



Youth Justice and Other Legislation Amendment Bill 2021



Queensland

Youth Justice and Other Legislation Amendment Bill 2021

Contents

		Page
Part 1	Preliminary	
1	Short title	6
Part 2	Amendment of Penalties and Sentences Act 1992	
2	Act amended	6
3	Amendment of s 179K (Giving details of impact of crime on victim during sentencing)	6
Part 3	Amendment of Police Powers and Responsibilities Act 2000	
4	Act amended	6
5	Amendment of s 30 (Prescribed circumstances for searching persons without warrant)	7
6	Insertion of new ch 2, pt 3A	7
	Part 3A Use of hand held scanners without warrant in public places in prescribed areas	
	39A Definitions for part	7
	39B Meaning of use of hand held scanner	8
	39C Use of hand held scanner in public place in prescribed area without warrant	8
	39D Police requirements if hand held scanner indicates metal	8
	39E Authorisation by senior police officer	9
	39F Safeguards for exercise of powers	9
	39G Effect of part on power to search person without a warrant	11
	39H Expiry of particular provisions	11
7	Amendment of s 69A (Meaning of type 1 and type 2 vehicle related offences)	11
8	Amendment of ch 22, hdg (Provisions about evading police officers)	12
9	Amendment of s 746 (Purpose of chapter)	12

Contents

10	Amendment of s 747 (Definitions for ch 22)	12
11	Amendment of s 754 (Evasion offence)	13
12	Amendment of ch 22, pt 2, div 2, hdg (Matters about investigation of evasion offence)	13
13	Amendment of s 755 (When evasion offence notice may be given to owner of motor vehicle involved in offence)	13
14	Amendment of s 755A (Information to be stated in statutory declaration responding to evasion offence notice)	14
15	Amendment of s 756 (Who may be prosecuted for evasion offence if no response to evasion offence notice)	14
16	Amendment of s 757 (Evidentiary provision)	16
17	Insertion of new ch 24, pt 22	16
	Part 22 Transitional provision for Youth Justice and Other Legislation Amendment Act 2021	
	891 Investigation of type 1 vehicle related offence alleged to have been committed before commencement	16
18	Amendment of sch 6 (Dictionary)	16
Part 4	Amendment of Youth Justice Act 1992	
19	Act amended	19
20	Amendment of s 48 (Releasing children in custody in connection with a charge of an offence)	19
21	Amendment of s 48AA (Matters to be considered in making particular decisions about release and bail)	19
22	Amendment of s 48AC (Representatives of community justice groups must advise of particular matters)	21
23	Amendment of s 48AE (Releasing children whose safety is endangered because of offence)	21
24	Insertion of new s 48AF	21
	48AF Releasing children charged with prescribed indictable offence committed while on release	21
25	Amendment of s 52A (Other conditions of release on bail)	22
26	Insertion of new s 52AA	22
	52AA Court may impose tracking device condition	22
27	Amendment of s 59B (Definitions for part)	26
28	Amendment of s 59E (Proper officer of a court may ask for help to perform functions)	26
29	Amendment of s 150 (Sentencing principles)	26
30	Amendment of s 289 (Recording, use or disclosure for authorised purpose)	27
31	Amendment of s 301A (Protection from liability)	27

32	Insertion of new pt 11, div 19	28
	Division 19 Savings and transitional provisions for Youth Justice and Other Legislation Amendment Act 2021	
	402 Definition for division	28
	403 Application of amended bail provisions	28
	404 Application of show cause provision for bail for prescribed indictable offence committed while on release	28
	405 Effectiveness of tracking device condition after geographical area stops being prescribed or section 52AA expires	29
	406 Application of amended sentencing principles and youth justice principles	30
33	Amendment of sch 1 (Charter of youth justice principles)	30
34	Amendment of sch 4 (Dictionary)	30

2021

A Bill

for

An Act to amend the *Penalties and Sentences Act 1992*, the *Police Powers and Responsibilities Act 2000* and the *Youth Justice Act 1992* 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 *Youth Justice and Other
Legislation Amendment Act 2021*. 4
5

