

*I hereby certify that this PUBLIC BILL has finally passed the  
Legislative Assembly of Queensland.*

*Legislative Assembly Chamber,  
Brisbane,*

*The Clerk of the Parliament.*

*30 April 2021*

*In the name and on behalf of the Queen, I assent to this Bill.*

*Paul de Jersey*

*Government House,*

*Brisbane,*

*30 April 20 21*



Queensland

**No. 9 of 2021**

**A BILL for**

**An Act to amend the Bail Act 1980, the Penalties and Sentences Act 1992, the  
Police Powers and Responsibilities Act 2000 and the Youth Justice Act 1992  
for particular purposes**



Queensland

# Youth Justice and Other Legislation Amendment Bill 2021

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**2021**

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## **A Bill**

for

***An Act to amend the *Bail Act 1980*, the *Penalties and Sentences Act 1992*, the *Police Powers and Responsibilities Act 2000* and the *Youth Justice Act 1992* for particular purposes***

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[s 1]

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**The Parliament of Queensland enacts—**

## **Part 1 Preliminary**

### **1 Short title**

This Act may be cited as the *Youth Justice and Other Legislation Amendment Act 2021*.

## **Part 1A Amendment of Bail Act 1980**

### **1A Act amended**

This part amends the *Bail Act 1980*.

### **1B Amendment of s 11 (Conditions of release on bail)**

Section 11(9B), (9C) and (10), definition *tracking device*,  
'tracking'—

*omit, insert—*

monitoring

## **Part 2 Amendment of Penalties and Sentences Act 1992**

### **2 Act amended**

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

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

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

*omit, insert—*

section 150(1)(j)

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

**4 Act amended**

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

**5 Amendment of s 30 (Prescribed circumstances for searching persons without warrant)**

Section 30(1)—

*insert—*

- (l) the person has failed to comply with a requirement under section 39C or 39D(2) of a police officer.

**6 Insertion of new ch 2, pt 3A**

Chapter 2—

*insert—*

**Part 3A Use of hand held scanners without warrant in public places in prescribed areas**



### **39A Definitions for part**

In this part—

***Broadbeach CBD safe night precinct*** means the area prescribed under the *Liquor Act 1992*, section 173NC(1) as the Broadbeach CBD safe night precinct.

***prescribed area*** means—

- (a) the Broadbeach CBD safe night precinct; or
- (b) the Surfers Paradise CBD safe night precinct.

***Surfers Paradise CBD safe night precinct*** means the area prescribed under the *Liquor Act 1992*, section 173NC(1) as the Surfers Paradise CBD safe night precinct.

***use***, of a hand held scanner, in relation to a person, see section 39B.

### **39B Meaning of *use* of hand held scanner**

***Use***, of a hand held scanner, in relation to a person, means—

- (a) to pass a hand held scanner in close proximity to the person; or
- (b) to pass a hand held scanner in close proximity to the person's belongings.

### **39C Use of hand held scanner in public place in prescribed area without warrant**

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.

### **39D Police requirements if hand held scanner indicates metal**

- (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.
- (2) The police officer may require the person—
  - (a) to produce the thing that may be causing the hand held scanner to indicate the presence or likely presence of metal; and
  - (b) to resubmit to the use of a hand held scanner in relation to the person.

*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—

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- (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 power.
- (4) The police officer must—
  - (a) if requested by the person, inform the person of the police officer's name, rank and station; and
  - (b) if requested by the person, provide the information mentioned in paragraph (a) in writing; and
  - (c) produce the police officer's identity card for inspection by the person, unless the police officer is in uniform; and
  - (d) inform the person that the person is required to submit to the use of a hand held scanner; and
  - (e) offer to give the person a notice that complies with subsection (5); and

- (f) if the person accepts an offer under paragraph (e)—give the person a notice that complies with subsection (5).
- (5) A notice under subsection (4)(e) or (f) must be in writing and state—
  - (a) the person is in a public place in a prescribed area; and
  - (b) a police officer is empowered to require the person to—
    - (i) stop and submit, or resubmit, to the use of a hand held scanner in relation to the person; and
    - (ii) produce a thing that may be causing a hand held scanner to indicate the presence or likely presence of metal; and
  - (c) it is an offence for the person not to comply with the requirement unless the person has a reasonable excuse.
- (6) If reasonably practicable, the police officer must be of the same sex as the person.
- (7) Section 637 does not apply if a police officer stops or detains a person under this part.

### **39G Effect of part on power to search person without a warrant**

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.

