



Queensland

Strengthening Community Safety Bill 2023



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2023

A Bill

for

An Act to amend the *Bail Act 1980*, the Criminal Code, 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 *Strengthening Community Safety Act 2023*. 4
5

Part 2 Amendment of Bail Act 1980 6

Clause 2 Act amended 7
This part amends the *Bail Act 1980*. 8

Clause 3 Amendment of s 11 (Conditions of release on bail) 9
Section 11(9), first note, ‘section 29(2)(c)’— 10
omit, insert— 11
section 29(2)(b) 12

Clause 4 Amendment of s 11AB (Condition requiring completion of DAAR course) 13
Section 11AB(2), first note, ‘section 29(2)(c)’— 14
omit, insert— 15
section 29(2)(b) 16
17

Clause 5 Amendment of s 29 (Offence to breach conditions of bail) 18
(1) Section 29(2)(a)— 19
omit. 20

-
- (2) Section 29(2)(b) and (c)— 1
renumber as section 29(2)(a) and (b). 2
- (3) Section 29— 3
insert— 4
- (3) For the purposes of the *Human Rights Act 2019*, 5
section 43(1), it is declared that this section has 6
effect in relation to a defendant who is a child— 7
- (a) despite being incompatible with human 8
rights; and 9
- (b) despite anything else in the *Human Rights 10
Act 2019*. 11
- Note*— 12
Under the *Human Rights Act 2019*, section 45(2), this 13
subsection expires 5 years after the commencement. 14

- Clause 6 Insertion of new s 50** 15
- After section 49— 16
- insert*— 17
- 50 Transitional provision for Strengthening 18
Community Safety Act 2023** 19
- Section 29 applies to a break by a defendant who 20
is a child of a condition of an undertaking if the 21
undertaking was entered into after the 22
commencement. 23

Part 3 Amendment of Criminal Code 24

- Clause 7 Code amended** 25
- This part amends the Criminal Code. 26

[s 8]

Clause 8	Amendment of s 408A (Unlawful use or possession of motor vehicles, aircraft or vessels)	1 2
(1)	Section 408A(1), ‘7 years’—	3
	<i>omit, insert—</i>	4
	10 years	5
(2)	Section 408A(1A), ‘10 years’—	6
	<i>omit, insert—</i>	7
	12 years	8
(3)	Section 408A(1B) and (1C)—	9
	<i>omit, insert—</i>	10
	(1B) If the offender publishes material on a social media platform or an online social network to—	11 12
	(a) advertise the offender’s involvement in the offence; or	13 14
	(b) advertise the act or omission constituting the offence;	15 16
	the offender is liable to imprisonment for 12 years.	17 18
	(1C) If—	19
	(a) the offence is committed in the night; or	20
	(b) the offender—	21
	(i) uses or threatens to use actual violence; or	22 23
	(ii) is or pretends to be armed with a dangerous or offensive weapon, instrument or noxious substance; or	24 25 26
	(iii) is in company with 1 or more persons; or	27 28
	(iv) damages, or threatens or attempts to damage, any property;	29 30
	the offender is liable to imprisonment for 14	31

years.	1
(1D) Subsections (1) to (1C) do not apply if the accused person had the lawful consent of the owner of the motor vehicle, aircraft or vessel to its use or possession by the accused person.	2 3 4 5
(1E) The accused person bears the evidential burden in relation to the matters stated in subsection (1D).	6 7
(4) Section 408A(3)—	8
<i>insert—</i>	9
<i>advertise</i> means attract the notice and attention of the public or a limited section of the public.	10 11
<i>material</i> includes anything that contains data from which text, images or sound can be generated.	12 13 14
Clause 9 Amendment of s 552BB (Excluded offences)	15
(1) Section 552BB, table, entry for section 408A, column 3, section 2, ‘10 years’—	16 17
<i>omit, insert—</i>	18
12 years under section 408A(1A)	19
(2) Section 552BB, table, entry for section 408A, column 3, section 3—	20 21
<i>omit, insert—</i>	22
3 The offender is liable to imprisonment for 14 years under section 408A(1C)(b)(i) or (ii).	

[s 10]

4 The offender is liable to imprisonment for 14 years under section 408A(1C)(b)(iv), the value of any damage caused to property is equal to or more than the prescribed value and the offender does not plead guilty.

