of supervised release order before application dealt with	34
38		Omission of s 270 (Childrens Court may order transfer to prison)	34
39		Insertion of new pt 8, div 2A.	34
	Division 2A	Period of detention to be served as term of imprisonment	
	276A	Definitions for div 2A.	34
	276B	Order by sentencing court	35
	276C	Application for order during period of detention	35
	276D	Further provisions about making of a transfer order	36
	276E	Application to vary or revoke a transfer order.	38
40		Insertion of new s 289AA	39
	289AA	Disclosure to the commissioner of the police service.	39
41		Insertion of new pt 11, div 6	39
	Division 6	Transitional provisions for Juvenile Justice and Other Acts Amendment Act 2009	
	343	Definitions for pt 11, div 6.	39
	344	Reference to Juvenile Justice Act 1992 and related references.	40
	345	Particular notices to include warning about arrest	40
	346	If an agreement is made on a referral by a court to a conference before sentence.	41
	347	Application of Criminal Code, s 305	41
	348	Cancellation of supervised release order.	42
	349	Court may order transfer to prison	43

Contents

	350	Amendment of regulations does not affect power of Governor in Council	43
42		Amendment of sch 4 (Dictionary)	43
Part 5		Amendment of Young Offenders (Interstate Transfer) Act 1987	
43		Act amended	44
44		Amendment of s 17 (Escape from custody—penalty)	44
Part 6		Other amendments	
45		Schedule amendments.	45
Schedule		Consequential amendments	46
Part 1		References to Juvenile Justice Act 1992	
1		Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984.	46
2		Acquisition of Land Act 1967	46
3		Bail Act 1980	46
4		Building Act 1975	46
5		Child Protection Act 1999.	47
6		Child Protection (Offender Prohibition Order) Act 2008	47
7		Child Protection (Offender Reporting) Act 2004.	47
8		Child Protection (Offender Reporting) Regulation 2004.	47
9		Commission for Children and Young People and Child Guardian Act 2000	47
10		Coroners Act 2003	48
11		Corrective Services Act 2006.	48
12		Criminal Code Act 1899	48
13		Criminal Offence Victims Act 1995.	48
14		District Court of Queensland Act 1967.	48
15		Drug Court Act 2000	48
16		Drugs Misuse Act 1986	49
17		Evidence Act 1977	49
18		Freedom of Information Act 1992.	49
19		Health (Drugs and Poisons) Regulation 1996	49
20		Health Services Regulation 2002.	49
21		Jury Act 1995	49
22		Justice and Other Information Disclosure Act 2008.	49
23		Justices Act 1886	50
24		Legal Aid Queensland Act 1977.	50

25	Mental Health Act 2000	50
26	Penalties and Sentences Act 1992.	50
27	Police Powers and Responsibilities Act 2000.	50
28	Police Powers and Responsibilities Regulation 2000.	51
29	Police Service Administration Act 1990	51
30	South Bank Corporation Act 1989	51
31	State Penalties Enforcement Act 1999.	51
32	Terrorism (Preventative Detention) Act 2005	51
33	Weapons Act 1990.	52
34	Workers' Compensation and Rehabilitation Act 2003	52
35	Young Offenders (Interstate Transfer) Act 1987	52
Part 2	References to chief executive (juvenile justice)	
36	Child Protection Act 1999.	52
37	Justice and Other Information Disclosure Act 2008.	52
Part 3	References to juvenile justice principles	
38	Juvenile Justice Act 1992.	53
39	Juvenile Justice Regulation 2003.	53
Part 4	References to department (juvenile justice)	
40	Child Protection Act 1999.	53

2009

A Bill

for

An Act to amend the *Juvenile Justice Act 1992* for particular purposes and other Acts as a consequence of the change of that Act's title and to amend the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*, the *Child Protection Act 1999* and the *Young Offenders (Interstate Transfer) Act 1987* also for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Juvenile Justice and Other Acts Amendment Act 2009*. 4
5

Clause 2 Commencement 6

- (1) Part 2 is taken to have commenced on 31 January 2009. 7
(2) The remaining provisions of this Act commence on a day to 8
be fixed by proclamation. 9

Part 2 Amendment of Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984 10
11
12
13

Clause 3 Act amended 14

This part amends the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*. 15
16

Clause 4 Replacement of s 60V (Annual report by IIB) 17

Section 60V— 18
omit, insert— 19

‘60V	Annual report by IIB	1
	‘As soon as practicable after 31 January in each year, IIB must give the Minister a full report of its operations during the period of 1 year ending on that day.’.	2 3 4
Part 3	Amendment of Child Protection Act 1999	5 6
Clause 5	Act amended	7
	This part amends the <i>Child Protection Act 1999</i> .	8
Clause 6	Amendment of s 193 (Restrictions on reporting certain court proceedings)	9 10
	(1) Section 193(1) and (2)—	11
	<i>omit, insert—</i>	12
	‘(1) If a child is a witness in a proceeding for an offence of a sexual nature, a report of the proceeding must not disclose identifying information about the child unless the court expressly authorises the information to be included in the report.’	13 14 15 16 17
	‘(2) If a child is a witness in a proceeding for an offence other than an offence of a sexual nature, the court or justice may order that a report of the proceeding must not disclose identifying information about the child other than information stated in the order.’.	18 19 20 21 22
	(2) Section 193(5)—	23
	<i>insert—</i>	24
	‘(c) a report mentioned in the <i>Criminal Law (Sexual Offences) Act 1978</i> , section 8(1).’.	25 26

[s 7]

- (3) Section 193(6), definition *prohibited matter*— 1
omit. 2
- (4) Section 193(6)— 3
insert— 4
‘identifying information, about a child— 5
- (a) means information that identifies, or is likely to lead to 6
the identification of, him or her as a witness in a 7
proceeding for an offence or a person in relation to 8
whom an offence was committed or is alleged to have 9
been committed; and 10
- (b) includes— 11
- (i) the child’s name, address, school or place of 12
employment; and 13
- (ii) a photograph or film of the child or of someone 14
else that is likely to lead to the child’s 15
identification.’. 16
- (5) Section 193(6), definition *proceeding*, ‘, but does not include 17
a proceeding for a charge of an offence against a child’— 18
omit. 19

Clause 7 Insertion of new ch 6, pt 6, div 4 20

Chapter 6, part 6— 21

insert— 22

‘Division 4 Other prohibition on publication 23

‘194 Publication of information identifying child victim 24

‘(1) A person must not publish identifying information about a 25
relevant person. 26

Maximum penalty— 27

(a) for an individual—100 penalty units or 2 years 28
imprisonment; or 29

-
- (b) for a corporation—1000 penalty units. 1
- ‘(2) Subsection (1) does not apply to a publication if— 2
- (a) the publication is made by the relevant person; or 3
- (b) the relevant person is an adult and he or she gives 4
consent to the publication after being told— 5
- (i) the information to be published; and 6
- (ii) to whom it is to be published; and 7
- (iii) the reason for the publication; or 8
- (c) the publication is— 9
- (i) a record of evidence of the proceeding made under 10
the *Recording of Evidence Act 1962*; or 11
- (ii) a report made for the department or Queensland 12
Police Service; or 13
- (iii) a report mentioned in the *Criminal Law (Sexual 14
Offences) Act 1978*, section 8(1); or 15
- (d) the publication is— 16
- (i) for the purpose of an investigation into a complaint 17
made by or on behalf of the relevant person about a 18
relevant offence; and 19
- (ii) made by— 20
- (A) the police commissioner or, if the 21
investigation is carried out by a public sector 22
unit other than the police service, the chief 23
executive of the public sector unit; or 24
- (B) a person authorised to make the publication 25
by a person mentioned in subsubparagraph 26
(A); or 27
- (e) the publication is made for the purpose of preparing for 28
or conducting any of the following in relation to a 29
relevant offence— 30
- (i) an examination of witnesses; 31

