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Our Ref: AR:cm
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The Research Director
Legal Affairs and Community Safety Committee
Parliament House
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Dear Research Director

Youth Justice and Other Legislation Amendment Bill 2015

Thank you for inviting Legal Aid Queensland to make a submission about the Youth Justice and Other Legislation Amendment Bill 2015.

Legal Aid Queensland strongly supports the objectives of the Bill.

Regarding the expansion of the Childrens Court of Queensland's sentence review jurisdiction to include magistrates' decisions in relation to breaches of community based orders, Legal Aid Queensland submits that the Bill, as currently drafted, does not achieve this.

We submit that for the expansion of the sentence review jurisdiction of the Childrens Court of Queensland to be achieved, the definition of *sentence order* in Schedule 4 to the *Youth Justice Act 1992* (the Act) should be amended to include magistrate's decisions in relation to breaches of community based orders. Alternatively, a provision could be inserted in the Act providing that a magistrate's decision in relation to a breach of a community based order is taken to be a sentence order for sentence review purposes. The provision could be modelled on section 252G of the Act, the effect of which is that a decision in relation to the breach of a supervised release order is taken to be a sentence order for appeal purposes.

Also, we submit that the sentence review jurisdiction of the Childrens Court of Queensland should be further expanded to include review of sentences imposed by justices.

If you have any inquiries, please contact Craig May, Senior Policy Officer, Legal Aid Queensland, on [REDACTED]

Yours sincerely


Anthony Reilly
Chief Executive Officer Legal Aid Queensland