Clause 10	Insertion of new pt 9, ch 107	1
	Part 9—	2
	<i>insert</i> —	3
	Chapter 107 Transitional provisions for Strengthening Community Safety Act 2023	4 5 6 7 8
	758 Proceedings for charge for offence against former s 408A(1B)	9 10
	(1) This section applies in relation to an offence against section 408A(1) to which section 408A(1B) (as in force immediately before the commencement) applied, committed by a person before the commencement.	11 12 13 14 15
	(2) Without limiting the <i>Acts Interpretation Act 1954</i> , section 20, a proceeding for the offence may be continued or started, and the person may be convicted of and punished for the offence, as if the <i>Strengthening Community Safety Act 2023</i> , section 3 had not commenced.	16 17 18 19 20 21
	(3) Subsection (2) applies despite section 11.	22

759 Application of particular provisions to charge for offence against former s 408A(1B)	1
	2
(1) Section 408A(1D) and (1E) apply in relation to a charge for an offence against section 408(1) to which section 408A(1B) (as in force immediately before the commencement) applied, whether an originating step for the proceeding for the charge was taken before or after the commencement.	3
	4
	5
	6
	7
	8
(2) Section 552BB, table, entry for section 408A, column 3, section 3, as in force immediately before the commencement, continues to apply in relation to a charge for an offence against section 408A(1) to which section 408A(1B) (as in force immediately before the commencement) applied, whether an originating step for the proceeding for the charge was taken before or after the commencement.	9
	10
	11
	12
	13
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	16
	17

Part 4	Amendment of Police Powers and Responsibilities Act 2000	18
		19

Clause 11	Act amended	20
	This part amends the <i>Police Powers and Responsibilities Act 2000</i> .	21
		22
Clause 12	Amendment of s 367 (Arrest of person granted bail)	23
	Section 367(3)(a)(i), note—	24
	<i>omit, insert—</i>	25
	<i>Notes—</i>	26
	1 For the matters a police officer must consider before arresting a child in particular circumstances under this subparagraph, see the <i>Youth Justice Act 1992</i> , section 59A.	27
		28
		29
		30
	2 For the matters a police officer may consider before arresting a child in particular circumstances under	31
		32

	(ii) section 323;	1
	(iii) section 328A;	2
	(iv) section 339;	3
	(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;	4 5 6 7
	(vi) section 408A(1) to which section 408A(1A) applies;	8 9
	(vii) section 412.	10
Clause 15	Amendment of s 59A (Police officers must consider alternatives to arrest for contraventions of bail conditions)	11 12 13
	(1) Section 59A(1)(b), after ‘offence’—	14
	<i>insert—</i>	15
	, other than an offence against the <i>Bail Act 1980</i> , section 29	16 17
	(2) Section 59A(1)—	18
	<i>insert—</i>	19
	(c) the grant of bail relates to a charge of an offence other than—	20 21
	(i) a prescribed indictable offence; or	22
	(ii) an offence against the <i>Domestic and Family Violence Prevention Act 2012</i> , section 177(2) or 178(2).	23 24 25
	(3) Section 59A(2), after ‘the child’—	26
	<i>insert—</i>	27
	and the grant of bail relates to a charge of an offence other than an offence mentioned in subsection (1)(c)(i) or (ii)	28 29 30

[s 16]

- (4) Section 59A(6)— 1
omit. 2

Clause 16 Insertion of new s 59AA 3

After section 59A— 4

insert— 5

**59AA Police officers may consider alternatives to 6
arrest for contraventions of bail 7
conditions—bail granted for serious indictable 8
offence etc.** 9

(1) This section applies if— 10

(a) a police officer reasonably suspects a child 11
has contravened or is contravening a 12
condition imposed on a grant of bail to the 13
child; and 14

(b) the contravention is not an offence, other 15
than an offence against the *Bail Act 1980*, 16
section 29; and 17

(c) the grant of bail relates to— 18

(i) a charge of a prescribed indictable 19
offence; or 20

(ii) a charge of an offence against the 21
*Domestic and Family Violence 22
Protection Act 2012*, section 177(2) or 23
178(2). 24

(2) This section also applies if a police officer 25
reasonably suspects a child is likely to contravene 26
a condition imposed on a grant of bail to the child 27
and the grant of bail relates to a charge of an 28
offence mentioned in subsection (1)(c)(i) or (ii). 29