[s 7]

(ii) a trial;	1
(iii) a proceeding on appeal arising from a trial; or	2
<i>Example for paragraph (e)—</i>	3
publication for the purpose of issuing a summons or subpoena in the preparation of a defence for a relevant offence	4 5
(f) the publication is permitted by a direction under section 194A or 194B.	6 7
‘(3) A purpose mentioned in subsection (2)(e) does not include a purpose for which publication may be permitted by a direction under section 194A or 194B.	8 9 10
‘(4) In this section—	11
<i>identifying information</i> , about a relevant person—	12
(a) means information that identifies, or is likely to lead to the identification of, him or her as a relevant person; and	13 14
(b) includes—	15
(i) the person’s name, address, school or place of employment; and	16 17
(ii) a photograph or film of the person or of someone else that is likely to lead to the relevant person’s identification.	18 19 20
<i>relevant offence</i> , in relation to a relevant person, means an offence committed or alleged to have been committed in relation to the relevant person.	21 22 23
<i>relevant person</i> means a person who is or was a child in relation to whom an offence was committed or is alleged to have been committed.	24 25 26
‘194A Court direction allowing publication before examination of witnesses or trial	27 28
‘(1) Before the start of an examination of witnesses or a trial, a defendant may apply to the court for a direction that section 194(1) does not apply in relation to a stated relevant person and stated offence.	29 30 31 32

-
- ‘(2) The court may give the direction if satisfied— 1
- (a) the direction is required for the purpose of inducing 2
persons to come forward who are likely to be needed as 3
witnesses at the examination or trial; and 4
 - (b) the conduct of the applicant’s defence at the 5
examination or trial is likely to be substantially 6
prejudiced if the direction is not given; and 7
 - (c) it would be appropriate to give the direction, having 8
regard to the effect that publication may have on the 9
relevant person. 10
- ‘(3) The court may state in the direction— 11
- (a) the identifying information that may be published; or 12
 - (b) the extent to which, or way in which, the information 13
may be published. 14
- Example—* 15
- A direction may allow publication only by newspaper 16
advertisement. 17

‘194B Court direction allowing publication before appeal 18

- ‘(1) This section applies to a person convicted of an offence who 19
has— 20
- (a) given a notice of appeal against the conviction to the 21
Court of Appeal, the Supreme Court, the District Court, 22
a Magistrates Court or the Childrens Court; or 23
 - (b) applied for leave to appeal against the conviction to the 24
Court of Appeal. 25
- ‘(2) The person may apply to the relevant court for a direction that 26
section 194(1) does not apply in relation to a stated relevant 27
person and stated offence. 28
- ‘(3) The court may give the direction if satisfied— 29
- (a) the direction is required for the purpose of obtaining 30
evidence in support of the appeal; and 31

[s 8]

- (b) the person is likely to suffer substantial injustice if the direction is not given; and 1
2
- (c) it would be appropriate to give the direction, having regard to the effect that publication may have on the relevant person. 3
4
5
- ‘(4) The court may state in the direction— 6
- (a) the identifying information that may be published; or 7
- (b) the extent to which, or way in which, the information may be published. 8
9
- Example—* 10
- A direction may allow publication only by newspaper advertisement. 11
12
- ‘(5) In this section— 13
- relevant court* means— 14
- (a) if subsection (1)(a) applies—the court to which the notice of appeal has been given; or 15
16
- (b) if subsection (1)(b) applies—the Court of Appeal or the Supreme Court.’. 17
18

Part 4 **Amendment of Juvenile Justice Act 1992** 19 20

- Clause 8** **Act amended** 21
- This part amends the *Juvenile Justice Act 1992*. 22
- Clause 9** **Amendment of s 1 (Short title)** 23
- Section 1, ‘*Juvenile*’— 24
- omit, insert—* 25
- ‘*Youth*’. 26

Clause 10	Amendment of s 21 (Childrens Court may dismiss charge if caution should have been administered or no action taken)	1 2 3
	Section 21(3)(a), ‘the caution’—	4
	<i>omit, insert</i> —	5
	‘a caution’.	6
Clause 11	Amendment of s 34 (Who may participate in a conference)	7 8
	(1) Section 34(1)(f)—	9
	<i>omit, insert</i> —	10
	‘(f) at the victim’s request, 1 or more of the following—	11
	(i) a lawyer acting for the victim;	12
	(ii) a member of the victim’s family;	13
	(iii) a support person;’.	14
	(2) Section 34(1)(h), examples of paragraph (h), item 3, ‘member’—	15 16
	<i>omit, insert</i> —	17
	‘person’.	18
	(3) Section 34(3)(a), ‘member’—	19
	<i>omit, insert</i> —	20
	‘person’.	21
Clause 12	Amendment of s 48 (Decisions about bail and related matters)	22 23
	(1) Section 48—	24
	<i>insert</i> —	25
	‘(3A) Also, if it is a court that is making the decision, the court must have regard to the sentence order or other order likely to be made for the child if found guilty.’.	26 27 28

[s 13]

- (2) Section 48(7)(a) after ‘endangered’— 1
insert— 2
‘, because of the alleged offence.’ 3
(3) Section 48(7), examples for paragraph (a)— 4
omit. 5

- Clause 13 Amendment of s 52 (Conditions of release on bail)** 6
Section 52(4)— 7
insert— 8
‘*Example of a condition*— 9
a condition imposing a curfew on the child’ 10

- Clause 14 Amendment of s 62 (Childrens Court judge)** 11
Section 62(e), ‘section 270’— 12
omit, insert— 13
‘part 8, division 2A’. 14

- Clause 15 Amendment of s 120 (Preliminary procedure)** 15
Section 120— 16
insert— 17
‘(2) Also, if the application is not made by the chief executive, the 18
proper officer must notify the chief executive of the making of 19
the application.’. 20

- Clause 16 Amendment of s 121 (Stay of proceeding and suspension of orders)** 21
Section 121— 22
insert— 23
24

‘(5) If a Childrens Court judge orders a stay of a proceeding under a sentence order, the proper officer of the Childrens Court at the place where the Childrens Court judge is sitting must notify the chief executive of the making of the order.’.