**Part 2 Amendment of Penalties and
Sentences Act 1992** 6
7

Clause 2 Act amended 8

This part amends the *Penalties and Sentences Act 1992*. 9

**Clause 3 Amendment of s 179K (Giving details of impact of crime
on victim during sentencing)** 10
11

Section 179K(3), note, ‘section 150(1)(h)’— 12

omit, insert— 13

section 150(1)(j) 14

**Part 3 Amendment of Police Powers
and Responsibilities Act 2000** 15
16

Clause 4 Act amended 17

This part amends the *Police Powers and Responsibilities Act
2000*. 18
19

Clause 5	Amendment of s 30 (Prescribed circumstances for searching persons without warrant)	1
		2
	Section 30(1)—	3
	<i>insert—</i>	4
	(l) the person has failed to comply with a requirement under section 39C or 39D(2) of a police officer.	5
		6
		7
Clause 6	Insertion of new ch 2, pt 3A	8
	Chapter 2—	9
	<i>insert—</i>	10
	Part 3A	11
	Use of hand held scanners without warrant in public places in prescribed areas	12
		13
		14
		15
	39A Definitions for part	16
	In this part—	17
	<i>Broadbeach CBD safe night precinct</i> means the area prescribed under the <i>Liquor Act 1992</i> , section 173NC(1) as the Broadbeach CBD safe night precinct.	18
		19
		20
		21
	<i>prescribed area</i> means—	22
	(a) the Broadbeach CBD safe night precinct; or	23
	(b) the Surfers Paradise CBD safe night precinct.	24
		25
	<i>Surfers Paradise CBD safe night precinct</i> means the area prescribed under the <i>Liquor Act 1992</i> , section 173NC(1) as the Surfers Paradise CBD safe night precinct.	26
		27
		28
		29

[s 6]

<i>use</i> , of a hand held scanner, in relation to a person, see section 39B.	1 2
39B Meaning of <i>use</i> of hand held scanner	3
<i>Use</i> , of a hand held scanner, in relation to a person, means—	4 5
(a) to pass a hand held scanner in close proximity to the person; or	6 7
(b) to pass a hand held scanner in close proximity to the person’s belongings.	8 9
39C Use of hand held scanner in public place in prescribed area without warrant	10 11
If an authorisation is given under section 39E in relation to a prescribed area, a police officer may, without a warrant, in a public place in the prescribed area, require a person to stop and submit to the use of a hand held scanner in relation to the person to ascertain whether the person has a knife.	12 13 14 15 16 17 18
39D Police requirements if hand held scanner indicates metal	19 20
(1) This section applies if a police officer requires a person in a public place in a prescribed area to submit to the use of a hand held scanner in relation to the person and the hand held scanner indicates the presence or likely presence of metal.	21 22 23 24 25
(2) The police officer may require the person—	26
(a) to produce the thing that may be causing the hand held scanner to indicate the presence or likely presence of metal; and	27 28 29
(b) to resubmit to the use of a hand held scanner in relation to the person.	30 31

Note—

See also sections 29 and 30(1)(l) for the power to search
a person without a warrant.

39E Authorisation by senior police officer

- (1) A senior police officer may authorise the use of a
hand held scanner in relation to a person, by a
police officer, in a public place in a prescribed
area.
- (2) The authorisation must state—
- (a) the day and time the authorisation starts; and
 - (b) the prescribed area for which the
authorisation is given.
- (3) The authorisation has effect for 12 hours after the
authorisation starts.
- (4) In this section—
- senior police officer* means—
- (a) a police officer of at least the rank of
inspector; or
 - (b) a police officer of at least the rank of senior
sergeant authorised by the commissioner to
give an authorisation under this section.

39F Safeguards for exercise of powers

- (1) This section applies if a police officer exercises a
power under this part to require a person to stop
and submit, or resubmit, to the use of a hand held
scanner in relation to the person.
- (2) The police officer must exercise the power in the
least invasive way that is practicable in the
circumstances.
- (3) The police officer may detain the person for so
long as is reasonably necessary to exercise the

[s 6]