(3) Before arresting the child under the *Police 30
Powers and Responsibilities Act 2000*, section 31
367(3)(a)(i) in relation to the contravention or 32
likely contravention, a police officer may first 33

	consider whether, in all the circumstances, it	1
	would be more appropriate to do 1 of the actions	2
	mentioned in section 59A(3)(a) to (c).	3
	(4) For subsection (3), the circumstances the police	4
	officer may consider include the matters	5
	mentioned in section 59A(4)(a) to (d).	6
Clause 17	Insertion of new s 117A	7
	Part 6, division 9, subdivision 4—	8
	<i>insert—</i>	9
	117A Definition for subdivision	10
	In this subdivision—	11
	<i>sentence order</i> includes a declaration under	12
	section 150A(2) that a child is a serious repeat	13
	offender.	14
Clause 18	Amendment of s 136 (Offender remanded in custody for child offence)	15
	(1) Section 136(1)(b)—	16
	<i>omit, insert—</i>	17
	(b) the offender is 18 years or older; and	18
	(2) Section 136(2), after ‘facility’—	19
	<i>insert—</i>	20
	, unless the court orders the offender to be	21
	remanded in a detention centre	22
	(3) Section 136—	23
	<i>insert—</i>	24
	(3) The court may order the offender to be remanded	25
	in a detention centre only if the court is satisfied	26
	that remanding the offender in a detention	27
	centre—	28
		29

[s 19]

	(a) would be in the interests of justice; and	1
	(b) would not prejudice the security or good order of the detention centre at which the offender is, or is to be, remanded; and	2 3 4
	(c) would not prejudice the safety or wellbeing of any detainee at the detention centre at which the offender is, or is to be, remanded.	5 6 7
	(4) Without limiting the matters the court may have regard to, the court must have regard to the following matters in making an order under subsection (2)—	8 9 10 11
	(a) any vulnerability of the offender;	12
	(b) any interventionist, rehabilitation or similar activities being undertaken by the offender and the availability of those activities if the offender were held on remand in a corrective services facility.	13 14 15 16 17
	(5) For holding the offender at a corrective services facility the offender is taken to be a prisoner subject to the <i>Corrective Services Act 2006</i> .	18 19 20
Clause 19	Amendment of s 138 (Dealing with offender held in corrective services facility)	21 22
	(1) Section 138(6)(c)— <i>omit.</i>	23 24
	(2) Section 138(6)(d)— <i>renumber</i> as section 138(6)(c).	25 26
Clause 20	Amendment of s 150 (Sentencing principles)	27
	Section 150(1)(h), after ‘report’— <i>insert—</i>	28 29
	and bail history	30

Clause 21	Insertion of new ss 150A and 150B	1
	After section 150—	2
	<i>insert—</i>	3
	150A Serious repeat offenders	4
	(1) This section applies if a court is sentencing a child for a prescribed indictable offence.	5 6
	(2) The court may, on application by the prosecution, declare the child to be a serious repeat offender if—	7 8 9
	(a) at least 1 detention order has previously been made against the child in relation to a prescribed indictable offence; and	10 11 12
	(b) the court has—	13
	(i) ordered the chief executive to prepare a pre-sentence report; and	14 15
	(ii) received and considered the report; and	16
	(c) the court has had regard to—	17
	(i) the child’s previous offending history and bail history; and	18 19
	(ii) any efforts of rehabilitation by the child, including rehabilitation carried out under a court order; and	20 21 22
	(iii) any other matter the court considers relevant; and	23 24
	(d) the court is satisfied that there is a high probability that the child would commit a further prescribed indictable offence.	25 26 27
	(3) If the court makes a declaration that the child is a serious repeat offender, the court in sentencing the child must have primary regard to—	28 29 30
	(a) the need to protect members of the community; and	31 32

[s 21]

- (b) the nature and extent of violence, if any, used in the commission of the offence; and
 - (c) the extent of any disregard by the child in the commission of the offence for the interests of public safety; and
 - (d) the impact of the offence on public safety; and
 - (e) the child’s previous offending history and bail history.
- (4) If the court makes a declaration that the child is a serious repeat offender, the court must state in its sentencing remarks for the child reasons for making the declaration.
- (5) For the purposes of the Criminal Code, chapter 67, a declaration made under this section is taken to be a sentence imposed on conviction.
- (6) For the purposes of the *Human Rights Act 2019*, section 43(1), it is declared that this section has effect—
- (a) despite being incompatible with human rights; and
 - (b) despite anything else in the *Human Rights Act 2019*.
- Note—*
- Under the *Human Rights Act 2019*, section 45(2), this subsection expires 5 years after the commencement.

150B Court must rely on earlier serious repeat offender declaration

- (1) This section applies if—
- (a) a court (the *sentencing court*) is sentencing a child for a prescribed indictable offence; and

-
- (b) a court of like or higher jurisdiction (the *original court*) has previously made a declaration under section 150A that the child is a serious repeat offender; and
- (c) the offence for which the child is being sentenced by the sentencing court was committed during the relevant period for the child.
- (2) The sentencing court, in sentencing the child, must have primary regard to the matters mentioned in section 150A(3)(a) to (e).
- (3) For the purposes of the *Human Rights Act 2019*, section 43(1), it is declared that this section has effect—
- (a) despite being incompatible with human rights; and
- (b) despite anything else in the *Human Rights Act 2019*.
- Note—*
- Under the *Human Rights Act 2019*, section 45(2), this subsection expires 5 years after the commencement.
- (4) In this section—
- relevant period*, for a child, means—
- (a) if the child was ordered by the original court to be detained—the period starting on the day the declaration under section 150A was made by the original court and ending on the day that is 12 months after the day the child is released from detention; or
- (b) otherwise—the period starting on the day the declaration under section 150A was made by the original court and ending on the day that is 12 months later.