Clause 17	Replacement of s 135 (Offender remanded in custody for adult offence)	5
	Section 135—	6
	<i>omit, insert—</i>	7
‘135	Where offender is detained for adult offence	8
	‘(1) This section applies if the offender is—	9
	(a) being held on remand, in the chief executive’s custody, in connection with a charge of a child offence; or	10
	(b) serving a period of detention, in a detention centre, for a child offence; or	11
	(c) otherwise being held in custody in a detention centre.	12
	‘(2) If a court remands the offender in custody in connection with a charge of an adult offence, the offender must be remanded into the custody of the chief executive and, for that purpose, section 56 applies as if the offender were still a child.	13
	‘(3) Any term of imprisonment to which the offender is sentenced for an adult offence must be served in a detention centre.	14
	‘(4) The requirement that the offender be held on remand in the chief executive’s custody under subsection (2), or serve a term of imprisonment in a detention centre under subsection (3), applies only while the offender continues to be held in custody in the detention centre other than under this section.	15
	‘(5) The part of a term of imprisonment served in a detention centre under subsection (3) must be counted as part of the term of imprisonment.	16
	‘(6) Subsection (3) does not limit part 8, division 2A.’.	17

[s 18]

Clause 18	Amendment of s 139 (Application to be held in detention centre)	1 2
	Section 139(1)(b)(ii), ‘section 270’—	3
	<i>omit, insert—</i>	4
	‘part 8, division 2A’.	5
Clause 19	Amendment of s 151 (Pre-sentence report)	6
	Section 151(8), ‘days’—	7
	<i>omit, insert—</i>	8
	‘business days’.	9
Clause 20	Amendment of s 160 (Copy of court order to be given to child, parent etc.)	10 11
	(1) Section 160, heading, after ‘order’—	12
	<i>insert—</i>	13
	‘or decision’.	14
	(2) Section 160, before subsection (1)—	15
	<i>insert—</i>	16
	‘(1AA) This section applies to the following (each of which is an <i>order or decision to which this section applies</i>)—	17 18
	(a) a sentence order;	19
	(b) a decision to dismiss a charge under section 21(1), with or without a further decision or direction under section 21(3) for the administration of a caution by the court or someone else;	20 21 22 23
	(c) the referral of an offence to a coordinator for a conference under section 161(3);	24 25
	(d) the referral of a child to a drug assessment and education session under section 172(3).’.	26 27

-
- (3) Section 160(1), ‘order sentencing a child for an offence’— 1
omit, insert— 2
‘order or decision to which this section applies’. 3
- (4) Section 160(1)(a), after ‘order’— 4
insert— 5
‘or decision’. 6
- (5) Section 160(1)(b), ‘to be given’— 7
omit, insert— 8
‘or decision to be given by the proper officer of the court’. 9
- (6) Section 160(2), ‘subsection (1)(b)’— 10
omit, insert— 11
‘subsection (2)(b)’. 12
- (7) Section 160(2)(a), ‘sentence order’— 13
omit, insert— 14
‘order or decision’. 15
- (8) Section 160(3)— 16
omit, insert— 17
- ‘(3) Failure to comply with subsection (2) does not affect the 18
validity of the order or decision.’. 19
- (9) Section 160(1AA) to (3)— 20
renumber as section 160(1) to (4). 21

- Clause 21 Amendment of s 164 (Powers of proper officer if 22
indefinite referral is unsuccessful or if child contravenes 23
agreement made on court’s indefinite referral) 24**
- (1) Section 164— 25
insert— 26

[s 22]

- ‘(4A) The notice must include a warning that, if the child fails to appear before the court in answer to the notice, the court may issue a warrant for the child’s arrest.’. 1
2
3
- (2) Section 164— 4
insert— 5
- ‘(5A) If the child fails to appear before the court in answer to the notice, the court may issue a warrant for the child’s arrest. 6
7
- ‘(5B) For part 5, if the court issues a warrant and the child is arrested under the warrant, the child must be treated as if arrested on a charge of an offence.’. 8
9
10
- (3) Section 164(4A) to (7)— 11
renumber as section 164(5) to (10). 12

- Clause 22 Amendment of s 165 (If an agreement is made on a referral by a court to a conference before sentence)** 13
14
- (1) Section 165, heading— 15
omit, insert— 16
- ‘165 Conference agreement included in sentence order and related matters’.** 17
18
- (2) Section 165(4) and (5)— 19
omit, insert— 20
- ‘(4) The court may— 21
- (a) include all or any of the terms of the agreement in, or as part of, the sentence order, including, for example, within a community based order; and 22
23
24
- (b) impose requirements on the child to ensure the child complies with the terms so included. 25
26
- ‘(5) If the child contravenes a term of the agreement included in, or as part of, the sentence order, other than within a community based order, the court’s proper officer may— 27
28
29
- (a) take no action; or 30

(b) bring the charge for the offence back on before the court
for resentencing. 1
2

Note— 3

For contraventions of a community based order, see division 12.’. 4

(3) Section 165— 5

insert— 6

‘(6A) The notice must include a warning that, if the child fails to
appear before the court in answer to the notice, the court may
issue a warrant for the child’s arrest.’. 7
8
9

(4) Section 165— 10

insert— 11

‘(7A) If the child fails to appear before the court in answer to the
notice, the court may issue a warrant for the child’s arrest. 12
13

‘(7B) For part 5, if the court issues a warrant and the child is
arrested under the warrant, the child must be treated as if
arrested on a charge of an offence.’. 14
15
16

(5) Section 165(6A) to (10)— 17

renumber as section 165(7) to (13). 18

**Clause 23 Amendment of s 166 (Court may take no further action if
agreement is made) 19
20**

(1) Section 166— 21

insert— 22

‘(4A) The notice must include a warning that, if the child fails to
appear before the court in answer to the notice, the court may
issue a warrant for the child’s arrest.’. 23
24
25

(2) Section 166— 26

insert— 27

‘(5A) If the child fails to appear before the court in answer to the
notice, the court may issue a warrant for the child’s arrest. 28
29

[s 24]

- ‘(5B) For part 5, if the court issues a warrant and the child is arrested under the warrant, the child must be treated as if arrested on a charge of an offence.’. 1
2
3
- (3) Section 166(4A) to (7)— 4
renumber as section 166(5) to (10). 5
- (4) Section 166— 6
insert— 7
- ‘(11) A decision by the court under subsection (2) to take no further action does not form part of the child’s criminal history.’. 8
9

Clause 24 Amendment of s 174 (If child fails to attend drug assessment and education session) 10
11

- Section 174— 12
insert— 13
- ‘(5) The notice must include a warning that, if the child fails to appear before the court in answer to the notice, the court may issue a warrant for the child’s arrest. 14
15
16
- ‘(6) If requested by the proper officer, the commissioner of the police service must help the proper officer give the notice. 17
18
- ‘(7) If the child fails to appear before the court in answer to the notice, the court may issue a warrant for the child’s arrest. 19
20
- ‘(8) For part 5, if the court issues a warrant and the child is arrested under the warrant, the child must be treated as if arrested on a charge of an offence.’. 21
22
23

Clause 25 Amendment of s 176 (Sentence orders—serious offences) 24
25

- (1) Section 176(6)— 26
renumber as section 176(8). 27
- (2) Section 176— 28
insert— 29

‘(6) The Criminal Code, section 305(2) and (3) applies to a court sentencing a child to detention for life on a conviction of murder. 1
2
3

Note— 4

For the child’s parole eligibility, see section 233 of this Act and the *Corrective Services Act 2006*, section 181. 5
6