### **39H Expiry of particular provisions**

The following provisions expire 2 years after the commencement—

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- (a) section 30(1)(l);
- (b) this part;
- (c) schedule 6, definitions *Broadbeach CBD safe night precinct*, *enforcement act*, paragraph (a)(ia), *prescribed area*, *search*, paragraph (d), *Surfers Paradise CBD safe night precinct* and *use*, paragraph (aa).

**7 Amendment of s 69A (Meaning of *type 1* and *type 2* vehicle related offences)**

Section 69A(1)(b)—

*omit, insert—*

- (b) an evasion offence.

**8 Amendment of ch 22, hdg (Provisions about evading police officers)**

Chapter 22, heading, ‘evading police officers’—

*omit, insert—*

**type 1 vehicle related offences**

**9 Amendment of s 746 (Purpose of chapter)**

(1) Section 746(1)—

*omit, insert—*

- (1) The purpose of this chapter is to enhance community safety by—
  - (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
  - (b) helping police officers investigate type 1 vehicle related offences.

- (2) Section 746(2)(b), ‘evasion offences’—  
*omit, insert*—  
type 1 vehicle related offences

**10 Amendment of s 747 (Definitions for ch 22)**

- (1) Section 747, heading, ‘ch 22’—  
*omit, insert*—  
**chapter**
- (2) Section 747, definition *evasion offence*—  
*omit.*
- (3) Section 747, definition *nominated person*, ‘an evasion offence’—  
*omit, insert*—  
a type 1 vehicle related offence
- (4) Section 747, definition *nominated person*, ‘the evasion offence’—  
*omit, insert*—  
the type 1 vehicle related offence

**11 Amendment of s 754 (Evasion offence)**

- (1) Section 754(4)—  
*omit.*
- (2) Section 754(5) to (8)—  
*renumber* as section 754(4) to (7).

**12 Amendment of ch 22, pt 2, div 2, hdg (Matters about investigation of evasion offence)**

- Chapter 22, part 2, division 2, heading, ‘evasion offence’—  
*omit, insert*—

[s 13]

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**type 1 vehicle related offences**

**13 Amendment of s 755 (When evasion offence notice may be given to owner of motor vehicle involved in offence)**

- (1) Section 755, heading, ‘evasion offence notice’—  
*omit, insert—*

**type 1 vehicle related offence notice**

- (2) Section 755(1), ‘an evasion offence’—  
*omit, insert—*

a type 1 vehicle related offence

- (3) Section 755(2), ‘an *evasion offence notice*’—  
*omit, insert—*

**a type 1 vehicle related offence notice**

- (4) Section 755(3) and (4), ‘evasion offence notice’—  
*omit, insert—*

type 1 vehicle related offence notice

- (5) Section 755(3) and (6), ‘the evasion offence’—  
*omit, insert—*

the type 1 vehicle related offence

**14 Amendment of s 755A (Information to be stated in statutory declaration responding to evasion offence notice)**

- (1) Section 755A, heading, ‘evasion offence notice’—  
*omit, insert—*

**type 1 vehicle related offence notice**

- (2) Section 755A(1), ‘an evasion offence notice’—  
*omit, insert—*

a type 1 vehicle related offence notice

- 
- (3) Section 755A(1), ‘in an evasion offence’—  
*omit, insert—*  
in a type 1 vehicle related offence
- (4) Section 755A(2), (3) and (4), ‘evasion offence’—  
*omit, insert—*  
type 1 vehicle related offence

**15 Amendment of s 756 (Who may be prosecuted for evasion offence if no response to evasion offence notice)**

- (1) Section 756, heading, from ‘for’—  
*omit, insert—*  
**for type 1 vehicle related offence if no response to type 1 vehicle related offence notice**
- (2) Section 756(1)(a), ‘an evasion offence notice’—  
*omit, insert—*  
a type 1 vehicle related offence notice
- (3) Section 756(2), (4) and (9), ‘evasion offence’—  
*omit, insert—*  
type 1 vehicle related offence
- (4) Section 756(7)(b), ‘evasion offence notice’—  
*omit, insert—*  
type 1 vehicle related offence notice
- (5) Section 756—  
*insert—*
- (7A) Subsection (9) applies for a proceeding mentioned in subsection (4) for a type 1 vehicle related offence that is an offence against the Criminal Code, section 328A.
- (7B) The court may grant leave to the person to rely on



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evidence in the defence that is information the person was required to include in a statutory declaration under section 755A, even if the person has not complied with subsection (5)(a), if the interests of justice require that the person be able to rely on the evidence.