[s 22]

Clause 22	Amendment of s 221 (Conditional release order—requirements)	1 2
	Section 221(1)(a), ‘3 months’—	3
	<i>omit, insert—</i>	4
	6 months	5
Clause 23	Amendment of s 240 (General options available on breach of order)	6 7
	(1) Section 240(2)(b), after ‘section 246’—	8
	<i>insert—</i>	9
	or 246A	10
	(2) Section 240(3)(b)(ii), ‘section 246(2)’—	11
	<i>omit, insert—</i>	12
	section 246(3) or 246A(2)	13
Clause 24	Amendment of s 241 (General options available to superior court to which child committed for breach)	14 15
	Section 241(2)(b), after ‘section 246’—	16
	<i>insert—</i>	17
	or 246A	18
Clause 25	Amendment of s 242 (General options available to court before which child found guilty of an indictable offence)	19 20
	(1) Section 242(2)(b), after ‘section 246’—	21
	<i>insert—</i>	22
	or 246A	23
	(2) Section 242(3)(b)(ii), ‘section 246(2)’—	24
	<i>omit, insert—</i>	25
	section 246(3) or 246A(2)	26

Clause 26	Amendment of s 244 (General options available to court to which child committed for breach by indictable offence)	1 2 3
	Section 244(2)(b), after ‘section 246’—	4
	<i>insert</i> —	5
	or 246A	6
Clause 27	Amendment of s 246 (Court’s power on breach of conditional release order)	7 8
	(1) Section 246, heading, after ‘order’—	9
	<i>insert</i> —	10
	—order made for offence other than prescribed indictable offence	11 12
	(2) Section 246, before subsection (1)—	13
	<i>insert</i> —	14
	(1A) This section applies if the conditional release order was made in relation to an offence other than a prescribed indictable offence.	15 16 17
	(3) Section 246(2)(b), ‘3 months’—	18
	<i>omit, insert</i> —	19
	6 months	20
	(4) Section 246(1A) to (6)—	21
	<i>renumber</i> as section 246(1) to (7).	22
Clause 28	Insertion of new s 246A	23
	After section 246—	24
	<i>insert</i> —	25
	246A Court’s power on breach of conditional release order—order made for prescribed indictable offence	26 27 28
	(1) This section applies if the conditional release	29

[s 29]

	order was made in relation to a prescribed indictable offence.	1 2
(2)	The court must revoke the conditional release order and order the child to serve the sentence of detention for which the conditional release order was made, unless the court considers there are special circumstances.	3 4 5 6 7
(3)	If the court considers there are special circumstances—	8 9
	(a) the court may act under section 246(3); and	10
	(b) section 246(5) applies to the court; and	11
	(c) section 246(6) and (7) apply in relation to the order.	12 13
(4)	For the purposes of the <i>Human Rights Act 2019</i> , section 43(1), it is declared that this section has effect—	14 15 16
	(a) despite being incompatible with human rights; and	17 18
	(b) despite anything else in the <i>Human Rights Act 2019</i> .	19 20
	<i>Note—</i>	21
	Under the <i>Human Rights Act 2019</i> , section 45(2), this subsection expires 5 years after the commencement.	22 23
Clause 29	Amendment of s 276A (Definitions for subdivision)	24
	Section 276A—	25
	<i>insert—</i>	26
	<i>temporary delay</i> means a delay of 6 months or less.	27 28

Clause 30	Amendment of s 276B (Particular detainees liable to be transferred to corrective services facility)	1 2
	Section 276B(1)(a)(ii) and (b)(ii), ‘6 months’—	3
	<i>omit, insert—</i>	4
	2 months	5
Clause 31	Amendment of s 276C (Transfer of particular detainees to corrective services facility)	6 7
	(1) Section 276C(3), after ‘(corrective services),’—	8
	<i>insert—</i>	9
	and at least 15 business days before the transfer day,	10 11
	(2) Section 276C(3)—	12
	<i>insert—</i>	13
	(d) inform the person of the interventionist, rehabilitation or similar activities that will be available for the person if they are transferred; and	14 15 16 17
	(e) inform the person of any information of which the chief executive is aware that is relevant to the chief executive being satisfied of the matters mentioned in section 276DA(4)(b) and (c).	18 19 20 21 22
	(3) Section 276C—	23
	<i>insert—</i>	24
	(3A) As soon as practicable after the chief executive acts under subsection (3), the chief executive must facilitate a consultation between the person and a lawyer.	25 26 27 28
	(4) Section 276C(3A) to (5)—	29
	<i>renumber</i> as section 276C(4) to (6).	30