‘(7) Subsection (6) applies despite section 155.’. 7

Clause 26 Amendment of s 193 (Probation orders—requirements) 8

Section 193(2)— 9

insert— 10

‘*Example of a condition—* 11

a condition imposing a curfew on the child’. 12

**Clause 27 Amendment of s 196 (Requirements to be set out in community service order) 13
14**

(1) Section 196(1)(d), after ‘child’— 15

insert— 16

‘or a parent of the child’. 17

(2) Section 196— 18

insert— 19

‘(3) If the order is for less than 50 hours of community service, the order may contain a requirement that the child must perform the community service within a period starting on the date of the order that is less than 1 year. 20
21
22
23

Note— 24

If a requirement is not imposed under this subsection, the period of 1 year mentioned in section 198(a)(i) will apply. 25
26

‘(4) Before imposing a requirement under subsection (3), a court must consider what is a reasonable period for the child to perform the community service in all the circumstances of the case.’. 27
28
29
30

[s 28]

Clause 28	Amendment of s 198 (Community service to be performed within limited period)	1 2
	Section 198(a)—	3
	<i>omit, insert—</i>	4
	‘(a) within—	5
	(i) for a community service order of less than 50 hours—the period of 1 year starting on the date of the order or, if the order states a lesser period, the lesser period; or	6 7 8 9
	(ii) otherwise—the period of 1 year starting on the date of the order; or’.	10 11
Clause 29	Amendment of s 200 (Limitation on number of hours of community service)	12 13
	Section 200(5)—	14
	<i>omit, insert—</i>	15
	‘(5) The community service hours in each community service order made against a child are cumulative on the hours in each other community service order made against the child, unless the court that makes a community service order directs otherwise.’.	16 17 18 19 20
Clause 30	Amendment of s 204 (Intensive supervision order—requirements)	21 22
	Section 204(2)—	23
	<i>insert—</i>	24
	‘ <i>Example of a condition—</i>	25
	a condition imposing a curfew on the child’.	26
Clause 31	Amendment of s 218 (Period of custody on remand to be treated as detention on sentence)	27 28
	Section 218(1)—	29

insert— 1
‘Note— 2
In determining, under section 227, when to release the child from 3
detention under a supervised release order under section 228, the chief 4
executive counts the period of time for which the child was held in 5
custody pending the proceeding for the offence.’. 6

Clause 32 Amendment of s 221 (Conditional release order—requirements) 7
8
Section 221(2)— 9
insert— 10
‘Example of a condition— 11
a condition imposing a curfew on the child’. 12

Clause 33 Amendment of s 227 (Release of child after service of period of detention) 13
14
Section 227(3), example, ‘C must be released after 5 15
weeks,’— 16
omit, insert— 17
‘The chief executive must make a supervised release order 18
releasing the child 5 weeks after sentence,’. 19

Clause 34 Amendment of s 228 (Chief executive’s supervised release order) 20
21
(1) Section 228— 22
insert— 23
(1A) However, the chief executive is not required to make a 24
supervised release order if the custody period mentioned in 25
section 227(3) is equal to or more than the period of detention 26
the child was sentenced to serve. 27

[s 35]

Examples—

- 1 C is sentenced to 10 weeks detention. C spent 10 weeks on remand before sentence. The chief executive is not required to make a supervised release order.
- 2 C is sentenced to 10 weeks detention. C spent 8 weeks on remand before sentence. The chief executive must make a supervised release order for the remaining 2 weeks.’.

(2) Section 228(1A) to (4)—

renumber as section 228(2) to (5).

Clause 35 Omission of s 231 (Cancellation of supervised release order)

Section 231—

omit.

Clause 36 Amendment of s 234 (Court may allow publication of identifying information)

Section 234(1) and (2)—

omit, insert—

- ‘(1) This section applies if a court makes an order against a child under section 176(3)(b).
- ‘(2) The court may order that identifying information about the child may be published if the court considers it would be in the interests of justice to allow the publication, having regard to—
 - (a) the need to protect the community; and
 - (b) the safety or wellbeing of a person other than the child; and
 - (c) the impact of publication on the child’s rehabilitation; and
 - (d) any other relevant matter.’.

Clause 37	Insertion of new pt 7, div 12A	1
	After section 252—	2
	<i>insert—</i>	3
‘Division 12A	Contravention of supervised release orders and related matters	4 5
‘252A	Definitions for div 12A	6
	‘In this division—	7
	<i>child</i> , for a child on release from detention under a supervised release order, includes, without limiting section 142, a person who was an adult when the order was made or has become an adult since the order was made.	8 9 10 11
	<i>original sentencing court</i> , for a supervised release order, means the court that made the sentence order relating to the supervised release order.	12 13 14
‘252B	Chief executive must warn child of contravention	15
	‘(1) This section applies if—	16
	(a) a child is on release from detention under a supervised release order; and	17 18
	(b) the chief executive reasonably believes the child has contravened the order.	19 20
	‘(2) The chief executive must warn the child of the consequences of further contravention, including the making of an application under section 252C.	21 22 23
	‘(3) Subsection (2) does not apply if the chief executive does not know the child’s whereabouts and can not reasonably find out.	24 25
‘252C	Chief executive’s application on contravention	26
	‘(1) This section applies if—	27

[s 37]

(a)	a child is on release from detention under a supervised release order; and	1 2
(b)	the chief executive reasonably believes the child has contravened the order; and	3 4
(c)	either—	5
	(i) the contravention is believed to have happened after the child has been given a warning, under section 252B, relating to a previous believed contravention of the order; or	6 7 8 9
	(ii) the chief executive is not required to warn the child under section 252B(3); and	10 11
(d)	the child has not been charged with an offence for the act or omission comprising the contravention.	12 13
‘(2)	The chief executive, by way of complaint and summons served on the child, may apply to a Childrens Court magistrate for a finding that the child has contravened the order.	14 15 16 17
‘(3)	A copy of the complaint must be served on a parent of the child, unless a parent can not be found after reasonable inquiry.	18 19 20
‘(4)	In this section—	21
	<i>parent</i> , of a child, includes someone who is apparently a parent of the child.	22 23
‘252D	General options available to a Childrens Court magistrate on chief executive’s application	24 25
‘(1)	This section applies if—	26
	(a) a complaint is made under section 252C(2) that a child has contravened a supervised release order; and	27 28
	(b) the child appears before a Childrens Court magistrate; and	29 30
	(c) the magistrate is satisfied beyond reasonable doubt that the contravention has happened.	31 32

-
- ‘(2) If the magistrate considers the child should be given a further opportunity to satisfy the conditions of the order, the magistrate may order that no further action be taken.
- ‘(3) If subsection (2) does not apply, the magistrate may act under subsection (4) or (5).
- ‘(4) If the unexpired part of the child’s sentence is 1 year or less, the magistrate may—
- (a) order the child to be returned to the detention centre and set a day on which the chief executive must make another supervised release order releasing the child from detention; or
 - (b) order the child to be returned to the detention centre for the unexpired part of the child’s sentence.
- ‘(5) If the unexpired part of the child’s sentence is more than 1 year, the magistrate may order the child to appear before the original sentencing court.

