

Youth Justice and Other Legislation Amendment Bill 2016

Amendments during consideration in detail to be moved by
The Honourable the Attorney-General and Minister for Justice and Minister
for Training and Skills

1 After clause 1

Page 6, after line 5—

insert—

1A Commencement

This Act commences on 1 July 2016, immediately
after the commencement of the *Youth Justice and
Other Legislation Amendment Act (No. 1) 2016*.

2 Clause 5 (Insertion of new s 20)

Page 7, after line 22—

insert—

(ga) the public guardian under the *Public
Guardian Act 2014*; or

(gb) if the proceeding is a child protection
proceeding under the *Child Protection Act
1999*—the chief executive (child safety); or

3 Clause 5 (Insertion of new s 20)

Page 9, after line 7—

insert—

chief executive (child safety) means the chief
executive of the department in which the *Child
Protection Act 1999* is administered.

4 After clause 8

Page 11, after line 2—

insert—

Part 3A Amendment of Police Powers and Responsibilities Act 2000

8A Act amended

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

8B Amendment of s 474 (Destruction of identifying particulars)

(1) Section 474—

insert—

(4A) If—

- (a) the person is a child; and
- (b) the *Youth Justice Act 1992* applies for proceeding against the child for the identifying particulars offence; and
- (c) the child pleads guilty before the court; and
- (d) the court dismisses the charge and refers the offence to the chief executive (communities) for a restorative justice process under the *Youth Justice Act 1992*, section 24A;

the requirement to destroy the identifying particulars under subsection (1) does not apply until the child discharges his or her obligations under a restorative justice agreement made as a consequence of the referral.

(2) Section 474(5)—

insert—

restorative justice agreement see the *Youth Justice Act 1992*, schedule 4.

restorative justice process see the *Youth Justice Act 1992*, schedule 4.

8C Amendment of s 695 (Application for order in relation to seized things)

Section 695—

insert—

(6) Subsection (7) applies if—

- (a) a proceeding started in relation to a thing seized is a proceeding against a child for an offence; and
- (b) the child pleads guilty before the court; and
- (c) the court dismisses the charge and refers the offence to the chief executive (communities) for a restorative justice process under the *Youth Justice Act 1992*, section 24A.

(7) For subsection (3)(a), the discontinuation of the proceeding is taken to happen on the day the child discharges his or her obligations under a restorative justice agreement made as a consequence of the referral.

(8) In this section—

restorative justice agreement see the *Youth Justice Act 1992*, schedule 4.

restorative justice process see the *Youth Justice Act 1992*, schedule 4.

5 Clause 15 (Insertion of new s 24A)

Page 15, after line 2—

insert—

- (1A) In deciding the application, the Childrens Court may have regard to—
 - (a) any cautions administered to the child for any offence; and
 - (b) whether any previous restorative justice agreements have been made by the child.

6 Clause 15 (Insertion of new s 24A)

Page 15, line 7, ‘starting’—

omit, insert—

restarting

7 Clause 15 (Insertion of new s 24A)

Page 15, after line 17—

insert—

- (5) If the court decides to—
 - (a) make an order of dismissal under the *Justices Act 1886*, section 149 and give the child a certificate of the dismissal; or
 - (b) give the child a certificate of dismissal under the Criminal Code, section 700;

the court must not give the child the certificate until the child discharges his or her obligations under a restorative justice agreement made as a consequence of the referral.

8 Clause 16 (Replacement of pt 3 (Youth justice conferences generally))

Page 24, after line 17—

insert—

41 Notice of successful completion of restorative justice agreement

If a child discharges his or her obligations under a restorative justice agreement made as a consequence of a restorative justice process, the chief executive must notify the referring authority for the process accordingly.

9 Clause 17 (Amendment of s 74 (Chief executive's right of audience generally))

Page 24, line 20, '(e) and (f)'—

omit, insert—

(d) and (e)

10 Clause 17 (Amendment of s 74 (Chief executive's right of audience generally))

Page 24, line 22—

omit, insert—

(d) without limiting paragraphs (a) to (c),

11 Clause 27 (Amendment of s 245 (Court's power on breach of a community based order other than a boot camp (vehicle offences) order, conditional release order or boot camp order))

Page 35, lines 24 to 26—

omit, insert—

community based order other than a conditional release order)

12 Clause 35 (Insertion of new pt 11, div 12)

Page 45, lines 21 and 24, '12'—

omit, insert—

13 Clause 35 (Insertion of new pt 11, div 12)

Page 46, line 1, ‘368’—

omit, insert—

386

14 Clause 36 (Amendment of sch 4 (Dictionary))

Page 47, lines 28 to 30—

omit, insert—

intensive supervision order, conditional release
order or restorative justice order.

15 Long title

Long title, after ‘2006,’—

insert—

the *Police Powers and Responsibilities Act 2000*,

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