[s 32]

Clause 32	Amendment of s 276D (Application for temporary delay of transfer)	1 2
	(1) Section 276D, heading, after ‘Application’—	3
	<i>insert</i> —	4
	to sentencing court	5
	(2) Section 276D(2) and (3)—	6
	<i>omit.</i>	7
	(3) Section 276D(4) and (5), ‘or (2)’—	8
	<i>omit.</i>	9
	(4) Section 276D(6), ‘subsections (4) and (5)’—	10
	<i>omit, insert</i> —	11
	subsections (2) and (3)	12
	(5) Section 276D(7), ‘or (2)’—	13
	<i>omit.</i>	14
	(6) Section 276D(8)—	15
	<i>omit.</i>	16
	(7) Section 276D(4) to (7)—	17
	<i>renumber</i> as section 276D(2) to (5).	18
Clause 33	Insertion of new ss 276DA and 276DB	19
	After section 276D—	20
	<i>insert</i> —	21
	276DA Application to chief executive for temporary delay of transfer	22 23
	(1) A detainee given a copy of a prison transfer direction under section 276C(3) may, before the transfer, apply to the chief executive for a temporary delay of the detainee’s transfer to the corrective services facility.	24 25 26 27 28
	(2) An application under subsection (1) must be	29

-
- made— 1
- (a) if a consultation between the detainee and a lawyer took place in accordance with section 276C(4)—within 5 business days of the day of the consultation; or 2
3
4
5
- (b) if the detainee refused to consult with a lawyer—within 5 business days of the day of the refusal. 6
7
8
- (3) On receipt by the chief executive of a detainee’s application made under subsection (1), the detainee’s transfer is stayed until the application is decided, withdrawn or otherwise ends. 9
10
11
12
- (4) The chief executive may grant an application made under subsection (1) only if the chief executive is satisfied the delay— 13
14
15
- (a) would be in the interests of justice; and 16
- (b) would not prejudice the security or good order of the detention centre at which the detainee is, or is to be, detained; and 17
18
19
- (c) would not prejudice the safety or wellbeing of any other detainee at the detention centre at which the detainee is, or is to be, detained; and 20
21
22
23
- (d) would not cause the detainee to be detained at a detention centre after the detainee turns 18 years and 6 months. 24
25
26
- (5) Without limiting the matters the chief executive may have regard to, the chief executive must have regard to the matters mentioned in section 276D(3) in making a decision on an application made under subsection (1). 27
28
29
30
31
- (6) If the chief executive grants an application made under subsection (1)— 32
33
- (a) the chief executive must decide a new day for the prison transfer direction to take effect 34
35

[s 33]

- being no more than 6 months after the day 1
the detainee turns 18 years; and 2
- (b) the chief executive must inform the chief 3
executive (corrective services) of the new 4
day for the prison transfer direction. 5
- (7) After making a decision on an application made 6
under subsection (1), the chief executive must— 7
- (a) inform the detainee of the decision; and 8
- (b) give the detainee reasons in writing for the 9
decision; and 10
- (c) facilitate a consultation between the 11
detainee and a lawyer at least 7 business 12
days before the day the prison transfer 13
direction takes effect. 14

276DB Review by Childrens Court 15

- (1) If the chief executive decides to refuse an 16
application made by a detainee under section 17
276DA, the detainee may apply to the Childrens 18
Court for a review of the decision. 19
- (2) An application under subsection (1) must be 20
made— 21
- (a) if a consultation between the detainee and a 22
lawyer took place in accordance with 23
section 276DA(7)(c)—within 5 business 24
days of the day of the consultation; or 25
- (b) if the detainee refused to consult with a 26
lawyer—within 5 business days of the day 27
of the refusal. 28
- (3) On receipt by the Childrens Court of an 29
application under subsection (1), the detainee’s 30
transfer is stayed until the application is decided, 31
withdrawn or otherwise ends. 32
- (4) The Childrens Court must hear and decide a 33