‘252E General options available to a court if child found guilty of indictable offence

- ‘(1) This section applies if—
- (a) a child on release from detention under a supervised release order commits an indictable offence; and
 - (b) a court finds the child guilty of the offence.
- Note—*
- The commission of an indictable offence is a contravention of the supervised release order—see section 228(4)(a).
- ‘(2) If the court (including in its concurrent jurisdiction) was the original sentencing court, or is a higher court, the court may—
- (a) if the court considers the child should be given a further opportunity to satisfy the conditions of the order—order that no further action be taken; or
 - (b) order the child to be returned to the detention centre and set a day on which the chief executive must make

[s 37]

- another supervised release order releasing the child 1
from detention; or 2
- (c) order the child to be returned to the detention centre for 3
the unexpired part of the child’s sentence. 4
- ‘(3) If subsection (2) does not apply and the court is a Childrens 5
Court magistrate or a Magistrates Court, the court may— 6
- (a) if the court considers the child should be given a further 7
opportunity to satisfy the conditions of the order—order 8
that no further action be taken; or 9
- (b) if the unexpired part of the child’s sentence is 1 year or 10
less— 11
- (i) order the child to be returned to the detention 12
centre and set a day on which the chief executive 13
must make another supervised release order 14
releasing the child from detention; or 15
- (ii) order the child to be returned to the detention 16
centre for the unexpired part of the child’s 17
sentence; or 18
- (c) if the unexpired part of the child’s sentence is more than 19
1 year—order the child to appear before the original 20
sentencing court. 21
- ‘(4) If subsections (2) and (3) do not apply, the court may order the 22
child to appear before the original sentencing court. 23
- ‘(5) If the court is a Magistrates Court or the District Court, the 24
order under subsection (2), (3) or (4) must be made in its 25
concurrent jurisdiction. 26
- ‘(6) In this section— 27
- higher court* means— 28
- (a) for a Magistrates Court or a Childrens Court 29
magistrate—the District Court or a Childrens Court 30
judge; or 31
- (b) for the District Court or a Childrens Court judge—the 32
Supreme Court. 33

‘252F General options available to a court before which a child is ordered to appear	1 2
‘(1) This section applies if—	3
(a) the chief executive applies to a Childrens Court magistrate under section 252C for a finding that a child has contravened a supervised release order; and	4 5 6
(b) under section 252D, the magistrate orders the child to appear before another court; and	7 8
(c) the child appears before the other court; and	9
(d) the other court is satisfied beyond reasonable doubt of the matter alleged against the child in the chief executive’s application.	10 11 12
‘(2) This section also applies if —	13
(a) a child has been ordered by a court to appear before another court under section 252E; and	14 15
(b) the child appears before the other court.	16
‘(3) The other court may—	17
(a) if the court considers the child should be given a further opportunity to satisfy the conditions of the order—order that no further action be taken; or	18 19 20
(b) order the child to be returned to the detention centre and set a day on which the chief executive must make another supervised release order releasing the child from detention; or	21 22 23 24
(c) order the child to be returned to the detention centre for the unexpired part of the child’s sentence.	25 26
‘(4) For subsection (1)(d), the proceeding before the other court must be heard and decided by a judge sitting without a jury.	27 28
‘252G Matters relevant to making further order	29
‘(1) In making an order under section 252D, 252E or 252F, a court must have regard to anything done by the child in compliance with the supervised release order.	30 31 32

[s 37]

- ‘(2) For an Act providing rights to anyone of appeal or review— 1
- (a) a finding under section 252D(1)(c) in relation to an 2
order under section 252D(4)(a) or (b) is taken to be a 3
finding of guilt on complaint and summons for an 4
offence; and 5
 - (b) an order under section 252D(2) or (4)(a) or (b) is taken 6
to be a sentence order made on complaint and summons; 7
and 8
 - (c) a finding under section 252F(1)(d) is taken to be a 9
finding of guilt on a charge on indictment; and 10
 - (d) an order under section 252E(2) or (3)(a) or (b) or 11
252F(3) is taken to be a sentence order made on— 12
 - (i) complaint and summons, if the order is made by 13
the Childrens Court magistrate or Magistrates 14
Court; or 15
 - (ii) indictment, if the order is made by another court. 16
- ‘(3) However, a finding that the child has contravened a supervised 17
release order is not part of the child’s criminal history. 18
- ‘252H Committal to custody pending appearance before 19
another court 20**
- ‘(1) If a court orders a child to appear before another court under 21
section 252D or 252E, it may commit the child to custody or 22
release the child under part 5 to be brought or to appear before 23
the other court. 24
- ‘(2) A period spent by a child in custody under subsection (1) is to 25
be counted as part of the time spent by the child in detention 26
for the purpose of calculating the end of the period of 27
detention from which the child was released. 28
- ‘252I Issue of warrant for child in particular circumstances 29**
- ‘(1) A justice may issue a warrant for the child’s arrest if the chief 30
executive— 31

-
- (a) makes a complaint before the justice that the child has
contravened a supervised release order; and
- (b) gives information before the justice, on oath,
substantiating—
- (i) the matter of the complaint; and
- (ii) that the chief executive does not know the child’s
whereabouts and can not reasonably find out, or
reasonably believes that the child would not
comply with a summons.
- ‘(2) Also, a Childrens Court magistrate may issue a warrant for the
child’s arrest if the child fails to appear before the court in
answer to a summons under section 252C(2).
- ‘(3) A warrant issued under subsection (1) or (2) must state which
part of the supervised release order has been contravened.
- ‘(4) For part 5, a child arrested under a warrant issued under
subsection (1) or (2) must be treated as if arrested on a charge
of an offence.
- ‘(5) If a warrant is issued against a child under subsection (1) or
(2) and the child appears before a Childrens Court magistrate
other than through the execution of the warrant, the magistrate
may cancel the warrant.
- ‘(6) A period spent by a child in custody on the execution of a
warrant issued under subsection (1) or (2) is to be counted as
part of the time spent by the child in detention for the purpose
of calculating the end of the period of detention from which
the child was released.
- ‘(7) The period spent by the child out of custody after the issue of
a warrant under subsection (2) is not to be counted as part of
the time spent by the child in detention for the purpose of
calculating the end of the period of detention from which the
child was released.

[s 38]

'252J	Effect of expiry of supervised release order before application dealt with	1 2
	'(1) This section applies if a supervised release order expires before a child is finally dealt with on an application under this division.	3 4 5
	'(2) The application expires.	6
	'(3) If the child is in custody under a warrant issued under section 252I or a court order under section 252H(1), the child must be released from custody under the warrant or order.'	7 8 9
Clause 38	Omission of s 270 (Childrens Court may order transfer to prison)	10 11
	Section 270—	12
	<i>omit.</i>	13
Clause 39	Insertion of new pt 8, div 2A	14
	Part 8—	15
	<i>insert—</i>	16
'Division 2A	Period of detention to be served as term of imprisonment	17 18
'276A	Definitions for div 2A	19
	'In this division—	20
	<i>period of detention</i> , for a person who is liable to serve a further period of detention cumulatively with a period of detention being served, includes the further period of detention.	21 22 23 24
	<i>period of imprisonment</i> see the <i>Penalties and Sentences Act 1992</i> , section 4.	25 26
	<i>transfer day</i> see section 276D(2).	27