- (6) Section 756(8) and (10), ‘Subsection (9)’—

*omit, insert*—

Subsection (11)

- (7) Section 756(11), definition *relevant evasion offence*—

*omit, insert*—

***relevant type 1 vehicle related offence*** means the type 1 vehicle related offence to which the type 1 vehicle related offence notice relates.

- (8) Section 756(7A) to (11)—

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

## **16 Amendment of s 757 (Evidentiary provision)**

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

*omit, insert*—

a type 1 vehicle related offence

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

*omit, insert*—

type 1 vehicle related offence

## **17 Insertion of new ch 24, pt 22**

Chapter 24—

*insert*—

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## 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

Chapter 22, part 2, divisions 2 and 3, as amended by the *Youth Justice and Other Legislation Amendment Act 2021*, applies in relation to the investigation of a type 1 vehicle related offence only if the offence was allegedly committed after the commencement.

## 18            Amendment of sch 6 (Dictionary)

- (1) Schedule 6, definitions *corresponding law*, *evasion offence* and *owner*—

*omit.*

- (2) Schedule 6—

*insert*—

***Broadbeach CBD safe night precinct***, for chapter 2, part 3A, see section 39A.

***corresponding law***—

- (a) for chapter 22—see section 747; or
- (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—
- (i) forensic procedures; or

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- (ii) the acquisition or use of assumed identities; or
- (iii) the conduct of controlled operations; or
- (iv) the use of surveillance devices; or
- (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.

***evasion offence*** means an offence against section 754(2).

***nominated person***, in relation to a type 1 vehicle related offence, for chapter 22, see section 747.

***owner***, of a motor vehicle—

- (a) for chapter 4, includes—
  - (i) a person in whose name the vehicle is registered under a transport Act or a corresponding law, within the meaning of the Road Use Management Act, schedule 4, of another State; and
  - (ii) a holder of a security interest registered for the vehicle under the *Personal Property Securities Act 2009* (Cwlth); or
- (b) for chapter 22—see section 747.

***prescribed area***, for chapter 2, part 3A, see section 39A.

***Surfers Paradise CBD safe night precinct***, for chapter 2, part 3A, see section 39A.

***type 1 vehicle related offence notice*** see section 755(2).

- (3) Schedule 6, definition *enforcement act*, paragraph (a)—  
*insert—*

- 
- (iia) by requiring the person to do either of the following—
- (A) stop and submit, or resubmit, to the use of a hand held scanner in relation to the person under chapter 2, part 3A;
  - (B) produce a thing that may be causing a hand held scanner to indicate the presence or likely presence of metal under chapter 2, part 3A; or
- (4) Schedule 6, definition *search*—  
*insert*—
- (d) does not include the use of a hand held scanner, in relation to a person, under chapter 2, part 3A.
- (5) Schedule 6, definition *use*, before paragraph (a)—  
*insert*—
- (aa) of a hand held scanner, in relation to a person, for chapter 2, part 3A, see section 39B; or

## Part 4                      **Amendment of Youth Justice Act 1992**

### **19      Act amended**

This part amends the *Youth Justice Act 1992*.

### **20      Amendment of s 48 (Releasing children in custody in connection with a charge of an offence)**

Section 48(2), note 1, after ‘48AE’—

*insert*—

, 48AF

[s 21]

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**21 Amendment of s 48AA (Matters to be considered in making particular decisions about release and bail)**

(1) Section 48AA(1)—

*insert—*

(d) whether the child has shown cause under section 48AF(2) why the child's detention in custody is not justified.

(2) Section 48AA(1)(ba) to (d)—

*renumber* as section 48AA(1)(c) to (e).

(3) Section 48AA(4)(a)—

*insert—*

(va) whether a parent of the child, or another person, has indicated a willingness to the court or police officer that the parent or other person will do any of the following things—

(A) support the child to comply with the conditions imposed on a grant of bail;

(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;

(C) notify the chief executive or a police officer of a breach of the conditions imposed on a grant of bail;

(4) Section 48AA(4)(a)(va) to (vii)—

*renumber* as section 48AA(4)(a)(vi) to (viii).

(5) Section 48AA(4)(b), 'subsection (1)(c)'—

*omit, insert—*

subsection (1)(d)

(6) Section 48AA(7)—

*omit, insert—*

(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—

- (a) the child has no apparent family support;
- (b) the child will not have accommodation, or adequate accommodation, on release from custody.

(7) Section 48AA(6) to (8)—

*renumber* as section 48AA(5) to (7).