- | | |
|---|----------------------|
| power. | 1 |
| (4) The police officer must— | 2 |
| (a) if requested by the person, inform the person of the police officer’s name, rank and station; and | 3
4
5 |
| (b) if requested by the person, provide the information mentioned in paragraph (a) in writing; and | 6
7
8 |
| (c) produce the police officer’s identity card for inspection by the person, unless the police officer is in uniform; and | 9
10
11 |
| (d) inform the person that the person is required to submit to the use of a hand held scanner; and | 12
13
14 |
| (e) offer to give the person a notice that complies with subsection (5); and | 15
16 |
| (f) if the person accepts an offer under paragraph (e)—give the person a notice that complies with subsection (5). | 17
18
19 |
| (5) A notice under subsection (4)(e) or (f) must be in writing and state— | 20
21 |
| (a) the person is in a public place in a prescribed area; and | 22
23 |
| (b) a police officer is empowered to require the person to— | 24
25 |
| (i) stop and submit, or resubmit, to the use of a hand held scanner in relation to the person; and | 26
27
28 |
| (ii) produce a thing that may be causing a hand held scanner to indicate the presence or likely presence of metal; and | 29
30
31
32 |

	(c) it is an offence for the person not to comply with the requirement unless the person has a reasonable excuse.	1 2 3
	(6) If reasonably practicable, the police officer must be of the same sex as the person.	4 5
	(7) Section 637 does not apply if a police officer stops or detains a person under this part.	6 7
	39G Effect of part on power to search person without a warrant	8 9
	To remove any doubt, it is declared that this part does not affect the power of a police officer to search a person without a warrant under part 2, division 2.	10 11 12 13
	39H Expiry of particular provisions	14
	The following provisions expire 2 years after the commencement—	15 16
	(a) section 30(1)(l);	17
	(b) this part;	18
	(c) schedule 6, definitions <i>Broadbeach CBD safe night precinct, enforcement act</i> , paragraph (a)(ia), <i>prescribed area, search</i> , paragraph (d), <i>Surfers Paradise CBD safe night precinct</i> and <i>use</i> , paragraph (aa).	19 20 21 22 23
Clause 7	Amendment of s 69A (Meaning of <i>type 1</i> and <i>type 2 vehicle related offences</i>)	24 25
	Section 69A(1)(b)—	26
	<i>omit, insert—</i>	27
	(b) an evasion offence.	28

[s 8]

Clause 8	Amendment of ch 22, hdg (Provisions about evading police officers)	1 2
	Chapter 22, heading, ‘evading police officers’—	3
	<i>omit, insert—</i>	4
	type 1 vehicle related offences	5
Clause 9	Amendment of s 746 (Purpose of chapter)	6
	(1) Section 746(1)—	7
	<i>omit, insert—</i>	8
	(1) The purpose of this chapter is to enhance community safety by—	9 10
	(a) reducing the need for police officers to use a police service motor vehicle to pursue another motor vehicle if the driver fails to stop when directed; and	11 12 13 14
	(b) helping police officers investigate type 1 vehicle related offences.	15 16
	(2) Section 746(2)(b), ‘evasion offences’—	17
	<i>omit, insert—</i>	18
	type 1 vehicle related offences	19
Clause 10	Amendment of s 747 (Definitions for ch 22)	20
	(1) Section 747, heading, ‘ch 22’—	21
	<i>omit, insert—</i>	22
	chapter	23
	(2) Section 747, definition <i>evasion offence</i> —	24
	<i>omit.</i>	25
	(3) Section 747, definition <i>nominated person</i> , ‘an evasion offence’—	26 27
	<i>omit, insert—</i>	28

	a type 1 vehicle related offence	1
(4)	Section 747, definition <i>nominated person</i> , ‘the evasion offence’—	2
	<i>omit, insert</i> —	3
		4
	the type 1 vehicle related offence	5
Clause 11	Amendment of s 754 (Evasion offence)	6
(1)	Section 754(4)—	7
	<i>omit.</i>	8
(2)	Section 754(5) to (8)—	9
	<i>renumber</i> as section 754(4) to (7).	10
Clause 12	Amendment of ch 22, pt 2, div 2, hdg (Matters about investigation of evasion offence)	11
	Chapter 22, part 2, division 2, heading, ‘evasion offence’—	12
	<i>omit, insert</i> —	13
		14
	type 1 vehicle related offences	15
Clause 13	Amendment of s 755 (When evasion offence notice may be given to owner of motor vehicle involved in offence)	16
(1)	Section 755, heading, ‘evasion offence notice’—	17
	<i>omit, insert</i> —	18
		19
	type 1 vehicle related offence notice	20
(2)	Section 755(1), ‘an evasion offence’—	21
	<i>omit, insert</i> —	22
		23
	a type 1 vehicle related offence	24
(3)	Section 755(2), ‘an <i>evasion offence notice</i> ’—	25
	<i>omit, insert</i> —	26
		27
	a type 1 vehicle related offence notice	28