‘276B Order by sentencing court	1
‘(1) This section applies if a court sentences a person who is 16 or more to a period of detention under which the person will be detained or continue to be detained when the person is 18 or more.	2 3 4 5
‘(2) The court must consider making an order under subsection (3).	6 7
‘(3) The court may make an order (a <i>transfer order</i>) that an unserved part of the period of detention be served as a period of imprisonment from a day when—	8 9 10
(a) the person is 18 or more; or	11
(b) the person is 17 or more if the person—	12
(i) has previously been held in custody in a prison on sentence, remand or otherwise; or	13 14
(ii) has been sentenced to serve a term of imprisonment.	15 16
‘276C Application for order during period of detention	17
‘(1) A person serving a period of detention under a detention order, or the chief executive, may apply to a Childrens Court judge for an order (also a <i>transfer order</i>) that the unserved part of the period of detention be served as a term of imprisonment.	18 19 20 21 22
‘(2) Subsection (1) only applies if—	23
(a) the person is 18 or more; or	24
(b) the person is 17 or more and—	25
(i) has previously been held in custody in a prison on sentence, remand or otherwise; or	26 27
(ii) has been sentenced to serve a term of imprisonment.	28 29
‘(3) Also, if—	30

[s 39]

- (a) the sentencing court decided not to make a transfer order under section 276B, even though section 276B(1) applied to the person; or 1
2
3
- (b) the court has previously refused an application under subsection (1); 4
5
- the court may only consider the application if the applicant satisfies the court there has been a material change of circumstances since the decision mentioned in paragraph (a) or refusal mentioned in paragraph (b). 6
7
8
9
- ‘(4) The court may grant or refuse to grant the transfer order. 10
- ‘(5) In this section— 11
- sentencing court* means the court that sentenced the child to the period of detention. 12
13

‘276D Further provisions about making of a transfer order 14

- ‘(1) In deciding whether to make a transfer order, a court may have regard to the following— 15
16
- (a) the length of the period of detention; 17
- (b) the earliest day the person may be released from detention and the person’s age at the time; 18
19
- (c) the length of any period of community supervision after release from detention and the person’s age at the end of the supervision period; 20
21
22
- (d) any particular issues relating to the vulnerability or maturity of the person known at the time of the decision; 23
24
- (e) the availability of relevant services and programs during a term of imprisonment; 25
26
- (f) any time the person has spent serving any term of imprisonment; 27
28
- (g) the likely impact on a detention centre if a transfer order is not made; 29
30
- (h) any other relevant matter. 31

-
- ‘(2) A transfer order must state the day (the *transfer day*) on which the order will take effect. 1
2
- ‘(3) A transfer order is taken for all purposes, other than as provided by subsection (6), to be a sentence for a term of imprisonment for a period equal to the length of the unserved part of the period of detention. 3
4
5
6
- ‘(4) If a court decides to make, or not to make, a transfer order under section 276B, for an Act providing anyone with rights of appeal or review, the decision is taken to be a decision on sentence. 7
8
9
10
- ‘(5) The sentence mentioned in subsections (3) and (4) is taken to be made on a charge of an offence on— 11
12
- (a) complaint and summons, if the order is made by the Childrens Court magistrate or Magistrates Court; or 13
14
- (b) indictment, if the order is made by another court. 15
- ‘(6) If a court decides to grant or refuse to grant a transfer order under section 276C(4), for an Act providing anyone with rights of appeal or review, the decision is taken to be made in the court’s civil jurisdiction. 16
17
18
19
- ‘(7) On the making of a transfer order, the chief executive must immediately give notice of the order to the chief executive (corrective services). 20
21
22
- ‘(8) The *Corrective Services Act 2006* applies to a person imprisoned under a transfer order. 23
24
- ‘(9) However, the person may only, and must, be released on parole on the day the person would have been released under a supervised release order if the transfer order had not been made. 25
26
27
28
- ‘(10) Subsection (9) does not prevent— 29
- (a) the earlier release of the person under an exceptional circumstances parole order; or 30
31
- (b) the continued custody of the person for the unserved part of any sentence of imprisonment imposed against the person. 32
33
34
-

[s 39]

- ‘(11) In this section— 1
community supervision includes supervision under a 2
community based order or a supervised release order. 3
transfer order means a transfer order under section 276B or 4
276C(4). 5

‘276E Application to vary or revoke a transfer order 6

- ‘(1) If a transfer order under section 276B is in force for a person 7
serving a period of detention in a detention centre, the person 8
or the chief executive may apply to the court that made the 9
order to— 10
(a) revoke the order; or 11
(b) vary the transfer day under the order. 12
- ‘(2) The applicant must give written notice of the making of the 13
application— 14
(a) if the application is made by the person—to the chief 15
executive; or 16
(b) if the application is made by the chief executive—to the 17
person. 18
- ‘(3) The court may only consider the application if the applicant 19
satisfies the court there has been a material change of 20
circumstances since the transfer order was made. 21
- ‘(4) The court may grant the application if the court considers it 22
would be in the interests of justice having regard to the 23
matters mentioned in section 276D(1). 24
- ‘(5) If an application under subsection (1) is current when the 25
existing transfer day is reached, the effect of the transfer order 26
is suspended until the application is decided. 27
- ‘(6) If a transfer order is revoked under subsection (4), an 28
application for a new transfer order may be made under 29
section 276C.’. 30

Clause 40	Insertion of new s 289AA	1
	After section 289—	2
	<i>insert—</i>	3
	‘289AA Disclosure to the commissioner of the police service	4
	‘(1) The chief executive may disclose the information to the commissioner of the police service, for the purpose of the functions of the police service not involving publishing the information, if the chief executive is satisfied the disclosure is in the public interest.	5 6 7 8 9
	‘(2) This section does not apply to a disclosure that the department may make under the <i>Justice and Other Information Disclosure Act 2008</i> , part 2.’.	10 11 12
Clause 41	Insertion of new pt 11, div 6	13
	Part 11—	14
	<i>insert—</i>	15
‘Division 6	Transitional provisions for Juvenile Justice and Other Acts Amendment Act 2009	16 17 18
‘343	Definitions for pt 11, div 6	19
	‘In this division—	20
	<i>amending Act</i> means the <i>Juvenile Justice and Other Acts Amendment Act 2009</i> .	21 22
	<i>new</i> , in relation to a section, means the section as it exists at any time after its commencement under the amending Act.	23 24
	<i>old</i> , in relation to a section, means the section as it existed at any time before its repeal under the amending Act.	25 26

[s 41]

‘344 Reference to *Juvenile Justice Act 1992* and related references

‘From the commencement of the amending Act, section 9, a reference set out in column 1 of the following table in any other Act or any instrument or document is taken, if the context permits, to be the reference set out opposite in column 2.

Column 1	Column 2
<i>Juvenile Justice Act 1992</i>	<i>Youth Justice Act 1992</i>
chief executive (juvenile justice)	chief executive (youth justice)
juvenile justice principles	youth justice principles

‘345 Particular notices to include warning about arrest

‘(1) This section applies if—

- (a) before the commencement day, a child is given a relevant notice; and
- (b) the notice does not include a warning that, if the child fails to appear before the court in answer to the notice, the court may issue a warrant for the child’s arrest; and
- (c) the child fails to appear before the court in answer to the notice.