**22 Amendment of s 48AC (Representatives of community justice groups must advise of particular matters)**

Section 48AC(1), ‘section 48AA(4)(a)(vi)’—

*omit, insert—*

section 48AA(4)(a)(vii)

**23 Amendment of s 48AE (Releasing children whose safety is endangered because of offence)**

Section 48AE(3)(a) and (b)—

*omit, insert—*

- (a) the child has no apparent family support; or
- (b) the child will not have accommodation, or adequate accommodation, on release from custody.

**24 Insertion of new s 48AF**

After section 48AE—

*insert—*

[s 25]

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**48AF Releasing children charged with prescribed indictable offence committed while on release**

- (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—
  - (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
  - (b) while the child was awaiting trial, or sentencing, for another indictable offence.
- (2) A court or police officer must refuse to release the child from custody unless the child shows cause why the child’s detention in custody is not justified.
- (3) If a court releases the child, the order releasing the child must state the reasons for the decision.
- (4) If a police officer releases the child, the police officer must make a record of the reasons for the decision.

**25 Amendment of s 52A (Other conditions of release on bail)**

- (1) Section 52A(5), ‘The court or police officer’—

*omit, insert—*

A police officer
- (1A) Section 52A(5), ‘tracking’—

*omit, insert—*

monitoring
- (2) Section 52A(5)—

*insert—*

*Note—*

See also section 52AA.

## 26 Insertion of new s 52AA

After section 52A—

*insert—*

### **52AA Court may impose monitoring device condition**

- (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 monitoring device while released on bail (a *monitoring device condition*) if—
  - (a) the child is at least 16 years; and
  - (b) the offence in relation to which bail is being granted is a prescribed indictable offence; and
  - (c) the child has previously been found guilty of at least 1 indictable offence; and
  - (d) the court is in a geographical area prescribed by regulation; and
  - (e) the child lives in a geographical area prescribed by regulation; and
  - (f) the court is satisfied, in addition to being satisfied of the matters mentioned in section 52A(2), that imposing the monitoring device condition is appropriate having regard to the following matters—
    - (i) whether the child has the capacity to understand the condition and any conditions under subsection (2);
    - (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;



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*Examples of personal circumstances of a child for subparagraph (ii)—*

- whether the child has stable accommodation
  - whether the child has the support of a parent or another person to assist with compliance with the conditions
  - whether the child has access to a mobile phone to facilitate contact with any monitoring device monitoring service
  - whether the child has access to an electricity supply
- (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);
- (iv) any other matter the court considers relevant.

*Note—*

See the *Human Rights Act 2019*, sections 19, 22, and 25 to 28.

- (2) If bail for a child is subject to a monitoring device condition, the court—
- (a) must consider making an order that the child be detained in custody until the monitoring device is fitted to the child; and
  - (b) may impose any other condition the court considers necessary to facilitate the operation of the monitoring device.

*Examples of conditions a court may consider necessary to facilitate the operation of a monitoring device required to be worn by a child—*

- a condition that requires the child to attend at a stated place to be fitted with the monitoring device
- a condition that requires the child to take stated and other reasonable steps to ensure the monitoring

device and any equipment necessary for the operation of the monitoring device are, or remain, in good working order

- a condition that requires the child to permit a police officer to enter stated premises to install equipment necessary for the operation of the monitoring device
- a condition that requires the child to permit a police officer to take stated and other reasonable steps to ensure the monitoring device and any equipment necessary for the operation of the monitoring device are, or remain, in good working order
- 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 monitoring device

- (2A) For subsection (2)(a), the child may be detained in custody only for the purpose of fitting the monitoring device and for the least time that is justified in the circumstances.
- (3) A court, before it imposes on a grant of bail to a child a monitoring device condition, must order the chief executive to give to the court a report (a ***suitability assessment report***) containing the chief executive's assessment of the child's suitability for a monitoring device condition having regard to the matters mentioned in subsection (1)(f).
- (4) If the court makes an order under subsection (3), 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

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- grant of bail to a child a monitoring device condition and other conditions under subsection (2)(b), 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 monitoring device to, or remove the monitoring device from, the child; and
  - (b) ask the chief executive (corrective services) to do any of the following—
    - (i) remotely monitor the monitoring device;
    - (ii) contact the child on a mobile phone in relation to an alert or notification from the monitoring device;
    - (iii) give information relating to alerts and notifications from the monitoring 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 delegate a function requested under subsection (7)(b) to a corrective services officer.
- (10) This section expires 2 years after the commencement.
- (11) In this section—  
*function* includes a power.