[s 14]

- | | | |
|-----|---|---|
| (4) | Section 755(3) and (4), ‘evasion offence notice’— | 1 |
| | <i>omit, insert—</i> | 2 |
| | type 1 vehicle related offence notice | 3 |
| (5) | Section 755(3) and (6), ‘the evasion offence’— | 4 |
| | <i>omit, insert—</i> | 5 |
| | the type 1 vehicle related offence | 6 |

- | | | | |
|------------------|---|---|----|
| Clause 14 | Amendment of s 755A (Information to be stated in statutory declaration responding to evasion offence notice) | 7 | |
| | | 8 | |
| | | 9 | |
| | (1) | Section 755A, heading, ‘evasion offence notice’— | 10 |
| | | <i>omit, insert—</i> | 11 |
| | | type 1 vehicle related offence notice | 12 |
| | (2) | Section 755A(1), ‘an evasion offence notice’— | 13 |
| | | <i>omit, insert—</i> | 14 |
| | | a type 1 vehicle related offence notice | 15 |
| (3) | Section 755A(1), ‘in an evasion offence’— | 16 | |
| | <i>omit, insert—</i> | 17 | |
| | in a type 1 vehicle related offence | 18 | |
| (4) | Section 755A(2), (3) and (4), ‘evasion offence’— | 19 | |
| | <i>omit, insert—</i> | 20 | |
| | type 1 vehicle related offence | 21 | |
| Clause 15 | Amendment of s 756 (Who may be prosecuted for evasion offence if no response to evasion offence notice) | 22 | |
| | | 23 | |
| | (1) | Section 756, heading, from ‘for’— | 24 |
| | | <i>omit, insert—</i> | 25 |
| | | for type 1 vehicle related offence if no response to type 1 vehicle related offence notice | 26 |
| | | 27 | |

-
- (2) Section 756(1)(a), ‘an evasion offence notice’— 1
omit, insert— 2
a type 1 vehicle related offence notice 3
- (3) Section 756(2), (4) and (9), ‘evasion offence’— 4
omit, insert— 5
type 1 vehicle related offence 6
- (4) Section 756(7)(b), ‘evasion offence notice’— 7
omit, insert— 8
type 1 vehicle related offence notice 9
- (5) Section 756— 10
insert— 11
- (7A) Subsection (9) applies for a proceeding 12
mentioned in subsection (4) for a type 1 vehicle 13
related offence that is an offence against the 14
Criminal Code, section 328A. 15
- (7B) The court may grant leave to the person to rely on 16
evidence in the defence that is information the 17
person was required to include in a statutory 18
declaration under section 755A, even if the person 19
has not complied with subsection (5)(a), if the 20
interests of justice require that the person be able 21
to rely on the evidence. 22
- (6) Section 756(8) and (10), ‘Subsection (9)’— 23
omit, insert— 24
Subsection (11) 25
- (7) Section 756(11), definition *relevant evasion offence*— 26
omit, insert— 27
relevant type 1 vehicle related offence means the 28
type 1 vehicle related offence to which the type 1 29
vehicle related offence notice relates. 30
- (8) Section 756(7A) to (11)— 31
-

[s 16]