‘(2) The court may not issue a warrant for the child’s arrest under the relevant warrant provision unless a further relevant notice is given to the child that includes the warning mentioned in subsection (1)(b) and the child fails to appear before the court in answer to the further notice.

‘(3) This section does not limit any other power of the court to issue a warrant for the child’s arrest.

‘(4) For this section—

- (a) a notice given under a provision mentioned in column 1 of the following table is a relevant notice; and

- (b) the relevant warrant provision for the relevant notice is the provision stated opposite in column 2; and
- (c) the commencement day for the relevant notice is the day stated opposite in column 3.

Provision under which relevant notice is given	Relevant warrant provision	Commencement day
s 164(4)	s 164(7)	the day the amending Act, s 21 commences
s 165(6)	s 165(9)	the day the amending Act, s 22 commences
s 166(4)	s 166(7)	the day the amending Act, s 23 commences
s 174(4)	s 174(7)	the day the amending Act, s 24 commences

- ‘346 If an agreement is made on a referral by a court to a conference before sentence**
- ‘(1) This section applies if immediately before the commencement of the amending Act, section 22(2) (the *commencement*), a child has been given a notice under section 165(6) for a contravention of a term of a conference agreement but not been entirely dealt with under the section.
- ‘(2) The child must, despite the commencement, be dealt with for the contravention under the section as it existed at that time.
- ‘(3) Any other contravention must be dealt with under this Act as amended by the amending Act, even if the contravention happened before the commencement.
- ‘347 Application of Criminal Code, s 305**
- ‘(1) This section applies for the purpose of applying the Criminal Code, s 305(2) and (3) (the *Code provisions*) to a child under section 176(6) of this Act.

[s 41]

- ‘(2) The Code provisions apply only if the court is sentencing the child on a conviction of murder committed after the commencement day. 1
2
3
- ‘(3) However, the court, in applying the Code provisions, may have regard to an offence of murder that was committed before the commencement day, whether or not the conviction or sentence for the murder happened before or happens after the commencement day. 4
5
6
7
8
- ‘(4) Subsection (3) applies even if the offence of murder is an offence for which the court is also sentencing the child or taking into account on the sentence of the child. 9
10
11
- ‘(5) In this section— 12
commencement day means the day the amending Act, section 25 commences. 13
14

‘348 Cancellation of supervised release order 15

- ‘(1) Subsections (2) and (3) apply if an application about a contravention of supervised release order is made under old section 231 but not entirely dealt with before its repeal under the amending Act. 16
17
18
19
- ‘(2) The application continues as if old section 231 were not repealed. 20
21
- ‘(3) If the supervised release order expires before the child is finally dealt with on the application— 22
23
- (a) the application expires; and 24
- (b) if the child is in custody under a warrant issued under old section 231(4) or (5), the child must be released from custody under the warrant. 25
26
27
- ‘(4) New part 7, division 12A applies to all other contraventions arising before the commencement. 28
29
- ‘(5) To remove any doubt, it is declared that, under subsection (4), a court is to act under new sections 252E and 252F if the circumstances mentioned in section 252E(1) apply. 30
31
32

‘(6) However, a court in its discretion need not act under new sections 252E and 252F if the child’s sentencing for the offence mentioned in new section 252E(1) has started but not ended before the repeal of old section 231 by the amending Act.

‘349 Court may order transfer to prison

- ‘(1) Subsection (2) applies if an application has been made but not entirely dealt with on the repeal of old section 270.
- ‘(2) The application must be dealt with, and if necessary reheard, under new section 276C.
- ‘(3) New part 8, division 2A applies to all other matters relating to the serving of a period of detention as a term of imprisonment even if the relevant circumstances arose before the commencement of the division.
- ‘(4) From the repeal of the old section 270, an order made under the section is taken to be a transfer order made under new section 276C.

‘350 Amendment of regulations does not affect power of Governor in Council

‘The amendment of a regulation by the amending Act does not affect the power of the Governor in Council to further amend the regulation or to repeal it.’.

Clause 42 Amendment of sch 4 (Dictionary)

- (1) Schedule 4—
insert—
‘**curfew** means a requirement to remain at a stated place for stated periods.’.
- (2) Schedule 4, definition *community visitor*, after ‘*People*’—
insert—
‘*and Child Guardian*’.

[s 43]

Part 5	Amendment of Young Offenders (Interstate Transfer) Act 1987	1 2 3
---------------	--	-------------

Clause 43	Act amended	4
	This part amends the <i>Young Offenders (Interstate Transfer) Act 1987</i> .	5 6

Clause 44	Amendment of s 17 (Escape from custody—penalty)	7
(1)	Section 17(1), words after paragraph (b)— <i>omit, insert—</i>	8 9
	‘commits an offence, and is liable to punishment, to the same extent as if the young offender had escaped or attempted to escape in Queensland from detention under the <i>Youth Justice Act 1992</i> .’	10 11 12 13
(2)	Section 17(2)— <i>omit, insert—</i>	14 15
‘(2)	If the young offender is sentenced to a period of detention or term of imprisonment for the offence against subsection (1), the detention or imprisonment must be served after the expiration of any current period of detention or imprisonment.	16 17 18 19
‘(3)	The period for which the young offender was unlawfully at large must not be counted as part of any current period of detention or imprisonment.	20 21 22
‘(4)	In this section— <i>current period of detention or imprisonment</i> , in relation to a young offender who commits an offence against subsection (1), means a period of detention or term of imprisonment that the young offender was liable to serve at the time of the offence.’	23 24 25 26 27 28

Part 6	Other amendments	1
Clause 45	Schedule amendments	2
(1)	In each provision of an Act or regulation listed in the schedule, part 1, each reference to the <i>Juvenile Justice Act 1992</i> is amended by omitting ‘ <i>Juvenile</i> ’ and inserting ‘ <i>Youth</i> ’.	3 4 5
(2)	In each provision of an Act or regulation listed in the schedule, part 2, each reference to the chief executive (juvenile justice), including in ‘chief executive (juvenile justice)’s’ is amended by omitting ‘juvenile’ and inserting ‘youth’.	6 7 8 9 10
(3)	In each provision of an Act or regulation listed in the schedule, part 3, each reference to the juvenile justice principles is amended by omitting ‘juvenile’ (or ‘ <i>Juvenile</i> ’) and inserting ‘youth’ (or ‘ <i>Youth</i> ’).	11 12 13 14
(4)	The <i>Juvenile Justice Regulation 2003</i> , section 1 is amended by omitting ‘ <i>Juvenile</i> ’ and inserting ‘ <i>Youth</i> ’.	15 16

Schedule	Consequential amendments	1
	section 45	2
Part 1	References to Juvenile Justice Act 1992	3 4
1	Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984	5 6
	• section 19(1)(a)	7
2	Acquisition of Land Act 1967	8
	• schedule, part 9	9
3	Bail Act 1980	10
	• section 6, definitions <i>child</i> and <i>prison</i>	11
	• section 11A(1) and (5)	12
	• section 12(1)	13
	• section 14(2)	14
	• section 15(1)	15
	• section 19B(2) and (7)	16
	• section 19C(1) and (6)	17
	• section 20(3)(b)(i), (3A)(b)(i), (5), (6)(b) and (6)(c)(ii)	18
	• section 28A(1)(ea)	19
	• section 30(1A)	20
4	Building Act 1975	21
	• section 216(3)(e)(ii)	22