	review of a decision by the chief executive by way of a fresh hearing on the merits.	1 2
	(5) The Childrens Court may—	3
	(a) affirm the day the prison transfer direction takes effect; or	4 5
	(b) decide a new day for the prison transfer direction to take effect being no more than 6 months after the day the detainee turns 18 years.	6 7 8 9
Clause 34	Amendment of s 276E (Transferee subject to Corrective Services Act 2006 from transfer)	10 11
	(1) Section 276E(2), ‘From the transfer—’	12
	<i>omit, insert—</i>	13
	For holding the person at a corrective services facility—	14 15
	(2) Section 276E(2)(c)—	16
	<i>omit.</i>	17
	(3) Section 276E(2)(d)—	18
	<i>renumber</i> as section 276E(2)(c).	19
Clause 35	Amendment of s 276F (Persons over 18 years and 6 months should not serve period of detention at detention centre)	20 21 22
	Section 276F(7), definition <i>application for a temporary delay of a transfer</i> , ‘(2)’—	23 24
	<i>omit, insert—</i>	25
	276DA(1)	26
Clause 36	Insertion of new pt 8, div 2A, sdiv 3	27
	Part 8, division 2A—	28

[s 36]

insert—

**Subdivision 3 Transfer of persons
remanded in detention**

276G Application of subdivision

This subdivision applies in relation to a person—

- (a) remanded in custody in detention in relation to a charge of an offence; and
- (b) who turns 17 years and 10 months while remanded; and
- (c) for whom—
 - (i) there is no future court attendance date in relation to the charge; or
 - (ii) the future court attendance date in relation to the charge is 2 months or more after the day the person turns 17 years and 10 months.

276H Prison transfer notice

- (1) The chief executive may give a written notice (a *prison transfer notice*) to the person—
 - (a) informing the person that the chief executive is considering transferring the person to a corrective services facility; and
 - (b) informing the person of the interventionist, rehabilitation or similar activities that will be available for the person if they are transferred; and
 - (c) informing the person of any information of which the chief executive is aware that is relevant to the matters mentioned in section 276I(2)(d) and (e); and

-
- (d) inviting the person to make submissions to the chief executive about the transfer—
- (i) if a consultation between the person and a lawyer takes place in accordance with subsection (6)—within 5 business days of the day of the consultation; or
 - (ii) if the person refuses to consult with a lawyer—within 5 business days of the days of the refusal.
- (2) If a court has made an order under section 136(2) or the Childrens Court has made an order under 276J(5)(c) in relation to the person, the chief executive may not give the person a prison transfer notice before the day that is 3 months after the day the court made the order.
- (3) Subsection (2) does not apply if, in the opinion of the chief executive, there is a significant change in the circumstances of the person.
- (4) If the chief executive is of the opinion mentioned in subsection (3), the prison transfer notice must state the significant change in circumstances.
- (5) Also, if the person requests a prison transfer notice, the chief executive must give the person a prison transfer notice within 5 business days of the person requesting the notice.
- (6) As soon as practicable after the chief executive gives the person a prison transfer notice, the chief executive must facilitate a consultation between the person and a lawyer.

276I Decision of chief executive

- (1) If the chief executive has given the person a prison transfer notice, the chief executive may decide to transfer the person to a corrective services facility on a day that is on or after the day

[s 36]

- the person turns 18 years. 1
- (2) Without limiting the matters the chief executive 2
may have regard to, the chief executive must have 3
regard to the following matters in making a 4
decision under subsection (1)— 5
- (a) any submissions made by the person within 6
the period stated in the prison transfer notice 7
under section 276H(1)(d); 8
- (b) any vulnerability of the person; 9
- (c) any interventionist, rehabilitation or similar 10
activities being undertaken by the person 11
and the availability of those activities if 12
transferred; 13
- (d) whether a decision to not transfer the person 14
would prejudice the security or good order 15
of the detention centre at which the person 16
is, or is to be, remanded; 17
- (e) whether a decision to not transfer the person 18
would prejudice the safety or wellbeing of 19
any detainee at the detention centre at which 20
the person is, or is to be, remanded. 21
- (3) After making a decision under subsection (1), the 22
chief executive must— 23
- (a) inform the person of the decision; and 24
- (b) give the person reasons in writing for the 25
decision. 26
- (4) If the chief executive decides to transfer the 27
person, the chief executive must also— 28
- (a) inform the person that the person is to be 29
transferred to a corrective services facility 30
on a stated day (the *transfer day*); and 31
- (b) facilitate a consultation between the person 32
and a lawyer at least 7 business days before 33
the transfer day. 34