renumber as section 756(8) to (13). 1

Clause 16 Amendment of s 757 (Evidentiary provision) 2

(1) Section 757(1) and (4), ‘an evasion offence’— 3

omit, insert— 4

a type 1 vehicle related offence 5

(2) Section 757(3), ‘evasion offence’— 6

omit, insert— 7

type 1 vehicle related offence 8

Clause 17 Insertion of new ch 24, pt 22 9

Chapter 24— 10

insert— 11

Part 22 Transitional provision 12

for Youth Justice and 13

Other Legislation 14

Amendment Act 2021 15

891 Investigation of type 1 vehicle related offence 16

alleged to have been committed before 17

commencement 18

Chapter 22, part 2, divisions 2 and 3, as amended 19

by the *Youth Justice and Other Legislation* 20

Amendment Act 2021, applies in relation to the 21

investigation of a type 1 vehicle related offence 22

only if the offence was allegedly committed after 23

the commencement. 24

Clause 18 Amendment of sch 6 (Dictionary) 25

(1) Schedule 6, definitions *corresponding law, evasion offence* 26

and *owner—* 27

<i>omit.</i>	1
(2) Schedule 6—	2
<i>insert</i> —	3
<i>Broadbeach CBD safe night precinct</i> , for chapter 2, part 3A, see section 39A.	4 5
<i>corresponding law</i> —	6
(a) for chapter 22—see section 747; or	7
(b) generally—means a law of another State or the Commonwealth, declared under a regulation to be a law corresponding with this Act or a stated provision of it, whether that provision relates to—	8 9 10 11 12
(i) forensic procedures; or	13
(ii) the acquisition or use of assumed identities; or	14 15
(iii) the conduct of controlled operations; or	16
(iv) the use of surveillance devices; or	17
(v) another matter for which this Act expressly authorises the doing of something in relation to a jurisdiction for which there is a corresponding law for the purpose.	18 19 20 21 22
<i>evasion offence</i> means an offence against section 754(2).	23 24
<i>nominated person</i> , in relation to a type 1 vehicle related offence, for chapter 22, see section 747.	25 26
<i>owner</i> , of a motor vehicle—	27
(a) for chapter 4, includes—	28
(i) a person in whose name the vehicle is registered under a transport Act or a corresponding law, within the meaning	29 30 31

[s 18]

- of the Road Use Management Act, 1
schedule 4, of another State; and 2
- (ii) a holder of a security interest registered 3
for the vehicle under the *Personal* 4
Property Securities Act 2009 (Cwlth); 5
or 6
- (b) for chapter 22—see section 747. 7
- prescribed area***, for chapter 2, part 3A, see 8
section 39A. 9
- Surfers Paradise CBD safe night precinct***, for 10
chapter 2, part 3A, see section 39A. 11
- type 1 vehicle related offence notice*** see section 12
755(2). 13
- (3) Schedule 6, definition *enforcement act*, paragraph (a)— 14
insert— 15
- (ia) by requiring the person to do either of the 16
following— 17
- (A) stop and submit, or resubmit, to the use 18
of a hand held scanner in relation to the 19
person under chapter 2, part 3A; 20
- (B) produce a thing that may be causing a 21
hand held scanner to indicate the 22
presence or likely presence of metal 23
under chapter 2, part 3A; or 24
- (4) Schedule 6, definition *search—* 25
insert— 26
- (d) does not include the use of a hand held 27
scanner, in relation to a person, under 28
chapter 2, part 3A. 29
- (5) Schedule 6, definition *use*, before paragraph (a)— 30
insert— 31

[s 21]

other person will do any of the following things—	1 2
(A) support the child to comply with the conditions imposed on a grant of bail;	3 4
(B) notify the chief executive or a police officer of a change in the child’s personal circumstances that may affect the child’s ability to comply with the conditions imposed on a grant of bail;	5 6 7 8 9
(C) notify the chief executive or a police officer of a breach of the conditions imposed on a grant of bail;	10 11 12
(4) Section 48AA(4)(a)(va) to (vii)— <i>renumber</i> as section 48AA(4)(a)(vi) to (viii).	13 14
(5) Section 48AA(4)(b), ‘subsection (1)(c)’— <i>omit, insert</i> — subsection (1)(d)	15 16 17
(6) Section 48AA(7)— <i>omit, insert</i> —	18 19
(7) The court or police officer must not decide there is an unacceptable risk of a matter mentioned in section 48AAA(2) or (3), or to refuse to release a child from custody, solely because 1 or both of the following apply—	20 21 22 23 24
(a) the child has no apparent family support;	25
(b) the child will not have accommodation, or adequate accommodation, on release from custody.	26 27 28
(7) Section 48AA(6) to (8)— <i>renumber</i> as section 48AA(5) to (7).	29 30

