

# Youth Justice (Monitoring Device Conditions) Amendment Regulation 2021

## Human Rights Certificate

### Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, Leanne Linard, Minister for Children and Youth Justice and Minister for Multicultural Affairs provide this human rights certificate with respect to the *Youth Justice (Monitoring Device Conditions) Amendment Regulation 2021* (the Amendment Regulation) made under the *Youth Justice Act 1992*.

In my opinion, the Amendment Regulation, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

## Overview of the Subordinate Legislation

The *Youth Justice and Other Legislation Amendment Act 2021* amended the *Youth Justice Act 1992* to add a new section 52AA providing for courts to be able to impose a monitoring device condition as a condition of bail for a child aged at least 16 years, in certain circumstances.

The court must be in a geographical area prescribed by regulation (s.52AA(1)(d)), and the child must live in a geographical area prescribed by regulation (s.52AA(e)).

The Amendment Regulation prescribes these geographical areas.

## Human Rights Issues

### Human rights issues considered during development of the Youth Justice and Other Legislation Amendment Bill 2021 (the Bill)

Human rights issues relating to the imposition of a monitoring device condition were considered in detail during development of the Bill.

This included assessment of the potential impact of geographic limitation of the monitoring device condition provisions, which the head of power expressly contemplates.

It was determined that although the law will apply differently in different places, this will not limit the right to equality and non-discrimination in s 15 of the *Human Rights Act 2019*, because residency in a particular area is not a ground of discrimination<sup>1</sup>.

### Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

---

<sup>1</sup> Magee v United Kingdom (2000) 31 EHRR 822, [50]; R v Turpin [1989] 1 SCR 1296, 1332-3; Siemens v Manitoba (Attorney General) [2003] 1 SCR 6, 32-3 [48].

In my opinion, there are no other human rights relevant to the prescription of geographical areas of courts that may impose a monitoring device condition or geographical areas of residence of children who may be subject to such a condition.

## **Conclusion**

I consider that the *Youth Justice (Monitoring Device Conditions) Amendment Regulation 2021* is compatible with the *Human Rights Act 2019* because it does not raise a human rights issue.

**LEANNE LINARD**  
MINISTER FOR CHILDREN AND YOUTH JUSTICE and  
MINISTER FOR MULTICULTURAL AFFAIRS

© The State of Queensland 2021