276J Review by Childrens Court

- 1
- (1) If the chief executive decides under section 2 276I(1) to transfer the person, the person may 3 apply to the Childrens Court for a review of the 4 decision. 5
- (2) An application under subsection (1) must be 6 made— 7
- (a) if a consultation between the person and a 8 lawyer took place in accordance with 9 section 276I(4)(b)—within 5 business days 10 of the day of the consultation; or 11
- (b) if the person refused to consult with a 12 lawyer—within 5 business days of the day 13 of the refusal. 14
- (3) On receipt by the Childrens Court of a person’s 15 application made under subsection (1), the 16 person’s transfer is stayed until the application is 17 decided, withdrawn or otherwise ends. 18
- (4) The Childrens Court must hear and decide a 19 review of a decision by the chief executive by way 20 of a fresh hearing on the merits. 21
- (5) The Childrens Court may— 22
- (a) affirm the transfer day; or 23
- (b) decide a new transfer day; or 24
- (c) order that the person not be transferred to a 25 corrective services facility. 26
- (6) In this section— 27
- transfer day* see section 276I(4)(a). 28

276K Transferee subject to Corrective Services Act 2006 from transfer

- 29
- (1) This section applies if a person is transferred to a 30 corrective services facility under this subdivision. 31 32

[s 37]

	(2) For holding the person at a corrective services facility the person is taken to be a prisoner subject to the <i>Corrective Services Act 2006</i> .	1 2 3
Clause 37	Insertion of new pt 8A	4
	After part 8—	5
	<i>insert—</i>	6
	Part 8A The MACP system	7
	282H Definitions for part	8
	In this part—	9
	<i>core member</i> see section 282K(1)(a) and (b).	10
	<i>MACP system</i> means the system of multi-agency collaborative panels established by the chief executive under section 282I.	11 12 13
	282I Establishment of system	14
	The chief executive must establish an MACP system under this part.	15 16
	282J Purpose	17
	The purpose of the MACP system is to coordinate the provision of services, including assessments and referrals, to meet the needs of particular children charged with offences or at risk of being charged with offences.	18 19 20 21 22
	282K Members	23
	(1) The members of the MACP system are—	24

-
- (a) the chief executive (each a *core member*) of a department that is mainly responsible for any of the following matters—
- (i) Aboriginal and Torres Strait Islander services;
 - (ii) child protection services;
 - (iii) community services;
 - (iv) corrective services;
 - (v) court services;
 - (vi) disability services;
 - (vii) education;
 - (viii) housing services;
 - (ix) public health services;
 - (x) youth justice services; and
- (b) the commissioner of the police service (also a *core member*); and
- (c) from time to time, prescribed entities or service providers contributing to the operation of the system by invitation of the core members.
- (2) In this section—
- prescribed entity* means—
- (a) the chief executive of a department, other than a department mentioned in subsection (1)(a), that provides services to children; or
 - (b) the chief executive officer of Mater Misericordiae Ltd (ACN 096 708 922); or
 - (c) a health service chief executive under the *Hospital and Health Boards Act 2011*; or
 - (d) the chief executive officer of the National Disability Insurance Agency; or

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- (e) the principal of an accredited school under the *Education (Accreditation of Non-State Schools) Act 2017*; or
- (f) the public guardian under the *Public Guardian Act 2014*; or
- (g) another entity prescribed by regulation.
- service provider** means—
- (a) Legal Aid Queensland established under the *Legal Aid Queensland Act 1997*; or
- (b) a non-government entity that provides a service to children.
- Examples of a service that may be provided to children—*
- counselling
 - disability services
 - education or training services
 - health services
 - housing and homelessness services
 - legal services

282L Referral of children to MACP system

- (1) The chief executive must decide, in consultation with the core members, the categories of children charged with offences or at risk of being charged with offences (each an **eligible category**) who may be referred to the MACP system.
- (2) The chief executive must inform the members of the MACP system of the chief executive's decision under subsection (1).
- (3) A member of the MACP system may refer a child who is in an eligible category to the system.
- (4) The members of the MACP system must collectively decide whether or not to accept the

referral of the child to the system. 1

282M Responsibilities of core members 2

The responsibilities of the core members are as 3
follows— 4

- (a) to contribute to the operation of the MACP 5
system through representatives who have 6
appropriate knowledge and experience and 7
decision-making authority; 8
- (b) to use their best endeavours to agree on 9
recommendations to give to the chief 10
executive, and to each other, about assessing 11
and responding to the needs and offending 12
behaviour of children referred to and 13
accepted by the members and, for that 14
purpose, to— 15
 - (i) share information about the children, 16
under an arrangement established 17
under part 9, division 2A; and 18
 - (ii) identify relevant resources of members 19
or other entities; and 20
 - (iii) take the action required under the 21
recommendations; and 22
 - (iv) monitor the implementation of the 23
recommendations and review their 24
effectiveness; and 25
 - (v) invite and facilitate contributions from 26
prescribed entities or service providers 27
with knowledge, experience or 28
resources that would help achieve the 29
purpose of the MACP system. 30

Clause 38 Amendment of s 297D (Definitions for division) 31

(1) Section 297D, definition *prescribed entity*, paragraph (a)— 32

[s 39]

insert—

(iia) corrective services;

- (2) Section 297D, definition *prescribed entity*, paragraph (a), subparagraphs (iia) to (ix)—

renumber as section 297D, definition *prescribed entity*, paragraph (a), subparagraphs (iv) to (x).