Clause 22	Amendment of s 48AC (Representatives of community justice groups must advise of particular matters)	1 2
	Section 48AC(1), ‘section 48AA(4)(a)(vi)’—	3
	<i>omit, insert—</i>	4
	section 48AA(4)(a)(vii)	5
Clause 23	Amendment of s 48AE (Releasing children whose safety is endangered because of offence)	6 7
	Section 48AE(3)(a) and (b)—	8
	<i>omit, insert—</i>	9
	(a) the child has no apparent family support; or	10
	(b) the child will not have accommodation, or adequate accommodation, on release from custody.	11 12 13
Clause 24	Insertion of new s 48AF	14
	After section 48AE—	15
	<i>insert—</i>	16
	48AF Releasing children charged with prescribed indictable offence committed while on release	17 18
	(1) This section applies in relation to a child in custody in connection with a charge of a prescribed indictable offence if the offence is alleged to have been committed—	19 20 21 22
	(a) while the child was released into the custody of a parent, or at large with or without bail, between the day of the child’s apprehension and the day of the child’s committal for trial for another indictable offence; or	23 24 25 26 27
	(b) while the child was awaiting trial, or sentencing, for another indictable offence.	28 29
	(2) A court or police officer must refuse to release the	30

[s 25]

	child from custody unless the child shows cause why the child’s detention in custody is not justified.	1 2 3
	(3) If a court releases the child, the order releasing the child must state the reasons for the decision.	4 5
	(4) If a police officer releases the child, the police officer must make a record of the reasons for the decision.	6 7 8
Clause 25	Amendment of s 52A (Other conditions of release on bail)	9
	(1) Section 52A(5), ‘The court or police officer’— <i>omit, insert—</i>	10 11
	A police officer	12
	(2) Section 52A(5)— <i>insert—</i>	13 14
	<i>Note—</i>	15
	See also section 52AA.	16
Clause 26	Insertion of new s 52AA	17
	After section 52A— <i>insert—</i>	18 19
	52AA Court may impose tracking device condition	20
	(1) A court may, under section 52A(2), impose on a grant of bail to a child a condition that the child must wear a tracking device while released on bail (a <i>tracking device condition</i>) if—	21 22 23 24
	(a) the child is at least 16 years; and	25
	(b) the offence in relation to which bail is being granted is a prescribed indictable offence; and	26 27 28

-
- (c) the child has previously been found guilty of at least 1 indictable offence; and 1
2
- (d) the court is in a geographical area prescribed by regulation; and 3
4
- (e) the child lives in a geographical area prescribed by regulation; and 5
6
- (f) the court is satisfied, in addition to being satisfied of the matters mentioned in section 52A(2), that imposing the tracking device condition is appropriate having regard to the following matters— 7
8
9
10
11
- (i) whether the child has the capacity to understand the condition and any conditions under subsection (2); 12
13
14
- (ii) whether the child is likely to comply with the condition and any conditions under subsection (2) having regard to the personal circumstances of the child; 15
16
17
18
- Examples of personal circumstances of a child for subparagraph (ii)—* 19
20
- whether the child has stable accommodation 21
22
 - whether the child has the support of a parent or another person to assist with compliance with the conditions 23
24
25
 - whether the child has access to a mobile phone to facilitate contact with any tracking device monitoring service 26
27
28
 - whether the child has access to an electricity supply 29
30
- (iii) whether a parent of the child, or another person, has indicated a willingness to the court to do any of the things mentioned in section 48AA(4)(a)(vi); 31
32
33
34
35

[s 26]

- (iv) any other matter the court considers relevant. 1
2
- Note—* 3
- See the *Human Rights Act 2019*, sections 19, 22, and 25 to 28. 4
5
- (2) If bail for a child is subject to a tracking device condition, the court may impose any other condition the court considers necessary to facilitate the operation of the tracking device. 6
7
8
9
- Examples of conditions a court may consider necessary to facilitate the operation of a tracking device required to be worn by a child—* 10
11
12
- a condition that requires the child to attend at a stated place to be fitted with the tracking device 13
14
 - a condition that requires the child to take stated and other reasonable steps to ensure the tracking device and any equipment necessary for the operation of the tracking device are, or remain, in good working order 15
16
17
18
19
 - a condition that requires the child to permit a police officer to enter stated premises to install equipment necessary for the operation of the tracking device 20
21
22
 - a condition that requires the child to permit a police officer to take stated and other reasonable steps to ensure the tracking device and any equipment necessary for the operation of the tracking device are, or remain, in good working order 23
24
25
26
27
 - a condition that requires the child to comply with a direction given by a police officer that is reasonably necessary for the operation of the tracking device 28
29
30
- (3) A court, before it imposes on a grant of bail to a child a tracking device condition, must order the chief executive to give to the court a report (a ***suitability assessment report***) containing the chief executive's opinion about the child's suitability for a tracking device condition having regard to the matters mentioned in subsection (1)(f). 31
32
33
34
35
36
37
38
- (4) If the court makes an order under subsection (3), 39