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**27 Amendment of s 59B (Definitions for part)**

Section 59B, definition *corrective services officer*—  
*omit.*

**28 Amendment of s 59E (Proper officer of a court may ask for help to perform functions)**

Section 59E(4)—  
*omit.*

**29 Amendment of s 150 (Sentencing principles)**

(1) Section 150(1)—

*insert*—

(ea) the presence of any aggravating or mitigating factor concerning the child; and

(eb) without limiting paragraph (f), whether the child committed the offence—

(i) while released into the custody of a parent, or at large with or without bail, for another offence; or

(ii) after being committed for trial, or awaiting trial or sentencing, for another offence; and

(2) Section 150(1)(ea) to (k)—

*renumber* as section 150(1)(f) to (m).

(3) Section 150(4), ‘subsection (1)(g)’—

*omit, insert*—

subsection (1)(i)

[s 29A]

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**29A Amendment of ss 151, 193, 204, 221, 228 and 269**

Sections 151(9), 193(4)(c), 204(4)(c), 221(4)(c), 228(6) and 269(4), ‘tracking’—

*omit, insert—*

monitoring

**30 Amendment of s 289 (Recording, use or disclosure for authorised purpose)**

(1) Section 289(c)(i), ‘section 48AA(4)(a)(vi)’—

*omit, insert—*

section 48AA(4)(a)(vii)

(2) Section 289(c)(ii), ‘section 150(1)(g)’—

*omit, insert—*

section 150(1)(i)

(3) Section 289—

*insert—*

(ca) if the person is the chief executive (corrective services) or a person to whom a function has been delegated under section 52AA(9)—for the purpose of performing a function under section 52AA(7)(b)(iii); or

(4) Section 289—

*insert—*

(2) Subsection (1)(ca) and this subsection expire 2 years after the commencement.

**31 Amendment of s 301A (Protection from liability)**

(1) Section 301A(1)(b)(i), ‘section 48AA(4)(a)(vi)’—

*omit, insert—*

section 48AA(4)(a)(vii)

- (2) Section 301A(1)(b)(ii), ‘section 150(1)(g)’—  
*omit, insert—*  
section 150(1)(i)

## **32 Insertion of new pt 11, div 19**

Part 11—

*insert—*

### **Division 19 Savings and transitional provisions for Youth Justice and Other Legislation Amendment Act 2021**

#### **402 Definition for division**

In this division—

*amending Act* means the *Youth Justice and Other Legislation Amendment Act 2021*.

#### **403 Application of amended bail provisions**

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.

#### **404 Application of show cause provision for bail for prescribed indictable offence committed while on release**

- (1) Section 48AF, as inserted by the amending Act,

[s 32]

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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, as inserted by the amending Act, 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 in the proceeding for the offence was taken, before or after the commencement.

#### **405 Effectiveness of monitoring device condition after geographical area stops being prescribed or section 52AA expires**

- (1) This section applies if—
- (a) a court imposes, under section 52A(2), on a grant of bail to a child a monitoring device condition for a stated period; and
  - (b) any of the following events happens before the end of the stated period—
    - (i) the court stops being in a geographical area prescribed under section 52AA(1)(d);
    - (ii) the child stops living in a geographical area prescribed under section 52AA(1)(e);
    - (iii) section 52AA expires.
- (2) The monitoring device condition is taken to be effective until the end of the stated period despite the happening of any of the events.

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## 406 Application of amended sentencing principles and youth justice principles

Section 150 and schedule 1, as amended by the amending Act, apply in relation to a child charged with 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.

### 33 Amendment of sch 1 (Charter of youth justice principles)

Schedule 1, item 1, after ‘offences’—

*insert—*

and, in particular, recidivist high-risk offenders

### 34 Amendment of sch 4 (Dictionary)

- (1) Schedule 4, definitions *corrective services officer* and *tracking device*—

*omit.*

- (2) Schedule 4—

*insert—*

*chief executive (corrective services)* means the chief executive of the department in which the *Correctives Services Act 2006* is administered.

*corrective services officer* see the *Corrective Services Act 2006*, schedule 4.

*monitoring device* 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.

*prescribed indictable offence* means—



[s 34]

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- (a) a life offence; or
- (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
- (c) an offence against any of the following provisions of the Criminal Code—
  - (i) section 315A;
  - (ii) section 323;
  - (iii) section 328A;
  - (iv) section 339;
  - (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;
  - (vi) section 408A(1A) or (1B);
  - (vii) section 412.

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