Clause 39 Omission of s 404

Section 404—

omit.

Clause 40 Insertion of new pt 11, div 21

Part 11—

insert—

**Division 21 Transitional provisions for
Strengthening Community
Safety Act 2023**

408 Application of s 48AF

- (1) Section 48AF applies in relation to a child in custody in connection with a charge of a prescribed indictable 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.
- (2) Also, section 48AF applies in relation to a child mentioned in subsection (1) whether another indictable offence in relation to which the child was released into the custody of a parent, or at large with or without bail, or awaiting committal for trial, trial or sentencing, was allegedly

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

409 Application of ss 150A and 150B 4

Sections 150A and 150B apply to a court 5
sentencing a child for a prescribed indictable 6
offence, whether the offence was committed 7
before or after the commencement. 8

410 Application of s 246A and former s 246 9

To remove any doubt, it is declared that— 10

- (a) section 246A applies to a breach of a 11
conditional release order made in relation to 12
a prescribed indictable offence if the breach 13
occurs after the commencement, whether 14
the conditional release order was made 15
before or after the commencement; and 16
- (b) section 246, as in force immediately before 17
the commencement, continues to apply to a 18
breach of a conditional release order made 19
in relation to a prescribed indictable offence 20
if the breach occurred before the 21
commencement. 22

411 Application of pt 8, div 2A, sdiv 1 23

Subject to section 412, part 8, division 2A, 24
subdivision 1 applies in relation to a detainee 25
detained in a detention centre whether the 26
detainee started to be detained before or after the 27
commencement. 28

[s 41]

412 Continued application of former pt 8, div 2A, sdiv 1	1
	2
(1) This section applies if—	3
(a) a copy of a prison transfer direction was given by the chief executive to a detainee under former section 276C(3) before the commencement; and	4 5 6 7
(b) on the commencement, the detainee is detained in a detention centre.	8 9
(2) Part 8, division 2A, subdivision 1, as in force immediately before the commencement, continues to apply in relation to the detainee.	10 11 12
(3) In this section—	13
<i>former section 276C(3)</i> means section 276C(3) as in force immediately before the commencement.	14 15

413 Application of pt 8, div 2A, sdiv 3	16
Part 8, division 2A, subdivision 3 applies in relation to a person remanded in custody in a detention centre regardless of whether the person started to be remanded in custody before or after the commencement.	17 18 19 20 21

Clause 41 Amendment of sch 4 (Dictionary)	22
(1) Schedule 4, definitions <i>prescribed indictable offence</i> and <i>sentence order</i> —	23 24
<i>omit.</i>	25
(2) Schedule 4—	26
<i>insert</i> —	27
<i>core member</i> , for part 8A, see section 282H.	28
<i>MACP system</i> , for part 8A, see section 282H.	29
<i>prescribed indictable offence</i> means—	30

-
- (a) a life offence; or 1
- (b) an offence of a type that, if committed by an adult, would make the adult liable to imprisonment for 14 years or more, other than an offence against the *Drugs Misuse Act 1986*, section 9(1) for which the maximum penalty is 15 years imprisonment; or 2
3
4
5
6
7
8
- (c) an offence against any of the following provisions of the Criminal Code— 9
10
- (i) section 315A; 11
- (ii) section 323; 12
- (iii) section 328A; 13
- (iv) section 339; 14
- (v) section 408A(1), if the offence involves a motor vehicle; 15
16
- (vi) section 408A(1), to which section 408A(1A) applies; 17
18
- (vii) section 412; 19
- (viii) section 421(1). 20
- reasonably suspects*** means suspects on grounds that are reasonable in the circumstances. 21
22
- sentence order***— 23
- (a) for part 6, division 9, subdivision 4—see section 117A; or 24
25
- (b) otherwise—means any of the following— 26
- (i) an order made under section 175 or 176, including a reprimand; 27
28
- (ii) the recording of a conviction under section 183; 29
30
- (iii) a conditional release order made under section 220; 31
32

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(iv) an order under section 234.	1
<i>temporary delay</i> , for part 8, division 2A, subdivision 1, see section 276A.	2 3

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