-
- the chief executive must give the court the suitability assessment report—
- (a) within the period stated by the court under subsection (3); or
- (b) if no period has been stated by the court—as soon as practicable after the order is made.
- (5) The court must consider a suitability assessment report given to the court under subsection (4).
- (6) If the court, under section 52A(2), imposes on a grant of bail to a child a tracking device condition and other conditions under subsection (2), the chief executive must make all necessary and convenient arrangements to ensure the imposition of the conditions.
- (7) The chief executive may, for the performance of the chief executive’s function under subsection (6)—
- (a) ask the commissioner of the police service to fit the tracking device to, or remove the tracking device from, the child; and
- (b) ask the chief executive (corrective services) to do any of the following—
- (i) remotely monitor the tracking device;
- (ii) contact the child on a mobile phone in relation to an alert or notification from the tracking device;
- (iii) give information relating to alerts and notifications from the tracking device to the chief executive and the commissioner of the police service.
- (8) The commissioner of the police service and the chief executive (corrective services) must comply with a request under subsection (7).
- (9) The chief executive (corrective services) may
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[s 27]

	delegate a function requested under subsection (7)(b) to a corrective services officer.	1 2
	(10) This section expires 2 years after the commencement.	3 4
	(11) In this section— <i>function</i> includes a power.	5 6
Clause 27	Amendment of s 59B (Definitions for part)	7
	Section 59B, definition <i>corrective services officer</i> — <i>omit.</i>	8 9
Clause 28	Amendment of s 59E (Proper officer of a court may ask for help to perform functions)	10 11
	Section 59E(4)— <i>omit.</i>	12 13
Clause 29	Amendment of s 150 (Sentencing principles)	14
	(1) Section 150(1)— <i>insert</i> —	15 16
	(ea) the presence of any aggravating or mitigating factor concerning the child; and	17 18
	(eb) without limiting paragraph (f), whether the child committed the offence—	19 20
	(i) while released into the custody of a parent, or at large with or without bail, for another offence; or	21 22 23
	(ii) after being committed for trial, or awaiting trial or sentencing, for another offence; and	24 25 26
	(2) Section 150(1)(ea) to (k)— <i>renumber</i> as section 150(1)(f) to (m).	27 28

-
- (3) Section 150(4), ‘subsection (1)(g)’— 1
omit, insert— 2
subsection (1)(i) 3

Clause 30 Amendment of s 289 (Recording, use or disclosure for authorised purpose) 4
5

- (1) Section 289(c)(i), ‘section 48AA(4)(a)(vi)’— 6
omit, insert— 7
section 48AA(4)(a)(vii) 8
- (2) Section 289(c)(ii), ‘section 150(1)(g)’— 9
omit, insert— 10
section 150(1)(i) 11
- (3) Section 289— 12
insert— 13
(ca) if the person is the chief executive 14
(corrective services) or a person to whom a 15
function has been delegated under section 16
52AA(9)—for the purpose of performing a 17
function under section 52AA(7)(b)(iii); or 18
- (4) Section 289— 19
insert— 20
(2) Subsection (1)(ca) and this subsection expire 2
years after the commencement. 22

Clause 31 Amendment of s 301A (Protection from liability) 23

- (1) Section 301A(1)(b)(i), ‘section 48AA(4)(a)(vi)’— 24
omit, insert— 25
section 48AA(4)(a)(vii) 26
- (2) Section 301A(1)(b)(ii), ‘section 150(1)(g)’— 27
omit, insert— 28