5	Child Protection Act 1999	1
	• section 189A, heading, subsections (1) and (5), definition <i>department (juvenile justice)</i> and note	2 3
6	Child Protection (Offender Prohibition Order) Act 2008	4
	• section 44(6), definition <i>relevant Act</i> , paragraph (b)	5
	• schedule, definition <i>chief executive (communities)</i>	6
7	Child Protection (Offender Reporting) Act 2004	7
	• section 5(2)(a)	8
	• section 6(2)	9
	• section 10(1)(d)	10
	• section 13(4)(a)	11
	• section 58(2)(b)	12
	• schedule 3, definitions <i>child detainee</i> , <i>government detention</i> , paragraph (a)(ii), <i>imprisonment</i> , <i>intensive correction order</i> , paragraph (b), <i>supervision order</i> , paragraph (b), <i>unescorted leave of absence</i> , paragraph (b)	13 14 15 16
8	Child Protection (Offender Reporting) Regulation 2004	17
	• section 14(b)(ii) and (c)	18
	• section 19, table, item 2, column 2	19
9	Commission for Children and Young People and Child Guardian Act 2000	20 21
	• section 32(b), (c) and (d)	22
	• section 44(1)	23
	• section 80(1)	24
	• schedule 4, definition <i>detention centre</i>	25

Schedule

10	Coroners Act 2003	1
	• section 10(2), definition <i>custody</i> , paragraph (d)	2
	• section 17(1), examples	3
	• section 47(3), definition <i>relevant act</i> , paragraph (b)(vi)	4
11	Corrective Services Act 2006	5
	• section 6(3)(c)	6
12	Criminal Code Act 1899	7
	• section 119B(1)(c)(ii)	8
	• section 119B(2), definition <i>community justice group</i> , paragraph (b)	9 10
	• section 227C(3), definition <i>supervision order</i> , paragraph (b)	11 12
	• section 615D(a), note	13
	• section 669A(6)	14
13	Criminal Offence Victims Act 1995	15
	• section 14(4)(b)	16
	• section 15(4)(c)	17
	• section 18(3)(c)	18
14	District Court of Queensland Act 1967	19
	• section 61A(2)(b) and (4), definitions <i>adult</i> and <i>child</i>	20
15	Drug Court Act 2000	21
	• section 6(1)(a)	22

16	Drugs Misuse Act 1986	1
	• section 30(1), definition <i>court</i> , paragraph (b)(ii)	2
	• section 121(7)	3
17	Evidence Act 1977	4
	• section 39B(4)	5
	• section 39C, definition <i>external location</i> , paragraph (c)	6
	• section 132C(5), definition <i>allegation of fact</i> , paragraph (b)	7
18	Freedom of Information Act 1992	8
	• schedule 1	9
19	Health (Drugs and Poisons) Regulation 1996	10
	• appendix 9, definition <i>detention centre</i>	11
20	Health Services Regulation 2002	12
	• schedule 3, definition <i>compensation or damages</i> , paragraph (a)(ii)	13 14
21	Jury Act 1995	15
	• schedule 3, definition <i>detention centre employee</i> , paragraphs (a), (b) and (c)	16 17
22	Justice and Other Information Disclosure Act 2008	18
	• section 12(e)	19
	• schedule, definitions <i>chief executive (juvenile justice)</i> , <i>community based order</i> , <i>criminal justice agency</i> , paragraph (c), <i>detention centre</i> , <i>detention centre employee</i> , <i>person in the criminal justice system</i> , paragraphs (d) and (e) and <i>supervised release order</i>	20 21 22 23 24

Schedule

23	Justices Act 1886	1
	• section 222(1), note 2	2
24	Legal Aid Queensland Act 1977	3
	• schedule, definition <i>specified criminal proceeding</i> , paragraph (b)(i)(B)	4 5
25	Mental Health Act 2000	6
	• section 90A(3)(c)	7
	• section 543(1)(b)	8
	• schedule 2, definitions <i>child, detention centre, detention centre officer and parole</i>	9 10
26	Penalties and Sentences Act 1992	11
	• section 6	12
27	Police Powers and Responsibilities Act 2000	13
	• section 84(1)(b), note	14
	• section 103(5), definitions <i>applied section 258</i> and <i>applied section 259</i>	15 16
	• section 104(4)(a)	17
	• section 365(3)	18
	• section 379(2)(b) and (3)	19
	• section 380(3)(b) and (c)	20
	• section 384(3)(b)(ii)	21
	• section 389(7)	22
	• section 399(1)	23
	• section 457(4)(a)	24

	• section 768(5), definitions <i>applied section 258</i> and <i>applied section 259</i>	1 2
	• section 769(4)(a)	3
	• schedule 1	4
	• schedule 3, item 9	5
	• schedule 4	6
	• schedule 6, definitions <i>caution</i> , <i>chief executive (communities)</i> , <i>child</i> , <i>detention centre</i> and <i>detention order</i>	7 8
28	Police Powers and Responsibilities Regulation 2000	9
	• schedule 10, section 44(3)(b)(ii)	10
29	Police Service Administration Act 1990	11
	• section 1.4, definition <i>criminal history</i> , paragraph (c)(ii)(B) and (C)	12 13
	• section 10.2O(2), examples	14
30	South Bank Corporation Act 1989	15
	• section 3, definition <i>child</i>	16
31	State Penalties Enforcement Act 1999	17
	• section 5(1) and (2)	18
32	Terrorism (Preventative Detention) Act 2005	19
	• section 46(7) and (15)	20
	• section 62(1)(a) and (2)	21
	• schedule, definition, <i>detention centre</i>	22

Schedule

33	Weapons Act 1990	1
	• section 151D(6)	2
34	Workers' Compensation and Rehabilitation Act 2003	3
	• section 21(1)(c)	4
35	Young Offenders (Interstate Transfer) Act 1987	5
	• section 3, definition <i>young offender</i> , paragraph (b)	6
	• section 10(2)(a)	7
	• section 13(c)(i) and (ii)	8
Part 2	References to chief executive (juvenile justice)	9 10
36	Child Protection Act 1999	11
	• section 189A(1) and (5), definition <i>chief executive (juvenile justice)</i>	12 13
37	Justice and Other Information Disclosure Act 2008	14
	• section 5(f)(iii)	15
	• schedule, definitions <i>chief executive</i> , paragraph (c) and <i>chief executive (juvenile justice)</i>	16 17

Part 3	References to juvenile justice principles	1 2
38	Juvenile Justice Act 1992	3
	• section 3, heading and subsection (1)	4
	• section 13(1)(a), note	5
	• section 150(1)(b)	6
	• section 263(5)	7
	• section 267(1)(b)	8
	• section 302(4)	9
	• schedule 1, heading	10
	• schedule 4, definition <i>juvenile justice principles</i>	11
39	Juvenile Justice Regulation 2003	12
	• section 36(1)(a)(ii)	13
Part 4	References to department (juvenile justice)	14 15
40	Child Protection Act 1999	16
	• section 189A(1) and (5), definitions <i>chief executive (juvenile justice)</i> and <i>department (juvenile justice)</i>	17 18