[s 32]

	section 150(1)(i)	1	
Clause 32	Insertion of new pt 11, div 19	2	
	Part 11—	3	
	<i>insert—</i>	4	
	Division 19	Savings and transitional provisions for Youth Justice and Other Legislation Amendment Act 2021	5
			6
			7
			8
			9
	402 Definition for division	10	
	In this division—	11	
	<i>amending Act</i> means the <i>Youth Justice and Other Legislation Amendment Act 2021</i> .	12	
		13	
	403 Application of amended bail provisions	14	
	Sections 48AA, 52A and 52AA, as amended or inserted by the amending Act, apply in relation to a child in custody in connection with a charge of an offence whether the offence was allegedly committed, or the child was charged, or any step in the proceeding for the offence was taken, before or after the commencement.	15	
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	404 Application of show cause provision for bail for prescribed indictable offence committed while on release	22	
		23	
		24	
	(1) Section 48AF, as inserted by the amending Act, applies in relation to a child in custody in connection with a charge of a prescribed indictable offence whether the offence was	25	
		26	
		27	
		28	

allegedly committed, or the child was charged, or 1
any step in the proceeding for the offence was 2
taken, before or after the commencement. 3

- (2) Also, section 48AF, as inserted by the amending 4
Act, applies in relation to a child mentioned in 5
subsection (1) whether another indictable offence 6
in relation to which the child was released into the 7
custody of a parent, or at large with or without 8
bail, or awaiting committal for trial, trial or 9
sentencing, was allegedly committed, or the child 10
was charged, or any step in the proceeding for the 11
offence was taken, before or after the 12
commencement. 13

**405 Effectiveness of tracking device condition 14
after geographical area stops being 15
prescribed or section 52AA expires 16**

- (1) This section applies if— 17
- (a) a court imposes, under section 52A(2), on a 18
grant of bail to a child a tracking device 19
condition for a stated period; and 20
- (b) any of the following events happens before 21
the end of the stated period— 22
- (i) the court stops being in a geographical 23
area prescribed under section 24
52AA(1)(d); 25
- (ii) the child stops living in a geographical 26
area prescribed under section 27
52AA(1)(e); 28
- (iii) section 52AA expires. 29
- (2) The tracking device condition is taken to be 30
effective until the end of the stated period despite 31
the happening of any of the events. 32

[s 33]

406 Application of amended sentencing principles and youth justice principles 1
2

Section 150 and schedule 1, as amended by the 3
amending Act, apply in relation to a child charged 4
with an offence whether the offence was allegedly 5
committed, or the child was charged, or any step 6
in the proceeding for the offence was taken, 7
before or after the commencement. 8

- Clause 33 Amendment of sch 1 (Charter of youth justice principles)** 9
Schedule 1, item 1, after ‘offences’— 10
insert— 11
and, in particular, recidivist high-risk offenders 12

- Clause 34 Amendment of sch 4 (Dictionary)** 13
(1) Schedule 4, definitions *corrective services officer* and *tracking device*— 14
omit. 15
omit. 16
(2) Schedule 4— 17
insert— 18
chief executive (corrective services) means the 19
chief executive of the department in which the 20
Correctives Services Act 2006 is administered. 21
corrective services officer see the *Corrective Services Act 2006*, schedule 4. 22
prescribed indictable offence means— 23
(a) a life offence; or 24
(b) an offence of a type that, if committed by an 25
adult, would make the adult liable to 26
imprisonment for 14 years or more, other 27
than an offence against the *Drugs Misuse Act 1986*, section 9(1) for which the 28
29
30

maximum penalty is 15 years imprisonment;	1
or	2
(c) an offence against any of the following provisions of the Criminal Code—	3
(i) section 315A;	4
(ii) section 323;	5
(iii) section 328A;	6
(iv) section 339;	7
(v) section 408A(1), if the offence involves a motor vehicle and the child charged with the offence was allegedly the driver of the motor vehicle;	8
(vi) section 408A(1A) or (1B);	9
(vii) section 412.	10
<i>tracking device</i> means an electronic device capable of being worn, and not removed, by a person for the purpose of the chief executive, the Queensland Police Service, or the chief executive (corrective services), finding or monitoring the geographical location of the person.	11
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